

## ORDINANCE NO. 4-2023

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF TAHOE-TRUCKEE SANITATION AGENCY PROHIBITING AFTER HOURS USE OF AGENCY PROPERTY

BE IT ORDAINED by the Board of Directors of the Tahoe-Truckee Sanitation Agency ("Agency") as follows:

**Section 1. Purpose and Authority.** The purpose of this ordinance is to protect the health, safety, and welfare of the public by prohibiting use of certain Agency real property after hours. The prohibition of after-hours use and camping on Agency real property is intended to mitigate the threat of criminal activity, degradation, fire, and other potential causes of destruction and interference to the critical infrastructure of the Agency.

This ordinance is adopted pursuant to Agency Act sections 67, 120 and 140, Penal Code section 602 and other applicable law.

**Section 2. Findings.** The Board of Directors finds and determines as follows:

(a) The Agency owns approximately 900 acres of property in Martis Valley, most of which is undeveloped and unfenced.

(b) The Agency has frequently experienced incidents involving use of Agency property outside of daylight hours, including unauthorized overnight camping.

(c) After hours use of Agency property poses a threat to Agency facilities and operations due to potential damage to public property, interference with Agency operations, environmental degradation, and the high risk of fire damage to Agency facilities.

(d) After hours use of Agency property also poses a threat to the health, safety, and welfare of the public due to unsanitary conditions and the lack of emergency services on undeveloped and unmonitored Agency property.

(e) Prohibiting after hours use and camping on Agency property will enable the Agency to protect and preserve lives and infrastructure, ensure the provision of vital public services, and advance the Agency's efforts to limit fire risk.

**Section 3. Definitions.** When used in this Ordinance, the following words and phrases have the following meaning:

(a) "Agency property" means all real property under the ownership or control of the Agency, but does not include areas in lawful possession of another person or entity, any trail and paved areas comprising the Truckee River Legacy Trail, or any fenced areas, indoor areas, or property that is otherwise not generally open to the public.

(b) "Camp" or "camping" means the use of, settling, fixing in place, setting up, storing, locating, or leaving behind on Agency property any or a combination of the following: tents, huts, other temporary physical shelters, cots, beds, bedrolls, hammocks, sleeping bags,

tarpaulins, campfire materials, or cooking materials and similar equipment. Camp or camping specifically does not include an item or collection of items that reasonably appear to be for a daytime use, of less than 12-hours, brought to the Agency property for hiking, picnics, or other day-time activities.

#### **Section 4. After Hours Use Prohibited.**

(a) For all purposes, including the determination of a trespass under Penal Code section 602, subdivision (o), Agency property is hereby declared to not be open to the general public during the following times:

1. April through September: 8:30 P.M. to 5:30 A.M. of the succeeding day.
2. October through March: 5:30 PM to 7:00 AM. of the succeeding day.

(b) It is unlawful and a trespass for any individual to enter into or camp on Agency property without Agency permission during the time periods set forth in section 4, subdivision (a).

(c) It is a violation of this ordinance to set up provisions for the purpose of camping whether or not a full night is actually spent on Agency property.

(d) Nothing in this section is intended to prohibit any lawful use of Agency property outside of the stated time restrictions.

#### **Section 5. Fire Prohibited.**

(a) It is unlawful and a trespass for any individual to ignite a fire or use a flame cooking device on Agency property without Agency permission.

#### **Section 6. Enforcement.**

(a) The Agency shall enforce this provision in a manner that is consistent with applicable federal, state and local laws, including but not limited to applicable case law.

(b) The Truckee Police Department, Nevada County Sheriff's Department, Agency staff, and the staff of all other agencies with jurisdiction are authorized to administer and enforce this ordinance.

(c) The Agency General Manager or designee is hereby authorized to promulgate rules, protocols and procedures for the implementation of this ordinance, including but not limited to directing staff to post signage referencing this ordinance.

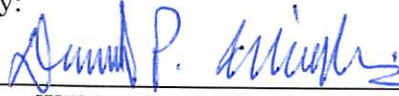
**Section 7. Effective Date.** This ordinance shall take effect 30 days after passage.

**Section 8. Posting.** This ordinance shall be posted within the Agency in at least three conspicuous places within 10 days after its adoption.

PASSED AND ADOPTED by the Board of Directors of the Tahoe-Truckee Sanitation Agency on the 20th day of September 2023, by the following vote:

AYES: Directors Wilson, Smelser, Cox, Tresan and President Wilkins.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

By:



Dan Wilkins, President - Board of Directors  
TAHOE-TRUCKEE SANITATION AGENCY

Attest:



Richard Pallante, Secretary - Board of Directors  
TAHOE-TRUCKEE SANITATION AGENCY

### CERTIFICATE

I hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 4-2023, duly and regularly adopted by the Board of Directors of Tahoe-Truckee Sanitation Agency on September 20<sup>th</sup>, 2023.



Roshelle Chavez, Board Clerk  
TAHOE-TRUCKEE SANITATION AGENCY