



# WASHOE COUNTY

*"Dedicated To Excellence in Public Service"*

[www.washoecounty.us](http://www.washoecounty.us)

## STAFF REPORT

**BOARD MEETING DATE: June 1, 2021**

**DATE:** May 18, 2021

**TO:** Open Space and Regional Park Commission

**FROM:** Colleen Wallace Barnum, Parks Operations Superintendent  
Community Services Department, 328-2181, [cwallace@washoecounty.us](mailto:cwallace@washoecounty.us)

**THROUGH:** Eric Crump, Division Director, Operations  
Community Services Department, 328-2182, [ecrump@washoecounty.us](mailto:ecrump@washoecounty.us)

**SUBJECT:** Possible recommendation to the Board of County Commissioners to approve the proposed changes to Washoe County Code Chapter 95.

### SUMMARY

Washoe County Code Chapter 95-Parks and Recreation is specific to Washoe County's Regional Parks and Open Space functions, the Open Space and Regional Parks Commission and the County's park facilities and parklands. Throughout the years there have been minor changes to Chapter 95; however, the last major update that was approved by the Board of County Commissioners was done in 1987. The code has become outdated and lacks cohesive organization, making it difficult for the public to understand and for staff to enforce. The Board of County Commissioners (BCC) directed staff in July, 2014 to evaluate the existing code. Staff has spent a significant amount of time evaluating the code and researching best practices through the nation in an effort to assure the County's park facilities provide a safe and enjoyable experience for the public. The Open Space and Regional Park Commission approved changes in 2016, however this was not brought forth for approval by the BCC.

### PREVIOUS ACTION

**July 5, 2016** – Open Space and Regional Parks Commission reviewed, discussed, and approved proposed changes to Washoe County Code Chapter 95.

**June 7, 2016** – Open Space and Regional Parks Commission reviewed and discussed proposed changes to Washoe County Code Chapter 95 (no action taken).

**April 5, 2016** – Open Space and Regional Parks Commission reviewed and discussed proposed changes to Washoe County Code Chapter 95 (no action taken).

**July 1, 2009**- Open Space and Regional Parks Commission recommended to the Board of County Commissioners approval of the changes to Washoe County code, Chapter 95 – Parks and Recreation.

**June 2, 2009** – The Open Space and Regional Parks Commission provided input on proposed changes to Washoe County Code Chapter 95 – Parks and Recreation (no action taken).

**AGENDA ITEM # \_\_\_\_\_**

**2004** – The Board of County Commissioners amended code to reflect the department name to Regional Parks and Open Space.

**2003** – The Board of County Commissioners amended code to reflect the commission name change to Open Space and Regional Parks Commission.

**2002** – The Board of County Commissioners amended the section of code regarding the collection of fees.

**1987** – The Board of County Commissioners approved updates to several sections of the code.

## **BACKGROUND**

Public input was received from the Open Space and Regional Parks Commission at two public meetings and the Park Commission formally recommended these changes on July 7, 2009. The changes, additions and modifications included:

- Reduction in number of meetings of Open Space and Regional Parks Commission.
- Provision for designating off-leash areas in parks.
- Provision for use of remote control devices in parks.
- Provisions for use of food storage lockers in parks.
- Adding powers for enforcement officers to issue notices of violation and citations for violations of Chapter 95.

The Department involved many staff in reviewing and recommending changes to the Code. The recommended changes to the Code include reorganization from three general areas into eight more specific categories to make it easier to research and understand. The original areas were:

- Open Space and Regional Parks Commission
- Department of Regional Parks and Open Space
- Use of County Park System Facilities

The new specific categories are:

- General Regulations
- Motor Vehicles
- Non-Motorized Vehicles
- Domestic Animals
- Visitor conduct
- Overnight Use
- Cultural, Historic, Natural and Wildlife
- Enforcement

This was approved in 2016. There were a few sections with recommended changes since 2016.

Major changes include:

- Greater authority for Park Commission (items that will not need to go to BCC for final approval)
  - Fee schedule for Regional Parks and Open Space
  - Park District Plans
  - Park Master Plans
  - Park Naming and Design
  - Special Event Agreements
  - Park Policies and Guidelines
  - Discretionary Permits as outlined in section 110 of Washoe County Code
  - Resolutions of Support
- Smoke Free parks
  - 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
- Motorized use on trails (e-bikes)
  - 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). Agencies are still in the process of making decisions.
- There are multiple electronic devices including scooters, skateboards so we used language that captured all of the motorized electronic devices.
- The language allows for the use within the confines of type 1 and type 2 e-bikes
- Bicycles and Other Operator-Propelled Vehicles
  - 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.
  - 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.
  - 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.
- Enforcement authority is now given to enforcement officials to issue notices of civil penalty (NCP) or citations.
  - Park Rangers and District Managers would be considered the enforcement officials.
  - We would adopt policies and procedures within the department and provide extensive training before enforcement officials issue any NCP or citations.
  - Currently both Regional Animal Services (RAS) and Code Enforcement (CE) have staff who issue NCP's and citations that are not peace officers.
  - I met with management from RAS and CE recently and confirmed that they have solid training programs in place that we can modify based on our 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 with go through Reno or Sparks Justice Courts.

We have included a copy of the draft ordinance as well as the current ordinance from 1987 and are looking for input from the public and the Open Space and Regional Parks Commission.

**RECOMMENDATION**

It is recommended the Open Space and Regional Park Commission recommend the Board of County Commissioners approve the proposed changes to Washoe County Code Chapter 95.

**POSSIBLE MOTION**

Should the Commission agree with the recommendation, a possible motion would be:

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