

OPEN SPACE ADVISORY COMMITTEE STAFF REPORT

MEETING DATE: December 16, 2013

AGENDA ITEM NUMBER: 3F

STAFF: Juan F. Guzman, Open Space Manager
Tina Russom, District Attorney Office 

REQUEST: Discussion only recommendation to the Board of Supervisors to introduce on first reading an ordinance amending the Carson City Municipal Code Chapter 13.02 in order to incorporate certain provisions applicable to the Open Space program, and other matters related thereto.

GENERAL DISCUSSION: Attached for your review and discussion please find a draft Ordinance Amendment providing for changes to Chapter 13.02 (Parks) of the Carson City Municipal Code. The Code amendments may be beneficial for the management of Open Space lands. Committee member, Laura Fitzsimmons, has helped staff with providing the amendments that she believed are pertinent and should be included. The staff has taken those amendments and prepared the attached draft that once approved by the Open Space Advisory Committee will be placed on the Board of Supervisors Agenda for a first reading and action. Once the first reading is completed the same ordinance will follow a second reading normally at the next Board of Supervisors meeting for final approval. After approval by the Board the Clerk Recorder is responsible to incorporate the ordinance into the codified publications of the Carson City Codes.

The staff will discuss with the committee additional potential amendments to the Code. This is a great beginning of the process to facilitate the management of open space. The staff appreciates the work Laura has done with this item.

RECOMMENDED ACTION: Recommendation to the Board of Supervisors to introduce on first reading an ordinance amending the Carson City Municipal Code Chapter 13.02 in order to incorporate certain provisions applicable to the Open Space program, and other matters related thereto.

BILL NO.

ORDINANCE NO. 2014-

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 13, PARKS AND RECREATION, CHAPTER 13.02, PARKS, BY ADDING TO SECTION 13.02.010, DEFINITIONS PERTINENT TO THE OPEN SPACE PROGRAM; AMENDING SECTION 13.02.020 – PURPOSE, BY ADDING OPEN SPACE; AMENDING SECTION 13.02.070 – RULES AND REGULATIONS, BY ADDING OPEN SPACE; AMENDING SECTION 13.02.100 – VEHICLES, BY ADDING OPEN SPACE; AMENDING SECTION 13.02.160 – FIRES – DESIGNATED AREAS – REGULATION, BY ADDING A NEW SECTION 4. PROHIBITING FIRES IN OPEN SPACE; AMENDING SECTION 13.02.170 – FIREWORKS, TO ADD OPEN SPACE; AMENDING SECTION 13.02.190 – CAMPINIG, TO ADD OPEN SPACE; AND AMENDING SECTION 13.02.260 – ALCOHOL BEVERAGES, TO ADD OPEN SPACE; AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

THE BOARD OF SUPERVISORS OF CARSON CITY DOES ORDAIN:

SECTION I:

That the Carson City Municipal Code Title 13 Parks and Recreation be modified as follows (added text is underlined, deleted text is bracketed and stricken [-]):

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;

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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.
7. **"Open Space"** means lands purchased and or administered in accordance with the Quality of Life Initiative adapted by general election in 1996 and in accordance with the provisions of the Carson City Municipal Code Chapter 13.06.
8. **"Open Space Advisory Committee"** means the advisory committee appointed by the Board of Supervisors in accordance with the provisions of Chapter 13.06 of the Carson City Municipal Code.

13.02.020 - Purpose.

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

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.

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.

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.

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.

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, open space, 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.

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.

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.

13.02.100 - Vehicles.

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

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.

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.

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.

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.

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.

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.
4. **No person may build, light, or maintain a fire within any open space, unless previously approved by the Director.**

13.02.170 - Fireworks.

No person within any park **or open space** 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.

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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.

13.02.190 - Camping.

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

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.

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.

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.

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.

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.

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.

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 open space or specified area within a park or open space which has been posted with a notice prohibiting alcoholic beverages.

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.

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SECTION II:

No other provisions of Title 13 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2014.

PROPOSED BY Supervisor _____

PASSED _____, 2014.

VOTE:

AYES: _____

NAYES: _____

ABSENT: _____

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ROBERT L. CORWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year 2014.