

TITLE 10 -VEHICLES AND TRAFFIC

**BILL NO. 2819**

**INTRODUCED BY COUNCIL**

**ORDINANCE NO. 2637**

**AN ORDINANCE AMENDING SPARKS MUNICIPAL CODE SECTION 10.48.030 (PARKING OF OVERSIZED VEHICLES), SECTION 10.48.250 (HUMAN HABITATION OF VEHICLES ON PUBLIC PROPERTY), AND SECTION 10.48.260 (OBSTRUCTIVE USES OF PUBLIC SIDEWALKS, RIGHT OF WAY, AND PUBLIC STREETS ARE PROHIBITED).**

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

**SECTION 1. Title 10, Section 10.48.030 is hereby amended as follows:**

**Section 10.48.030 – Parking of oversized vehicles.**

- A. Within areas designated as commercial or residential districts by the city council, it is unlawful for the owner or driver of any vehicle, trailer or vehicle and trailer having an overall length of more than fifteen (15) feet to stand or park the same at any time on any public street, highway or alley, except immediately in front of the property of the owner or driver thereof, while goods or passengers are being loaded or discharged. In the case of recreational vehicles, trailers and boats, a forty-eight hour period will be allowed for loading and unloading provided all vehicle and traffic regulations are otherwise complied with.*
- B. It is unlawful for the owner or an agent of the owner of any commercial trailer or semi-trailer, which is not attached to a tractor or other motor vehicle, to cause or allow the same to be parked on a public street, highway, alley or parking lot.*
- C. Any person who commits a violation of this provision is guilty of a criminal misdemeanor.*

**SECTION 2. Title 10, Section 10.48.250 is hereby amended as follows:**

**Section 10.48.250 - Human Habitation of Vehicles on Public Property.**

- A. “Human habitation” shall mean the use of a vehicle for dwelling or residential purposes. Evidence of human habitation includes, but is not limited to, the following activities: sleeping; setting up any bedding, sleeping bags, bedroll, pillow or other sleeping materials; engaging in housekeeping or cooking activities; storing cookware, cooking equipment; storing bodily fluids/waste in a vehicle; storing personal possessions in such a manner that some or all of the vehicle’s windows are obscured; and/or using sanitation and/or plumbing and/or electrical systems or equipment in a manner where it reasonably appears that the person(s) is using the vehicle as a living accommodation.*

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- B. *“Vehicle” shall include, but not be limited to, the following: automobiles, motorcycles, mopeds, trucks, buses, recreational vehicles, campers, camping trailers, truck campers, motor homes, boats, travel trailers, boat trailers, and utility trailers.*
- C. *It is unlawful for any vehicle to be used for human habitation purposes for a period exceeding forty-eight (48) hours on a public street or a public right-of-way.*
- D. *It is unlawful for any vehicle which is being used for human habitation purposes to be moved any distance less than two (2) miles from the position it occupied at the start of the forty-eight (48) hour period in order to avoid the time limit regulation of this section.*
- E. *Proof that any vehicle was found stopped, parked, or standing in or along any public street or public right-of-way and was unattended by any person but was in violation of this section, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, shall create a presumption that the registered owner of the vehicle was the person who parked or placed that vehicle at that location.*
- F. *A recreational vehicle park or campground is exempt from this provision.*
- G. *Any person who commits a violation of this provision is guilty of a criminal misdemeanor.*

### **SECTION 3. Title 10, Section 10.48.260 is hereby amended as follows:**

#### **Section 10.48.260 Obstructive Uses of Public Sidewalks, Right of Way, and Public Streets are Prohibited.**

- A. *“Obstructive use” means:*
  - 1. *Placing, erecting or maintaining an unpermitted table, chair, booth, tent, or other structure upon a public sidewalk, right of way, or public street which actually causes an obstruction.*
  - 2. *Placing or storing equipment, materials, parcels, containers, packages, or other property upon the public sidewalk, right of way, or public street which actually causes an obstruction on the sidewalk.*
  - 3. *Sleeping upon the public sidewalk, right of way, or public street.*
  - 4. *Any use which obstructs, delays, hinders, blocks, hampers, or interferes with pedestrian passage or which affects public safety.*
- B. *“Permitted obstructive use” means:*
  - 1. *Any use of the public sidewalk, right of way, or public street by public safety equipment, including but not limited to: street signs, traffic signals, fire hydrants, utility poles, and lighting.*
  - 2. *Any use of the public sidewalk, right of way, or public street for purposes of construction, maintenance or repair of the public safety equipment, right-of-way, or*

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*adjoining private property, which is conducted by or pursuant to a valid construction permit issued by the City of Sparks.*

3. *Any use of the public sidewalk, right of way, or public street resulting from a permitted and/or licensed encroachment or structure.*

4. *Any other use which is permitted and/or licensed by the City of Sparks.*

C. *No obstructive use shall be permitted on public sidewalk, right of way, or public street within the City of Sparks:*

1. *On or within any crosswalk, including but not limited to any portions of a public sidewalk located in or on a median, traffic island, or other structure within, across or under a public street or roadway.*

2. *In or within one hundred fifty (150) feet of any crosswalk.*

3. *In or within one hundred fifty (150) feet of any intersection of public streets or roadways, or of a public street or roadway and a private driveway.*

4. *Within one hundred fifty (150) feet of any school.*

*D. Any person who commits a violation of this provision is guilty of a criminal 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.** These amendments shall become effective upon passage, approval, and publication.

**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** subject to business impact statement requirements of Nevada Revised Statutes Chapter 237.

**PASSED AND ADOPTED** this 12th day of February 2024, by the following vote of the City Council:

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**AYES:** Abbott, VanderWell, Anderson, Bybee, Dahir

**NAYS:** N/A

**ABSTAIN:** N/A

**ABSENT:** N/A

**APPROVED** this 12<sup>th</sup> day of February 2024, by:

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**ED LAWSON, Mayor**

**ATTEST:**

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**LISA HUNDERMAN, City Clerk**



**APPROVED AS TO FORM:**

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**WESLEY K. DUNCAN, City Attorney**