

# OPEN SPACE ADVISORY COMMITTEE

## STAFF REPORT

**MEETING DATE:** July 15, 2013

**AGENDA ITEM NUMBER:** 3A

**STAFF:** Juan F. Guzman, Open Space Manager



**REQUEST:** **For Possible Action:** Regarding the proposals to increase public safety on trails including the decommissioning of socially created trails around the waterfall.

### GENERAL DISCUSSION:

This item has been initiated at the request of Member Fitzsimmons and Chairman Scott.

On Friday, May 17, 2013, users of the Waterfall site were the subject of what appears to be a deliberate attempt to hurt them. Some young men who were also in the area sent a very large boulder down the slope from above apparently intending to hit them. The 17-year-old visitor suffered minor injuries; however, his pet dog suffered major injuries. All this information is summarized in the attached correspondence. Staff spoke with Ms. Tucker, the mother of the 17-year-old visitor on Wednesday, July 10, and invited her to come to the Open Space Advisory Committee meeting on July 15, 2013, and also made arrangements to send her a copy of this staff report.

The more specific location where this incident took place is at the "social trail" located on the north side of the creek. The location of that trail makes it difficult to use due to abrupt changes in topography. A new trail was, in fact, constructed as part of an Eagle Scout project in order to discourage the use of the social trail north of the creek. It is staff's opinion that the strongest consideration be given to both closure of this existing social trail and also a trail decommissioning program. The social trail is so well entrenched that it will take a considerable amount of time before the trail is revegetated.

In addition, in conversations between Supervisor Abowd and Member Fitzsimmons, the suggestion arose as to placing a sign stating, "Notice: Suspicious activity will be reported" and the telephone number for the Sheriff's Office and our park rangers. In fact, our two rangers and two volunteers that normally work on the west side have been informed of this incident and instructed to patrol the area as often as possible. No subsequent reports of falling rock, accidentally or otherwise, have been reported.

Recently, with the voluntary help of Great Basin Institute, the lower trail up to the waterfall was the subject of maintenance. Further, staff suggests for the Committee to submit a recommendation to the Board of Supervisors advising them of potential ordinance amendments and that will be created in order to address the ambiguity that exists as to the applicability of the Carson City Municipal Code, Section 13.02, to the Open Space Program. This action will ensure that the same items that provide for ordinances in our park system also are applicable to Open Space lands.

**RECOMMENDED ACTION:** I move to follow staff's recommendations regarding the proposals to increase public safety on trails including the decommissioning of socially created trails around the waterfall.

## Juan Guzman

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**From:** Bruce Scott <bruce@rci-nv.com>  
**Sent:** Monday, May 20, 2013 2:09 PM  
**To:** Juan Guzman; Roger Moellendorf; 'Mark Kimbrough'  
**Cc:** 'Scott Fahrenbruch'; Ann Bollinger; 'LWFLawyer@aol.com'  
**Subject:** RE: Request for Agenda item for next meeting

Hi Juan,

I spoke with LuAnn Tucker and assured her that Open Space would discuss this issue and work to raise awareness, reinforce with our paid and volunteer rangers, and place some signage. Her dog has his jaw wired shut for 6 weeks or so and her son had some relatively minor leg injuries. She was very good, but pretty concerned over the whole incident, particularly since it appears that there was some indication that the rock was rolled intentionally.

Regarding the next agenda, I am in Canada on the 17th and Laura is also gone that week. Could we possibly do the meeting on the 24th of June?

Let's discuss when you get back to me on the items from my earlier voice mail.

Thanks,

Bruce

Bruce R. Scott  
340 N. Minnesota St.  
Carson City, NV 89703  
[bruce@rci-nv.com](mailto:bruce@rci-nv.com)

775 883-1600  
775 883-1656 FAX

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**From:** Juan Guzman [<mailto:JGuzman@carson.org>]  
**Sent:** Monday, May 20, 2013 1:31 PM  
**To:** Bruce Scott; Roger Moellendorf; 'Mark Kimbrough'  
**Cc:** 'Scott Fahrenbruch'; Ann Bollinger  
**Subject:** FW: Request for Agenda item for next meeting

Hi Guys:

Any reason why we should not have this on the next agenda? I think we should make the subject broad enough so that we can have some discussion and have a Staff recommendation about signage maybe up the trail as well as the trailhead?

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**From:** [LWFLawyer@aol.com](mailto:LWFLawyer@aol.com) [<mailto:LWFLawyer@aol.com>]  
**Sent:** Monday, May 20, 2013 12:22 PM  
**To:** Juan Guzman  
**Subject:** Re: Request for Agenda item for next meeting

Thanks Juan.

In a message dated 5/20/2013 12:14:37 P.M. Pacific Daylight Time, [JGuzman@carson.org](mailto:JGuzman@carson.org) writes:

Laura:

Pending Roger and Bruce concurrence, YES. I will also phone Mrs. Tucker this afternoon. Our Ambassadors and Rangers are being made aware thru this email, I will ask them to visit the Waterfall Site as often as possible. I have also copied the Dan with the USFS, he is the recreation officer for his awareness we just visited the site a week ago.

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**From:** [LWFLawyer@aol.com](mailto:LWFLawyer@aol.com) [<mailto:LWFLawyer@aol.com>]

**Sent:** Monday, May 20, 2013 11:56 AM

**To:** Juan Guzman

**Cc:** [bruce@rci-nv.com](mailto:bruce@rci-nv.com); [karenabowd@hotmail.com](mailto:karenabowd@hotmail.com)

**Subject:** Request for Agenda item for next meeting

Juan:

My husband, dog, our friend and I were at the top of King's Canyon Road on Saturday, May 18. We met a young man who was posting a flyer and talked to him.

The previous day, his 17 year old brother, and his girlfriend and his dog were up at the waterfall.

Some young men apparently deliberately sent a very large boulder down the slope from above, intending to hit them.

The dog is seriously injured and the 17 year old has minor injuries.

I just got off the phone with the mother, Luann Tucker, 775 338-2245. I told her that I would request that this issue be brought to the attention of the Open Space Board at the next meeting and that if you agreed, you would call her and ask her to attend.

I discussed this with Supervisor Abowd, who suggested that we put up signs at the trailhead to the Waterfall stating "Notice: Suspicious Activity will be Reported" and giving the number of the Sheriff's office and our park police (do we have park police?)

Thanks,

Laura FitzSimmons

Carson City, Nevada, Code of Ordinances >> **Title 13 - PARKS AND RECREATION** >> **Chapter 13.02 - PARKS** >>

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**Chapter 13.02 - PARKS**

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**Sections:**

- 13.02.010 - Definitions.
- 13.02.020 - Purpose.
- 13.02.030 - Scope.
- 13.02.040 - Powers and duties of department.
- 13.02.050 - Compliance required.
- 13.02.060 - Exclusion of public.
- 13.02.070 - Rules and regulations.
- 13.02.080 - Amplified sound.
- 13.02.090 - Dogs in park.
- 13.02.100 - Vehicles.
- 13.02.110 - Bicycles and animals.
- 13.02.120 - Animals.
- 13.02.130 - Litter.
- 13.02.140 - Flora and fauna.
- 13.02.150 - Removal of turf or soil.
- 13.02.160 - Fires—Designated areas—Regulation.
- 13.02.170 - Fireworks.
- 13.02.180 - Swimming.
- 13.02.190 - Camping.
- 13.02.200 - Wastewater.
- 13.02.210 - Glass.
- 13.02.220 - Activities limited.
- 13.02.230 - Handbills.
- 13.02.240 - Children.
- 13.02.250 - Park closing hours.
- 13.02.260 - Alcoholic beverages.
- 13.02.270 - Mobile business operations in parks.

**13.02.010 - Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Amplified sound" means speech or music projected or transmitted by electronic equipment including amplifiers, loudspeakers, microphones, bull horns or similar devices or combinations of devices which are intended to increase the volume, range, distance or intensity of speech or music and are powered by electricity or combustible fuel;
2. "Department" means that department of Carson City having authority and control of the Carson City parks;
3. "Director" means the director of the department;
- 4.

"Park" includes any area designated by the board of supervisors as a public park, playground or recreational facility;

5. "Parks and recreation commission" refers to the Carson City parks and recreation commission;
6. "Persons" means all persons, associations, partnerships, firms, corporations or public entities.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.020 - Purpose.**

The purpose of this chapter is to regulate the use of city parks and to protect the right of all Carson City residents to enjoy the park system.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.030 - Scope.**

Unless otherwise designated, the provisions of this chapter shall apply to all parks, govern the use of all parks and the observance of such provisions shall be a condition under which the public may use the parks.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.040 - Powers and duties of department.**

1. The department shall administer, protect and develop the park system for the use and enjoyment of the public.
2. The department may recommend rules and regulations to the board of supervisors which are not inconsistent with law for the government and administration of the park system.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.050 - Compliance required.**

1. No person shall enter, be or remain in any park of the city unless he complies with this chapter and the regulations promulgated hereunder.
2. The director and any of his delegates are hereby authorized to eject and expel from a park, any person who violates the provisions of this chapter or any other law, ordinance or rule that may be in effect at the time of such violation.
3. No person who has been ejected or expelled under the provisions of this section shall refuse to leave any park as ordered nor shall the person return to the park within 24 hours of such ejection or expulsion without the permission of the director or his delegate.
4. Any person who violates the provisions contained in this chapter is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00, by imprisonment in the Carson City jail for not more than 6 months, or by both such fine and imprisonment. Each day on which a violation occurs constitutes a separate offense.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.060 - Exclusion of public.**

In the event of an emergency or the determination by the sheriff or park director that the public interest, health, welfare and safety requires that any park or portion thereof must be closed to the public, all persons may be excluded therefrom until such emergency or the basis for the sheriff's or park director's determination has ceased.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.070 - Rules and regulations.**

The Carson City board of supervisors shall have the power to promulgate rules and regulations, consistent with this chapter, governing the use and enjoyment by the public and by individual members of the public of any park, recreation area, recreation or community center, or any portion thereof, or governing the use and enjoyment of any building, structure, facility, equipment, apparatus or appliances thereon, or governing any portion of the foregoing. A copy of such rules and regulations, or a synopsis thereof shall be posted in some conspicuous place at or near the premises where such rules and regulations are to be effective, or in lieu thereof, signs or notices may be posted at or near said premises in order to give public notice of said rules and regulations.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.080 - Amplified sound.**

Amplified sound exceeding 25 watts total output from all channels of equipment used therefor is prohibited, unless permission for greater amplified sound is authorized in writing by the director in advance.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.090 - Dogs in park.**

1. No person who owns, harbors or keeps, or who has possession, charge, care, custody or control of any dog, except dogs used to aid handicapped persons with their master, shall cause, permit, suffer, or allow such dog to enter or remain in any park or portion thereof; provided, that this prohibition shall not apply to any person participating in a dog training class being conducted under the sponsorship of, or pursuant to the express written permission of the director.
2. The board of supervisors may by regulation exempt certain parks, or limited areas within parks from the provisions of this section.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.100 - Vehicles.**

No person shall operate or park any vehicle, as defined in the Nevada Revised Statutes, within a park except in areas designated for such use.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.110 - Bicycles and animals.**

No person shall operate, drive, or ride upon any bicycle, cycle, horse or any other animal in any park except in areas designated for such use.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.120 - Animals.**

No person shall hitch, fasten, lead, drive or let loose any animal or fowl of any kind in any park except in areas designated for such use.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.130 - Litter.**

No person shall deposit or leave any garbage, trash, cans, bottles, papers or other refuse of any nature in any park except in the receptacles provided therefor.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.140 - Flora and fauna.**

1. No person shall dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof, growing in any park.
2. No person shall take, seize, molest, injure, catch or hunt any bird, reptile, fish or animal in any park.
3. This section shall not apply to persons having received prior written permission from the director, or in areas designated for such use.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.150 - Removal of turf or soil.**

No person other than a duly authorized city employee in the performance of his duty shall remove any wood, turf, grass, soil, rock, sand or gravel from any park.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.160 - Fires—Designated areas—Regulation.**

1. No person may build, light, use or maintain a fire within any park except in a camp stove, pit or fireplace provided, maintained or designated for such purposes.
2. No person may leave a park before extinguishing any fire which he has built, lighted or maintained in such a park, nor may any person leave a fire unattended within any park. Children under the age of 10 years are not qualified to tend a fire.
3. Upon existence of extreme fire danger, the director may prohibit smoking or fires in designated areas within any park, or may close such areas to the public.

*(Ord. 1981-25 § 1 (part), 1981).*

### **13.02.170 - Fireworks.**

No person within any park shall carry or discharge any firecracker, rocket, torpedo or any other fireworks; provided, that this section shall not prohibit organized displays having prior written approval from the director.

*(Ord. 1981-25 § 1 (part), 1981).*

**13.02.180 - Swimming.**

No person may swim, bathe, wade in, or pollute the water of any fountain, pond, lake or stream in any park except places designated for such purposes.

*(Ord. 1981-25 § 1 (part), 1981).*

**13.02.190 - Camping.**

No person shall camp, lodge or otherwise remain overnight in any park except at a place designated for such purpose, or with prior written approval of the director.

*(Ord. 1981-25 § 1 (part), 1981).*

**13.02.200 - Wastewater.**

No person shall wash any article or dispose of any wastewater or other waste liquid in any park other than in facilities provided for such purposes.

*(Ord. 1981-25 § 1 (part), 1981).*

**13.02.210 - Glass.**

No person shall possess any glass container in any park, excepting those containers holding food stuffs or substances used in the preparation of a meal to be consumed on the park site.

*(Ord. 1981-25 § 1 (part) 1981).*

**13.02.220 - Activities limited.**

No person within any park shall engage in model airplane flying, golf, archery, baseball, softball, football, soccer, volleyball or any similar games of a possible hazardous nature except at places designated for such purposes.

*(Ord. 1981-25 § 1 (part), 1981).*

**13.02.230 - Handbills.**

No person within any park shall distribute any handbill or circular or post, place or erect any bill, notice, paper or advertising device or other matter of any kind without the prior written approval from the director.

*(Ord. 1981-25 § 1 (part), 1981).*

**13.02.240 - Children.**

No parent, guardian, or other person having the care, custody or control of any child under the age of 8 years shall cause, permit or allow such child to be in any public park or recreation area having a lake or pond within the boundaries of such park or recreation area unless such child is accompanied by a person not less than 16 years of age.

*(Ord. 1981-25 § 1 (part), 1981).*

**13.02.250 - Park closing hours.**

1. The director may establish closing hours for city parks. Park closing time shall be posted in a conspicuous place at each city park.
2. No person may enter or be present in any city park after closing hours or in areas designated as closed, except city employees or peace officers on official business.

*(Ord. 1981-25 § 1 (part), 1981).*

**13.02.260 - Alcoholic beverages.**

Unless prior written permission is obtained from the director, possession of alcoholic beverages is prohibited at all scheduled youth activities and in any park or specified area within a park which has been posted with a notice prohibiting alcoholic beverages.

*(Ord. 1981-25 § 1 (part), 1981).*

**13.02.270 - Mobile business operations in parks.**

1. No person shall operate a business within any park except as part of an approved special event or by permit from the parks and recreation department.
2. Permits shall be provided by the parks and recreation department under rules and regulations recommended by the parks and recreation commission and approved by the board of supervisors.
3. Location designated for mobile business operations shall be approved by the parks and recreation department.
4. The parks and recreation commission may recommend to the board of supervisors a fee to be charged to mobile businesses for the privilege of operating in a park during an approved special event or for operating in a park pursuant to a permit from the parks and recreation department.

*(Ord. 2007-39 § 1, 2007).*