

SUMMARY: Amends the Washoe County Code by adding, revising, and amending provisions of the law governing the Community Services Department and the former department of regional parks and open space.

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING, REVISING, AND AMENDING CHAPTER 95.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 95 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 1, inclusive, of this ordinance.

## CHAPTER 95

### COMMUNITY SERVICES DEPARTMENT (Regional Parks and Open Space)

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## Washoe County Open Space and Regional Park Commission

### 95.010 Definitions

As used in sections 95.010 to 95.480, inclusive:

1. "Department" means the Community Services Department.
2. "Commission" or "park commission" means the Washoe County Open Space and Regional Parks Commission.
3. "Commissioner" or "park commissioner" means a member of the Washoe County Open Space and Regional Parks Commission.
4. "Director" means the director of the Community Services Department or his/her designee.
5. "Employee" means any person employed by the Community Services Department.
6. "Enforcement Official" means the sheriff, fire chief(s) and district health officer or their authorized designees, as well as inspectors or other code enforcement officers in the county departments of community development, building and safety, public works, regional parks and open space, and water resources, as well as animal control officers and any Washoe County employee possessing citation powers pursuant to NRS 171.17751.
7. "Volunteer" is someone who gives his or her time, talent, energy, skills, common sense and experience for which he or she receives no pay or compensation.
8. "Person" includes individuals, a public or private cooperation, an unincorporated association, at partnership, a government or governmental instrumentality, or a non-profit entity.
9. "Park Resources" means any natural, cultural, historic, or human made structure or feature of a County park
10. "Facilities" means any recreational or park property under the jurisdiction and control of the board of county commissioners.
11. "County Park" includes any area designated by the board of county commissioners as a public park, playground, special use or recreational facility or open space area managed by the department.
12. "Trail" means any paved or unpaved non-motorized
13. "Camping" or "camp" means to erect a tent or shelter or use any motor vehicle for the purpose of, or in such a way as will result in, overnight occupancy thereof in any county park.
14. "Special event or activity" means .....

### 95.020 Washoe County Open Space and Regional Parks Commission

#### 1. Creation; name

Pursuant to the power granted the board of county commissioners by NRS 244.308 to 244.3091, inclusive, there is hereby created a county park commission to be known as the Washoe County Open Space and Regional Parks Commission.

#### 2. Number and Selection of Members

The Washoe County Open Space and Regional Parks Commission shall be composed of nine members, all of whom shall be appointed by the board of county commissioners from residents of the county at large with reference to their fitness for office.

**3. Terms of Office; Vacancies; Compensation and Expenses of Washoe County Open Space and Regional Parks Commission**

- a) All commissioners shall be appointed for terms of 4 years.
- b) The terms shall be staggered in such manner as to provide that no more than three vacancies will occur in any year.
- c) Commissioners shall hold office until their successors are appointed and qualified.
- d) Any vacancy in the office of commissioner shall be filled for the unexpired term in the same manner as original appointments.
- e) Commissioners shall serve without compensation but shall be entitled to the same travel expenses and subsistence allowances as county officers.

**4. Oaths of Office of Washoe County Open Space and Regional Parks Commissioners; No Bond Required**

At their first commission meeting after their appointment, park commissioners shall qualify by taking the oath of office. No bond shall be required of them.

**5. Officers; Term**

- a) The commissioners shall elect a chairperson, vice chairperson, and such other officers as are necessary from among their members during the first regularly scheduled meeting of the commission in the fiscal year and annually thereafter at the first regularly scheduled meeting in the fiscal year.
- b) The term of office shall be 4 years.
- c) The Director shall act as ex-officio secretary of the commission.

**6. Meetings; Records; Quorum**

- a) The commission shall hold at least four meetings each year and shall keep a complete record of all its transactions. A commissioner's absence from a meeting of the commission may be authorized in advance by the chair. Three consecutive unauthorized absences from meetings of the commission by any commissioner shall automatically result in a vacancy in the office of that commissioner.
- b) Five commissioners constitute a quorum for the transaction of business.
- c) Any resolution or motion may be adopted or other action ordered taken by a majority of the commissioners forming a quorum.

**7. Powers and Duties of the Commission**

The powers of the Washoe County Open Space and Regional Parks Commission are to act primarily in an advisory capacity to the board of county commissioners in promoting, aiding and encouraging public recreation and natural resource management including the development of recreation and park facilities.

The powers and duties of the park commission are inclusive of all those as identified in NRS 244.309, in addition to final approval of the following, as authorized by the board:

1. Fee schedule establishment and fee waivers
2. Park District Plans
3. Park Master Plans
4. Park Naming and Design
5. Special Event and Concession Agreements
6. Park Policies and Guidelines
7. Discretionary Permits as outlined in section 110 of Washoe County Code
8. Resolutions of Support

#### **8. Citizens' Committee**

The commission shall have the authority to appoint citizens' committees to assist the commission in making recommendations to the board of county commissioners concerning the matters set forth in section 95.020 of this code. Membership in citizens' committees shall be subject to the approval of the director. A commissioner shall be delegated to attend meetings of the citizens' committee. The citizens' committee shall report its recommendations directly to the commission.

#### **9. Responsibility for Facilities**

The jurisdiction of the commission includes, in addition to those enumerated, responsibility for study, analysis and recommendations for all existing and all future facilities when requested by the board of county commissioners.

### **COMMUNITY SERVICES DEPARTMENT**

#### **95.030 Financial Support**

It shall be the policy of the county, to the extent allowed by law, to credit moneys received from or generated by park facilities for the use and benefit of those facilities.

#### **95.040 Department of Community Services:**

The Community Service Department and its director shall administer, direct, supervise and coordinate all planning, management and operational functions and technical activities of the regional parks & open space in Washoe County.

#### **95.050 Powers and Duties of Department**

1. The department shall administer, protect and develop the county park system for the use and enjoyment of the public.
2. The department may establish rules and regulations not inconsistent with law for the government and administration of the county park system.

### **General Regulations**

#### **95.060 Park Hours**

1. Park hours are sunrise to sunset unless specifically posted otherwise or authorized by the director or his/her designee.

2. No person, except county employees or enforcement officials on official business, may enter or be present in any county park after closing hours unless a prior reservation has been issued by the department.

#### **95.070 Curfew Limitations**

1. The director may set a curfew for persons under 16 years of age in any county park, upon finding that conditions therein are such as to warrant special measures for the protection of juveniles and others, and for the safety and welfare of the general public.
2. When a curfew has been set, no person under 16 years of age may, during the curfew period, remain or be in the park unless he/she is:
  - a) Accompanied by his/her parent or guardian;
  - b) Part of a group permitted to occupy a county park and is supervised by at least one responsible adult per 15 juveniles;
  - c) Camping after having furnished written consent of his/her parent or guardian, with the inclusive dates for which permission is granted to camp at the park involved, including the name, address and telephone number of his/her parent or guardian.

#### **95.080 Payment for Use of Facilities**

1. No individual or group shall use, occupy or be within the boundaries of any facility for which a fee has been established by the board of county commissioners or the county manager without having first paid the required fee.
2. The fees may be collected by a county employee or other authorized personnel in the manner prescribed pursuant to the provisions of section 95.090 of this code.

#### **95.090 Fees; Method of Establishment and Collection**

1. The director shall submit to the park commission a schedule which defines categories and time limits for use of facilities within the county park system and which sets forth proposed fees for each category of use. The categories, time limits and fees shall become effective upon an order of the park commission. The schedule may be presented to the board as directed.
2. For marketing or promotional purposes only, the county manager or designee shall have discretion to reduce fees, provide for group rates and membership packages for use of the county facility and to establish new fees for short term programs or exhibits that may occur within the department.
3. The director shall submit to the park commission, as needed, a schedule of proposed fees for utilization of reservable park facilities, recreation programs, and special events and activities within the county park system. The fees shall become effective upon an order of the park commission. Upon approval by the park commission the approved fees become effective immediately for facility reservations and program registration for the next calendar year unless otherwise directed by the park commission. The schedule may be presented to the board as directed.

### **95.100 Group Use Permit**

No group meetings, functions, concerts, athletic events or similar activities with attendance in excess of twenty-five (25) persons shall be held within the boundaries of a Washoe County Park without a valid Facility Group Use Permit. Depending on the size of the group and nature of the event other permits and licenses may also be required.

1. The director or his/her designee may approve and issue a permit for any special event or activity when it is found to be in the best interest of the residents of the county and is conducted by a sponsoring agency approved by him/her.

### **95.110 Concession Operation**

1. No person shall sell food or beverage products for human consumption at parks and recreation facilities unless that person has obtained a permit from the Department. Copies of applicable City and County licenses and permits, plus all applicable insurance must be submitted prior to consideration of approval.
2. No person shall operate a concession, solicit, sell or offer for sale, peddle, or vend any goods or other merchandise including food, liquids or services in a county park facility without a permit or prior written authorization from the Director.

### **95.120 Commercial/Professional Filming and Photography**

No person may participate in commercial photography, motion picture filming or photography involving the performance of a professional cast in any county park without having been issued a commercial photography permit.

### **95.130 Posting of Signs and Notices**

No person may disturb, alter, create or erect signs or markers of any type without a written permit from the director or his/her designee.

## **Motor Vehicles**

### **95.140 Landing of Aircraft**

Except in emergency situations, no person may land any aircraft including hang-gliders, parasails, parachutes, balloons, ultralights, and similar on or take off in any aircraft from any area in any county park not specifically designated for such purposes without a written permit from the director or his/her designee.

### **95.150 Electrically-Powered, Gasoline-Powered, Remote/Radio Controlled Devices**

1. The use of remote/radio controlled, electrically-powered or gasoline-powered devices, including drones, is prohibited in all county parks unless by permit, in designated areas, or with the express written permission from the director or his/her designee.
2. No person may operate any electrically-powered, gasoline-powered, remote/radio controlled device, including drones, in any county park in such a manner as to disturb the peace or pose a threat to public health or safety.

### **95.160 Vehicle Operators**

1. Except as otherwise provided in this section, no person may operate any motor vehicle, or off-road vehicle, in any county park unless he/she complies with the general requirements of chapter 483 of NRS, relating to licensing of persons who operate motor vehicles.
2. The director may permit operation of certain vehicles in county parks by persons who do not meet the requirements contained in subsection 1. The nature and extent of permitted operation of such vehicles by unlicensed operators shall be posted in a conspicuous place at each affected park.

#### **95.170 Registered Vehicles Required**

1. Except as otherwise provided in this section, no person may operate any motor vehicle, in any county park, unless, the vehicle is registered in compliance with chapter 482 of NRS, relating to registration of motor vehicles.
2. The director may permit operation of unregistered motor vehicles in county parks when he/she deems it to be in the public interest to do so. The nature and extent of permitted operation of such vehicles shall be posted in a conspicuous place at each affected park.

#### **95.180 Speed Limit**

No person may drive a vehicle in a county park at a speed greater than 15 miles per hour, except where otherwise posted.

#### **95.190 Roads; Parking**

1. Motor vehicles shall be operated only on roads and in parking areas constructed or designated for motor vehicle use except where such areas have been officially designated for use by motor vehicles.
2. Automobiles, trailers, and other vehicles shall be parked only in designated parking areas.

### **Non-Motorized Vehicles**

#### **95.200 Bicycles and Other Operator-Propelled Vehicles**

1. No person may operate or ride a bicycle, scooter, skateboard or other operator-propelled vehicle or device in any county park when the director has determined that conditions are unsafe or otherwise inappropriate for the operation of the vehicle or device and has issued an order prohibiting such activity.
2. Restrict speed and manner of operation to a reasonable and prudent practice relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other park users.
3. Compliant with Revised Final Title II Regulation of the Americans with Disabilities Act of 1990 (42 U.S. C. 12131), reasonable modifications will be accommodated for those with mobility disabilities and are requesting use of wheelchairs and power-driven mobility devices on county trails, unless there is a legitimate safety concern or other assessment factors.

#### **95.210 Unauthorized Use of Trails**

It shall be unlawful for any person to:

1. Operate any motorized vehicle, including, without limitation, motorcycles, trail bikes, or motorized bicycles upon any trail except as necessary to cross a street, driveway or access road intersection without authorization from the director or his/her designee;

2. Hold any competitive event on any trail without authorization from the director or his/her designee
3. Ride a bicycle on a designated off-street bicycle trail in excess of 15 miles per hour, except during authorized competitive events, or in a manner which is unsafe or which may be injurious to the rider or other persons.

### **Domestic Animals**

#### **95.220 Leash Law; Animal Control**

1. Except as otherwise provided in this section, no person may:
  - a) Bring an animal into, permit an animal to enter or remain in, or possess an animal in any county park unless the animal is on a leash of no more than 6 feet in length and under the immediate control of that person. The director or his/her designee may, upon posting, designate certain areas within the County Parks as off-leash areas.
  - b) Bring an animal into, permit an animal to enter or remain in, or possess an animal on any beach adjacent to any body of water within any county park except in areas designated for animals. Animals are prohibited in the water in any bathing or swimming area.
  - c) Leave a pet unattended in any vehicle in extreme heat or cold temperatures. (NRS 574.195).
  - d) A employee or enforcement official may take any measure deemed necessary (including the removal of the animal from the park area) to protect park resources and wildlife or to prevent interference by the animal with the safety, comfort, or well-being of any person or other domestic animal in the park area.
2. The director may, upon proper posting, prohibit animals in certain areas of county parks which are extensively used by the public.
3. It is unlawful for any person to walk a domestic animal in a county park facility without carrying at all times a suitable container or other suitable instrument for the removal and disposal of animal feces and for immediately removing the feces and properly disposing of it.
4. The provisions of this section do not apply to any person who uses a certified human service animal to assist him/her as an aid to his/her mobility.

#### **95.230 Horseback Riding: Designated Areas**

No person may:

1. Lead or keep a horse or other large domestic animal in any county park, except on roads, trails or areas designated and posted for such purposes.
2. Hitch or confine a horse or other large domestic animal in a manner that may cause damage to any tree, shrub, improvement, or structure.

**95.240 Animal molesting or harming**

No person may molest, hunt, disturb, injure, trap, take, net, poison, harm or kill any kind of animal or fish, or attempt to do so, except that fish may be taken other than for commercial purposes in accordance with state fishing laws and regulations.

**Visitor Conduct****95.250 Fires: Designated Areas; Regulation**

1. Fires in parks shall be contained to:
  - a) Fire pits, fireplaces, and charcoal grills provided for such purpose;
  - b) Portable camp stoves, lanterns, or gas grills used in established campsites, and picnic areas where fires are permitted.
2. No person may leave a fire unattended.
3. No person may leave a county park before extinguishing such fire.
4. Upon existence of extreme fire danger, the director may prohibit smoking or fires in designated areas within any county park or may close such areas to the public.

**95.260 Property Defacement**

No person may:

1. Disturb, destroy, remove, deface or injure any property in any county park.
2. Cut, carve, paint, mark, paste or fasten on any tree, fence, wall, building, monument or other property in any county park any bill, advertisement or inscription without a written permit from the director or his/her designee.

**95.270 Depositing Rubbish; Littering Importing and Exporting**

No person may:

1. Leave, deposit, drop or scatter bottles, broken glass, ashes, wastepaper, cans, animal waste or other rubbish in any county park, except in a receptacle designated for that purpose.
2. Import or deposit any rubbish into or in any county park from other places.
3. Export rubbish once it is in a receptacle designated for that purpose.

**95.280 Firearms, Archery Devices:**

Possession or discharge in county parks.

1. Except as otherwise provided in this section, no person may possess or discharge any weapon from which a projectile may be propelled by means of explosive, spring, gas, air or other force in any county park.

2. The provisions of this section relating to possession or discharge of firearms do not apply if the firearm or archery device is possessed or discharged:
  - a) At a designated shooting or archery facility owned and operated by the county.
3. Each range master may, upon approval of the director, adopt reasonable rules governing the possession and discharge of firearms and archery devices at the facility of which he/she is in charge, and all persons using the facility shall adhere strictly to those rules.

#### **95.290 Pyrotechnics and Liquid or Solid Fuel Model Rockets Prohibited**

No person may possess, discharge, set off or cause to be discharged in or into any portion of a county park or facility any firecrackers, torpedoes, rockets, fireworks, explosives, solid fuel or liquid fuel propelled model or other substance harmful to the life or safety of any person, without a written permit from the director and his/her designee.

#### **95.300 Disturbing the Peace, Trespassing**

1. No person may conduct him/herself in such a manner as to disturb the peace in any county park or facility at any time.
2. No person may use threatening, abusive, boisterous, insulting or indecent language or make indecent gestures in any county park or facility.
3. A person violating any provision of this section shall be ordered to immediately cease the violation. Failure to comply constitutes a violation of this Chapter and constitutes grounds for the imposition of the penalty specified in Washoe County Code 125.050.
4. The director or his/her designee may order any person violating any provision of this code, or any applicable city ordinance or state or federal law to immediately leave the facility. Refusal or intentional failure to comply with such order shall constitute trespassing.

#### **95.310 Sound Amplification**

1. Notwithstanding any other provision of this code, it is unlawful for any person to permit or cause any noise, sound, music or program to be emitted from any sound amplifying equipment without express written permission from the director or his/her designee. Authorization may include monitoring terms and conditions to reduce impacts to adjoining neighborhoods.

#### **95.320 Abusive language; disturbances**

No person may:

1. Use threatening, abusive, boisterous, insulting or indecent language or make indecent gestures in any county park.
2. Conduct or participate in a disorderly assemblage.

#### **95.330 Nudity and Disrobing**

1. No person may publicly appear nude or disrobe while in any county park, except in authorized areas of buildings set aside for that purpose.

[§17, Ord. No. 229]

**95.340 Possession and Consumption of Alcoholic Beverages or Controlled Substances**

1. Director is authorized to designate park facilities and specific areas of activity within a park as a nonalcoholic area as appropriate.
2. It shall be unlawful for any person to possess any can, bottle or other container any alcoholic beverage which has been opened or the seal broken in any area of a county park facility which has been posted as a nonalcoholic area.
3. It shall be unlawful for any person to possess or use any controlled substance prohibited by NRS chapter 453 in any county park facility.

**95.350 Smoking, Food, and Beverage Prohibited in Designated Areas**

1. No person may smoke in posted areas of any county park where smoking is prohibited.
2. No person shall possess or consume food or beverages in areas posted where food and beverage is prohibited.

**95.360 Sewage Dumping; Sanitation**

1. No waste, water, sewage or effluent from sinks, portable toilets or other plumbing fixtures may be deposited directly upon or into any county park except in a specified dump station.

[§19, Ord. No. 229; A Ord. Nos. 437, 713]

**95.370 Manner of Authorized Activity**

1. No person may participate in any activity in a manner that endangers the health and safety of participants, park users and the general public or presents a reasonable risk of damage to park resources or property.

**Overnight Use**

**95.380 Camping: Designated Areas; Limitations**

1. No person may camp in any county park except in areas designated and marked for that purpose.
2. No person under the age of 16 years may camp in any county park unless he/she is:
  - a) Accompanied by his/her parent or guardian;
  - b) Part of a group permitted to occupy a county park and is supervised by at least one responsible adult per 15 juveniles; or
  - c) Camping after having furnished to an authorized department employee written consent of his/her parent or guardian, with the inclusive dates for which permission is

granted to camp at the park involved, including the name, address and telephone number of his/her parent or guardian.

**95.390 Number of Persons Occupying Campsites**

Except by express authorization of the director or department employee, or in areas that have been designated as group camp sites:

1. The number of persons occupying a campsite shall not exceed 7 except in group sites.
2. The number of vehicles occupying a campsite shall not exceed 2 except in group sites.

**95.400 Time Limits on Camping**

No person may continually camp in any county park campground for more than 7 days within any 30-day period, unless written permission has been granted by the director.

**95.410 Occupancy Right of Campsites**

1. A campsite is considered occupied when it is being used or has been reserved for camping purposes by any person or group who has paid the daily use fee within the applicable time limits. No person may take possession or maintain possession of a campsite when he/she has been informed by an authorized department employee that the site has been reserved or when a person or group authorized to occupy the campsite has shown evidence of his/her right to occupy the campsite.

**95.420 Use of Food Storage Lockers**

1. No person occupying an individual or group camp site may leave the site unoccupied or retire for the night without first placing all food and beverage items in an animal resistant food storage locker or inside of a vehicle.

**Cultural, Historic, Natural Resources and Wildlife**

**95.430 Plant Molesting or Harming**

1. No person may willfully or negligently pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, burn or carry away any tree, plant or portion thereof, including foliage, flowers, berries, fruit, grass, turf, humus, shrubs, cones and dead wood, except upon authorization by the director.

**95.440 Animal molesting or harming.**

1. No person may molest, hunt, disturb, injure, trap, take, net, poison, harm or kill any kind of animal or fish, or attempt to do so, except that fish may be taken other than for commercial purposes in accordance with state fishing laws and regulations.

**95.450 Excavation or Disturbing Features of Historic Site**

1. No person may knowingly and willfully excavate upon, or remove, destroy, injure or deface, any historic or prehistoric ruins, burial grounds, archeological or paleontological site, or inscriptions on such sites, in or on any county park.

**95.460 Food and beverages at historical units**

1. No person who is a visitor may possess, carry or consume food or beverages or smoke while attending a conducted tour of any historic exhibit or area.

**Enforcement**

**95.470 Compliance With Code, Rules and Regulations; Penalty**

Any person who:

1. Commits a violation of any provision contained in this Chapter, or in violation of any permit issued or rule adopted by the director; or
2. Enters or remains at any shooting facility in violation of any rule adopted by the director or the facility's range master;

may be punished in accordance with Washoe County Code Section 125.050.

**95.480 Exclusion From County Park**

1. An enforcement official may exclude a person that violates any County Park rule from one or more County Parks for a specified period of time.
2. A person excluded from a County Park may appeal the exclusion notice by filing an appeal to the Director within seven days of the exclusion date.

**95.490 Citation powers of Enforcement Officials.**

An enforcement officer of the county may:

Prepare, sign and serve written citations on persons accused of violating a provision of the Nevada Revised Statutes or the Washoe County Code as it pertains to regional parks and open space. All citations so issued and served shall comply with the requirements of NRS 171.1773 and NRS 171.17751(5).