

Chapter 5 PUBLIC LAND USE

7-5-1. PURPOSE.

- A.** To provide for the regulation of uses and conduct in the City's parks, recreation areas and other public areas for the health, safety and general welfare of the public.
- B.** The acts of camping, sleeping, laying down, or storing, maintaining, or placing personal property in public areas that interferes with the primary purposes of those public areas threatens the public health, safety and welfare of the public. It is the obligation of the City to keep its public areas, and other paths within the city clean and available for public use, and to protect the public health, safety, and access for all citizens.

(Ord. 708, 10-27-1981, eff. 11-18-1981; amd. Ord. 972, 10-24-1995, eff. 11-15-1995)

7-5-2. SHORT TITLE.

This Chapter shall be known as the *PUBLIC LAND USE ORDINANCE*.

(Ord. 708, 10-27-1981, eff. 11-18-1981; amd. Ord. 972, 10-24-1995, eff. 11-15-1995)

7-5-3. DEFINITIONS.

All terms used in this Chapter shall have standard definitions, meanings and connotations consonant with terms used in other ordinances of this Code and Nevada Revised Statutes but, unless otherwise indicated by the context in which they are employed, the following terms shall have the specific meanings provided in this Section:

ARCHEOLOGICAL RESOURCE: Material remains of past human life, activities and culture, including, but not limited to, pit houses, rock paintings, carvings or intaglios, pottery, basketry, bottles, weapons, weapon projectiles, tools, pictures, structures or portions thereof and the physical site, location or context in which such items are found, including, but not limited to, human skeletons or graves.

CAMPING: The erecting of a tent or other shelter of natural or synthetic material, using a sleeping bag or other bedding, parking of a motor vehicle, home or trailer, for temporary occupancy.

CAMPING PARAPHERNALIA: Equipment or supplies that are used by a person or persons to facilitate camping, which includes but is not limited to lanterns, latrines, butane, propane, charcoal, stoves, folding tables, coolers, wagons, tents, huts, beds, sleeping bags, bedrolls, knapsacks, hammocks, canvases, or other similar type of equipment or supplies.

CITY: The City of Boulder City, Nevada, a Municipal corporation established under the laws of the State of Nevada.

CLARK COUNTY: The County of Clark, established in 1909 by the State of Nevada with its boundaries defined in Nevada Revised Statutes section 243.035.

CONTAMINATED PROPERTY: Any personal property which may pose a health risk to City personnel, their vendor(s), or the public. Contaminated Property includes without limitation all property which may be:

- 1. Visibly soiled with feces or urine;**
- 2. Stained with blood;**
- 3. Items which are wet, presenting mold concerns;**

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- 4. Oils, chemicals, unknown liquids, or any other fluid containing vessel which is not factory sealed; or**
 - 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.**

DANGEROUS ITEMS: Those items that present a hazard to the health and safety of City 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).

DESERT TORTOISE: A Federally-listed threatened species under the U.S. Endangered Species Act and classified zoologically as *Gopherus agassizi*.

ELDORADO VALLEY CONSERVATION EASEMENT: The conservation easement granted by the City to Clark County, Nevada (Agreement 94-313) pursuant to Ordinance 2457, effective September 24, 1994.

ELDORADO VALLEY TRANSFER AREA: The property annexed by the City pursuant to Ordinance 964, effective August 30, 1995.

EXISTING ROUTE OR AREA: A route or area in existence on the effective date hereof or as designated in the future by the City Council.

NATURAL RESOURCE VALUES: Those significant natural resources, ecological and native habitat values, including flora and fauna in the portion of Eldorado Valley Transfer Area encompassed within the Eldorado Valley Conservation Easement.

OFF-ROAD VEHICLES: Vehicles, in addition to motorcycles, motor driven bicycles, mopeds or any other motor-powered vehicles used principally for sport or hunting purposes and generally on vacant lands which are not a public street or roadway.

PUBLIC PARK: All parks and recreation areas dedicated, owned or operated by the City, excluding the area encompassed within the Eldorado Valley Conservation Easement, and which shall include all roads, parking areas, picnic areas, campgrounds, buildings, structures, facilities and lands associated therewith.

PUBLIC BUILDING: Any real property, structure or facility, owned, leased or occupied by the City which is used for the transaction of public or quasi-public business.

PUBLIC PLACE: Any public right-of-way, public parcel, public street, way, place, alley, sidewalk, parkway, park, square, plaza, benches, bus stops, gazebos, or any other similar public property owned or controlled by the City and dedicated to public use.

PUBLIC RIGHT-OF-WAY: The area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest.

RECREATIONAL VEHICLES: [A vehicle specifically designed to accommodate persons in a transient living and sleeping situation.] **A vehicular-type unit primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled, mounted upon, or drawn by, a motor vehicle. The term includes a recreational park trailer.**

REFUSE: Trash, garbage, rubbish, waste papers, bottles or cans, debris, litter, oil, solvents, liquid waste, or other discarded materials.

SPECIAL EVENTS LICENSE: A special events license issued pursuant to the provisions of Title 4 of the Boulder City Code.

SPECIAL USE PERMIT: Permit issued by the Parks and Recreation Department of the City for the use of recreational facilities of the City.

TAKE OR TAKING: To pursue, hunt, harass, harm, shoot, trap, net, capture, collect, kill, wound or attempt to do any of the above.

TEMPORARY SHELTER: Tents, huts, lean-tos, tarps, cardboard boxes, or any type of structure or cover that provides partial shelter from the elements, other than clothing.

TRAP: A snare, trap, mesh, wire or other implement, object or mechanical device designed to entrap or kill animals other than fish.

UNDEVELOPED LAND: Vacant or unimproved land owned by the City and which is not a public street or right of way.

WILDLIFE: Any members of the animal kingdom and includes a part, product, egg or offspring thereof, or the dead body or part thereof.

(Ord. 708, 10-27-1981, eff. 11-18-1981; amd. Ord. 972, 10-24-1995, eff. 11-15-1995)

7-5-4. SUPERVISION.

All public parks and undeveloped land shall be operated and maintained under the general supervision by the City Council.

(Ord. 708, 10-27-1981, eff. 11-18-1981; amd. Ord. 972, 10-24-1995, eff. 11-15-1995)

7-5-5. RULES AND REGULATIONS.

The City Council by resolution shall adopt rules and regulations to govern the use of and conduct for public [~~parks and undeveloped~~] land, including, but not limited to, hours of use, restrictions or limitations of use and conduct and closures thereof for the purpose of maintaining public health, safety and general welfare, to protect the environmental and scenic or archeological values and aid scientific research. The City Manager may alter any such rule or regulation temporarily in emergency or other situations requiring prompt action in the interest of the public.

(Ord. 708, 10-27-1981, eff. 11-18-1981; amd. Ord. 972, 10-24-1995, eff. 11-15-1995)

7-5-6. USE BY ORGANIZED GROUPS.

- A. *Special Events License And Special Use Permit.* Any person, company, association, organization or group desiring to use any facility or area of a public park for a particular purpose such as a picnic, party, celebration, services, exercise or any other activity must obtain a special events license and/or special use permit and comply with the requirements therefor as provided in this Code and applicable regulations of the Parks and Recreation Department.
- B. *Additional Requirements.* In addition to the requirements in this Code, the following standards shall be used for issuance of a special events license or special use permit and shall include the following considerations and findings:
 - 1. That the proposed activity or use of the park or recreational area will not unreasonably interfere with or detract from the general public's enjoyment of the park or recreational area.

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2. That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
 3. That the proposed activity or use that is reasonably anticipated will not include violence, crime or disorderly conduct.
 4. That the proposed activity or use will not entail extraordinary or burdensome expense or demand of City services, Police or Fire Departments.
 5. That the facilities desired have not been reserved for other use on the date and hour requested in the application.
 6. That the proposed activity, if conducted during the normally closed time, does not represent an unreasonable interference with the use of private or public property nearby.
 7. That the issuance of the special events license or special use permit will not adversely affect environmental or scenic values, natural resource values, or archeological resources.
- C. *Exemption.* The City Manager shall be authorized to exempt from this Section any event sponsored by the City or other governmental entity.
- (Ord. 708, 10-27-1981, eff. 11-18-1981; amd. Ord. 972, 10-24-1995, eff. 11-15-1995)

7-5-7. PROHIBITED CONDUCT IN PUBLIC PARKS.

- A. *General Activities.* Within the limits of any public park **or undeveloped land**, it is unlawful to do any of the following, general acts:
1. To cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property; or to pluck, pull up, cut, take or remove any shrub, bush, plant or flower; or to mark or write upon, paint or deface in any manner, any building, monument, fence, bench or other structure.
 2. To cut or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer.
 3. To leave garbage, cans, bottles, papers or other refuse elsewhere than in the receptacles provided therefor.
 4. To indulge in riotous, boisterous, threatening or indecent conduct, or abusive, threatening, profane or indecent language.
 5. To disturb in any manner any picnic, meeting, service, concert, exercise or exhibition.
 6. To be within the boundaries of a public park during the posted closing time.
 7. To lead, ride, drive or let loose any cattle, horse, mule, donkey, goat, sheep, swine, dog or fowl of any kind; provided, that this shall not apply to dogs when led by a cord or chain not more than six feet (6') long, except as provided elsewhere in this Code.
 8. To sell any tickets for a performance or activity or seek contributions for a performance or activity, except pursuant to a special events license.
 9. To distribute any handbills or circulars, or post, place or erect any bills, notices, papers or advertising devices or matter of any kind.
 10. To skate upon the paved areas within any of the parks, except in areas designated for that purpose, and no person, while engaged in skating, shall conduct himself in such a manner as to endanger the life, limb or clothing of other patrons, nor to the annoyance of the public generally.

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11. To strike, bat, hit, throw or otherwise propel any object from within any public park in a manner which may cause damage to any public or private property surrounding any such public park.
 12. Dogs, leashed or unleashed on any Municipal golf course.
 13. Nonplayers on any Municipal golf course during hours of play unless authorized and permitted by the golf course management.

~~[B. — *Camping.* Camping may be permitted only if authorized by a special events license in designated areas. Notwithstanding the issuance of a special events license, the following acts are further prohibited:~~

- ~~1. — Leaving camping equipment, site alterations or refuse after departing from the campsite.~~
- ~~2. — Camping within twenty five feet (25') of a water hydrant or main road, or within one hundred feet (100') of a flowing stream, river or body of water, except as designated.~~
- ~~3. — Creating or sustaining unreasonable noise between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M., considering the nature and purpose of the conduct, impact on other users, location, and other factors, which would govern the conduct of a reasonably prudent person under the circumstances.~~
- ~~4. — Installing permanent camping facilities.~~
- ~~5. — Connecting to a utility system, except as authorized.]~~

~~[C]B. *Off-Road Activities.* Use of off-road vehicles, or any other motor vehicle engaged in off-road activities, except in the existing routes or areas unless specifically prohibited for off-road use, but the following acts are always prohibited:~~

1. Operating an off-road vehicle on any undeveloped land which is within one thousand feet (1,000') of any residential area.
2. Operating a vehicle not equipped with pneumatic tires, except that a track-laying motor vehicle or a motor vehicle equipped with a similar traction device may be operated on a route or area specifically designated for these vehicles.
3. Operating a vehicle in a manner that causes unreasonable damage to the surface of the designated road or route.
4. Operating a vehicle on a route or area designated for off-road motor vehicle use, from sunset to sunrise, without activated headlights and taillights that meet the requirements of the laws of the State for operation on a State highway.

~~[D]C. *Preservation Of Archeological Resources And Natural Resource Values.* The following conduct is prohibited in connection with archeological resources:~~

1. Possession, destroying, injuring, defacing, removing, digging, or disturbing from its natural state: living or dead wildlife or fish, or the parts or products thereof; plants; nonfossilized and fossilized paleontological specimens, archeological resources or the parts thereof; mineral resources or cave formations or the parts thereof.
2. Introducing wildlife, fish or plants, including their reproductive bodies, into an ecosystem.
3. Tossing, throwing or rolling rocks or other items inside caves or caverns, into valleys, canyons or caverns, down hillsides or mountainsides, or into thermal features.
4. Walking on, climbing, ascending, descending or traversing an archeological resource, monument or statue.

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5. Possessing, destroying, injuring, defacing, digging or disturbing a structure or its furnishings or fixtures, or archeological resources.

[E]D. *Wildlife Protection.* The following conduct is prohibited for the protection and preservation of wildlife:

1. The taking of wildlife, except by authorized hunting and trapping activities conducted in accordance with subsection F of this Section.
2. The feeding, touching, teasing, frightening or intentional disturbing of wildlife nesting, breeding or other activities.
3. All dogs, leashed or unleashed, within Hemenway Park for the protection of big horn sheep.
4. Possessing or unlawfully taking wildlife or portions thereof.

[F]E. *Hunting And Trapping.* Hunting or trapping may be allowed when specifically authorized under the laws of the State.

[G]F. *Sanitation And Refuse.* The following conduct is prohibited in connection with sanitation and refuse:

1. Throwing, placing, casting, depositing, dumping or causing to be thrown, placed, cast, deposited or dumped any ashes, refuses, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, paper, scraps, dirt, dead animals, dead fish, dead fowl, dead bird or dead reptile, glass, crockery, bones, tin cans, or like matter, empty boxes, cartons, waste paper, remains of food, newspaper, filth or rubbish of any kind in any park, square, avenue, grounds or recreation center, except to place the same in cans or receptacles provided for such matter.
2. Disposing of refuse in other than refuse receptacles.
3. Using City refuse receptacles or other refuse facilities for dumping household, commercial or industrial refuse, brought as such from private or Municipal property.
4. Depositing refuse in the plumbing fixtures or vaults of a toilet facility.
5. Draining refuse from a trailer or other vehicle, except in facilities provided for such purpose.
6. Bathing, or washing food, clothing, dishes or other property at public water outlets, fixtures or pools, except at those designated for such purposes.
7. The disposal of human body waste, except at designated locations or in fixtures provided for that purpose.

[H]G. *Aircraft And Air Delivery.* Unless authorized by a special events license, the following conduct involving aircraft activity is prohibited:

1. Operating or using aircraft on lands other than at locations specifically designated for such use as provided in Section 9-4-3 of this Code.
2. Delivering or retrieving a person or object by parachute, helicopter or other airborne means, except in emergencies involving public safety or serious property loss or as approved and authorized by the City Council.
3. Operating or using a hovercraft.

[I]H. *Fires.* Making or kindling a fire for any purpose is prohibited, except at places provided for such purpose, and the proposed fire must be in accordance with other ordinances of the City.

(Ord. 708, 10-27-1981, eff. 11-18-1981; amd. Ord. 972, 10-24-1995, eff. 11-15-1995)

7-5-8. PROHIBITED USES WITHIN THE ELDORADO VALLEY TRANSFER AREA.

Any activity on or use of the land within the area described in Exhibit A of the Eldorado Valley Conservation Easement ("Easement") within the Eldorado Valley Transfer Area inconsistent or incompatible with the purposes of the Easement, is prohibited. Without limiting the generality of the foregoing, the following activities are prohibited, except with the express written consent of Clark County and the United States Fish and Wildlife Service ("Service"):

- A. *Motorized Vehicle Activities.* All motorized vehicle activity, including all competitive and organized events, except on designated roads and trails, which designated roads and events have been approved by the Service in cooperation and consultation with the Clark County Desert Tortoise Implementation and Monitoring Committee or any successor committee or entity formed or established by Clark County in connection with any habitat conservation plan to benefit the desert tortoise ("Monitoring Committee").
- B. *Military Maneuvers.* All military maneuvers, clearing for agriculture, landfills and any other surface disturbance that diminishes the capacity of the land to support desert tortoises and other native flora and fauna.
- C. *Livestock.* Grazing any cattle, burros, horses and domestic sheep.
- D. *Commercial Harvesting.* Commercial flora harvest and fauna collection.
- E. *Noncommercial Harvesting.* Noncommercial vegetation harvest, except by permit issued by the City and relevant State and Federal agencies.
- F. *Noncommercial Collection Of Biological Specimens.* Noncommercial collection of biological specimens, except by permit issued by the City and relevant State and Federal agencies.
- G. *Dumping.* Dumping, refuse disposal, littering and use of herbicides or biocides.
- H. *Desert Tortoises.* Depositing of captive or displaced desert tortoises or other animals, except pursuant to translocation research projects authorized by the Service.
- I. *Dogs.* Uncontrolled dogs outside of vehicles.
- J. *Construction.* The construction of any physical improvement without the written consent of the City and the Service.
- K. *Firearms.* Discharge of firearms, except in connection with hunting or trapping from September through March.
- L. *Camping.* Parking and camping except in designated areas approved by the Service in consultation with the Monitoring Committee.
- M. *Research.* Nonmanipulative and nonintrusive biological or geological research except by permit of the City and the Service.

(Ord. 708, 10-27-1981, eff. 11-18-1981; amd. Ord. 972, 10-24-1995, eff. 11-15-1995)

~~[7-5-9. UNDEVELOPED LAND.]~~

~~The prohibitions and regulations provided in Section 7-5-7 of this Chapter as to public parks are also applicable with equal force to undeveloped land, except the leading or riding of horses, mules or donkeys is permitted and a special events license is not required for camping for a period less than forty eight (48) hours.]~~

~~(Ord. 708, 10-27-1981, eff. 11-18-1981; amd. Ord. 972, 10-24-1995, eff. 11-15-1995)~~

7-5-10. CAMPING IN A PUBLIC PLACE OR ON PUBLIC RIGHT-OF-WAY PROHIBITED

- A. Except as otherwise provided in this Chapter, it is unlawful for any person to engage in camping in any public right-of-way; any trail, public park, or park facility; any public building, bus stop, bench, gazebo, playground equipment, publicly-owned parking lot; or any publicly-owned land, improved or unimproved.
- B. Exceptions:
 - 1. **Emergency.** 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 by the City.
 - 2. **Special Event.** The parks and recreation director, or his or her designee may, at his or her discretion, allow a person to establish, maintain and operate a camp or a temporary shelter in connection with a special event approved pursuant to Section 4-1-22G(8) of this Code. The parks and recreation director, or designee, may consult with city or county departments, such as the health department, and the public prior to allowing camping in conjunction with a special event license. Those consulted may provide comments and suggestions regarding health, safety, and public welfare, thereby providing recommendations on whether the temporary license should be issued outright, issued with conditions, or denied. The City may establish a fee to be paid to operate a camp or a temporary shelter in connection with a special event. Should the special event's camp or temporary shelter(s) violate any terms set forth by the license issued by the City, the license shall be revoked immediately until the set terms are met again.
 - 3. **Special Use Permit.** The director of the parks and recreation department may issue a special use permit authorizing persons or groups to camp in a park, park facility, or on undeveloped city-owned land. The permit shall be posted in a conspicuous place during the duration of the permit.
- C. Nothing stated is intended to make it unlawful to possess or transport camp facilities or camp paraphernalia on private property or City park or park facility with a properly issued special event license or special use permit.
- D. If an unattended campsite appears to be abandoned, removal of the campsite may occur by the appropriate City agency after the written notice is provided.

7-5-11. Laying down, sleeping, or storing, maintaining, or placing personal property in public places, public building, the public right-of-way, or other paths.

- A. Unless otherwise approved by a special event license or special use permit, 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 twenty feet of any operational or utilizable driveway or loading dock;
 - 3. By laying down, sleeping, or by storing, maintaining, or placing personal property, within twenty feet of any operational or utilizable building entrance or exit;
 - 4. By laying down, sleeping, or by storing, maintaining, or placing personal property, within fifteen feet of any fire hydrant, fire plug, or other fire department connection;

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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, or storing, maintaining, or placing personal property, in or upon any public place, public building, or other public right-of-way within any overpass, underpass, freeway ramp, tunnel, bridge, pedestrian bridge, wash, or ground.
- B. No person shall obstruct any portion of any public place 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.
- C. No person shall lay down, sleep, or store, use, maintain, or place personal property, in or upon any public place or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet).

7-5-12 STORED PERSONAL PROPERTY; IMPOUNDMENT

- A. All stored personal property in violation of this chapter may be impounded by the City. 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 City 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 24 hours of service of the written notice, which requires such removal, and the City may cause the removal and impoundment of such stored personal property.

7-5-13 NOTICE, STORAGE, AND DISPOSAL OF PERSONAL PROPERTY

- A. The written notice required to be served by 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 Boulder City Municipal Code that is being violated;
 5. A statement that the personal property will be impounded if not removed within 24 hours;
 6. The location where the removed property will be stored and clear instructions explaining how to retrieve the property; and
 7. A statement that the impounded property will be sold or otherwise disposed of if not claimed within 30 days.
- B. Impounded personal property shall be moved to a place of storage.
- C. All personal property except contaminated property, dangerous items, or other items that present any health and safety risk shall be impounded.

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- D. The property shall be stored for a minimum of 30 days during which time it will be made reasonably available to any individual claiming ownership. Any property that remains unclaimed after 30 days may be disposed of.
 - E. 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 the police department.

7-5-~~10~~14. PENALTY.

Any person violating the provisions of this Chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than the maximum amount authorized by the applicable provisions of the Nevada Revised Statutes for criminal misdemeanor fines, or be imprisoned for not more than six (6) months in any penal facility currently authorized by the City Council for confining misdemeanors, or by both such fine and imprisonment. Each violation of any provision of the Chapter shall constitute a separate offense.

(Ord. 708, 10-27-1981, eff. 11-18-1981; amd. Ord. 972, 10-24-1995, eff. 11-15-1995)