



# County Code Chapter 95

- Last changes approved at Park Commission were in 2016
- A few members of the current park commission were a part of the previous review and approval (Commissioner Doolittle and Commissioner Guinn)
- What are the major proposed changes to the current working draft?
  - Greater authority for Park Commissioners
  - Smoke Free parks
  - Addressed motorized use (e-bikes) on trails
  - Enforcement authority is now given to park staff to issue warnings and notices of civil penalty



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- Changes to Park Commission (95.020):
- Section 6 – reduces the number of required meetings per year from 9 to 4
- Section 7 – Powers and Duties of the Commission:  
The powers and duties of the park commission are inclusive of all those as identified in NRS 244.309, in addition to approval of the following, as authorized by the board:
  1. Fee schedule for Regional Parks and Open Space
  2. Park District Plans
  3. Park Master Plans
  4. Park Naming and Design
  5. Special Event Agreements
  6. Park Policies and Guidelines
  7. Discretionary Permits as outlined in section 110 of Washoe County Code
  8. Resolutions of Support



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- **Smoke Free Parks (95.010 and 95.350)**
  - Joint meeting (WC, Reno, and Sparks) in 2017 had this as an agenda item. A working group was formed and Commissioner Nenzel was the representative from Washoe County.
  - Was approved in 2019 by all three entities and signage has been installed. The cities moved forward with their municipal code changes. This language will formalize the change.
    - **95.010** under definitions: sections 14,15 & 16 define smoking, vaping and vapor product
    - **95.350** smoking and vaping prohibited in public parks except in designated areas



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- **Non-motorized vehicles (95.200)**

- Conferred with State Parks and researched current state definitions of e-bikes per NRS
- NRS 484B.017 “Electric bicycle” defined. “Electric bicycle” means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:
  1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and
  2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.

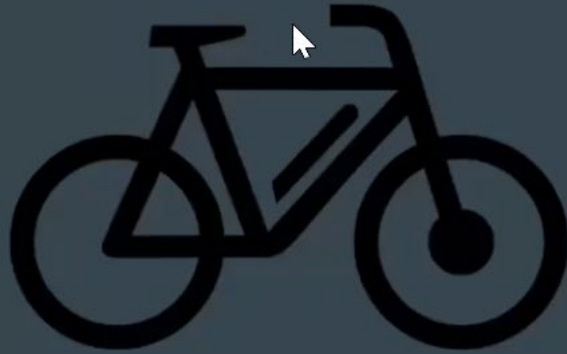
*The term does not include a moped or an electric scooter.*
- There was a USFS basin wide trails analysis meeting in mid-March hosted by the Lake Tahoe Basin Management Unit (LTBMU). Some agencies are still making decisions about e-bikes.





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## Class 1 E-Bike



An e-bike equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the e-bike reaches the speed of 20 miles per hour.

## Class 2 E-Bike



An e-bike equipped with a motor that may be used exclusively to propel the e-bike and that ceases to provide assistance when the e-bike reaches the speed of 20 miles per hour.



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## 95.200 Bicycles and Other Operator-Propelled Vehicles

1. No person may operate or ride a bicycle, electric bicycle as defined in Chapter 484B of NRS, 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. All persons must restrict speed and manner of operation of a bicycle, electric bicycle as defined in Chapter 484B of NRS, scooter, skateboard or other operator-propelled vehicle or device to a reasonable and prudent manner relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other park users.



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## 95.200 Bicycles and Other Operator-Propelled Vehicles

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 make such an accommodation unreasonable or unfeasible.

## 95.210 Unauthorized Use of Trails

3. Ride a bicycle, including an electric bicycle as defined in chapter 484B of NRS, on a designated off-street bicycle trail in a manner which is unsafe or which may be injurious to the rider or other persons. Where a speed limit has been designated and posted, the rider shall not operate the bicycle in excess of that speed.



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- **Enforcement (95.460 through 95.510)**
  - In 2016, Commissioner Doolittle and Commissioner Guinn along with other Park Commissioners supported citation authority for the Park Rangers which would be the enforcement officials.
  - There were concerns about how much time staff would need to spend in court.
  - There were also comments about the necessary training that would be needed for staff.
  - I have met with both Code Enforcement and Regional Animal Services staff to confer on their process.





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- **Enforcement (95.460 through 95.510)**
  - Currently both Regional Animal Services (RAS) and Code Enforcement (CE) have staff who issue NCP's and citations that are not peace officers.
  - Management from RAS and CE recently and confirmed that they have solid training programs in place that we can modify based on park experiences.
  - Distinction between verbal warnings, written warnings, notice of civil penalty (NCP) and citations. NCP's go through an administrative hearing which are run out of Reno Justice Court – the Administrative Hearing Office.
  - For citations with criminal violations they will be considered a misdemeanor and will go through Reno or Sparks Justice Courts.



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Process for approval by the Board of County Commissioners (Lindsay)

- The process starts with the department head sending the clerk a written request to amend the code. WCC 2.030. The request then goes to the BCC for consideration; the board may take action to approve the request and submit it to the DA's office to draft the proposed ordinance. WCC 2.040. Once drafted, the DA's Office submits the ordinance to the clerk who then places it on the BCC agenda for a public reading. WCC 2.050.



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- Proposed timeline (estimated):
  - Once Park Commission approves, we would need to go before the Board of County Commissioners (BCC) for approval for the request to change the code. (July 27, 2021)
  - The Chapter 95 code changes would need to be read twice by the BCC. (Sept, 14, 2021 & September 28, 2021)
  - We could have BCC approved code changes by the fall of 2021.
  - We would begin moving forward with policy changes and a training program for staff, with implementation ready by spring of 2022.



# Possible Motion:

“Move to recommend the Board of County Commissioners approve the proposed changes to Washoe County Code Chapter 95.”



