

**OPEN SPACE ADVISORY COMMITTEE  
STAFF REPORT**

**MEETING DATE:** April 17, 2017

**AGENDA ITEM NUMBER:** 3B

**STAFF:** Ann Bollinger, Open Space Administrator  
Iris Yowell, District Attorney Office

**REQUEST:** For Possible Action: To recommend to the Board of Supervisors to introduce on first reading an ordinance amending Carson City Municipal Code Chapter 13.06 in order to incorporate certain regulations applicable to the Open Space Program.

**GENERAL DISCUSSION:** Attached for your review and discussion please find a draft Ordinance Amendment providing for changes to Chapter 13.06 (Open Space) of the Carson City Municipal Code. The Code amendments will be beneficial for the management of Open Space lands. Staff has prepared the attached draft that will be placed on the Board of Supervisors agenda for a first reading and action, if approved by the Open Space Advisory Committee. After 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 final approval by the Board, the ordinance will legally take effect, and the Clerk Recorder will send the ordinance to be codified and published in the Carson City Codes.

The proposed section numbers will actually be different upon finalizing the draft. The form of the language in those proposed sections may also change. Substance will stay the same, but form may change.

**RECOMMENDED ACTION:** I recommend to the Board of Supervisors to introduce an ordinance amending Carson City Municipal Code Chapter 13.06 in order to incorporate certain regulations applicable to the Open Space Program.

BILL NO. \_\_\_\_

ORDINANCE No. 2017-\_\_

AN ORDINANCE AMENDING TITLE 13, PARKS AND RECREATION, CHAPTER 13.06, OPEN SPACE, BY ADDING THERETO A NEW SECTION, 13.06.015 DEFINITIONS, WHICH ADDS RELEVANT DEFINITIONS TO THE CHAPTER; AND BY ADDING THERETO NEW SECTIONS 13.06.160, 13.06.170, 13.06.180, 13.06.190, 13.06.200, 13.06.210 AND 13.06.220, WHICH, RESPECTIVELY, PROHIBIT CARRYING OUT THE FOLLOWING ACTIVITIES ON OR WITHIN THE OPEN SPACE OF CARSON CITY: (1) OPERATING OR PARKING MOTOR VEHICLES; (2) LITTERING AND DUMPING; (3) TAKING, DISTURBING OR KILLING FLORA OR FAUNA; (4) REMOVING SOIL OR ROCKS; (5) CARRYING OR DISCHARGING FIREWORKS; (6) DISCHARGING FIREARMS OR SIMILAR WEAPONS; AND (7) ENGAGING IN DISPERSED CAMPING; AND ADDRESSING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 13 (Parks and Recreation), Chapter 13.06 (Open Space), is hereby amended by adding thereto a new section, 13.06.015 Definitions, as follows (**bold, underlined** text is added):

**13.06.015 - Definitions.**

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

- 1. “Department” means the department of Carson City having authority and control of the open space of Carson City.**
- 2. “Director” means the director of the department or his or her designated representative.**
- 3. “Open space” means real property, owned by Carson City, that is undeveloped or partially developed natural landscape, including, but not limited to, ridges, stream corridors, natural shoreline, scenic areas, watershed areas, viewsheds, agricultural or other land devoted exclusively to open-space use, conservation easements and easements devoted or connecting to open-space use.**

4. **“Person” means a natural person, association, partnership, firm or corporation. The term does not include a governmental entity or an employee, agent or contractor of a governmental entity who is engaged in the official business of the governmental entity.**

SECTION II:

That Title 13 (Parks and Recreation), Chapter 13.06 (Open Space), is hereby amended by adding thereto a new section, 13.06.160 Powers and duties of the department as, as follows (**bold, underlined** text is added):

**13.06.160 – Powers and duties of department**

In an effort to ensure that open space property is protected and preserved, certain behaviors must be regulated. Any person who violates the provisions contained in this chapter is guilty of a misdemeanor and shall be punished by a fine, by imprisonment in the Carson City jail or by both such fine and imprisonment. Each day on which a violation occurs constitutes a separate offense.

The director has the discretion to allow exceptions consistent with other uses under this chapter.

SECTION III:

That Title 13 (Parks and Recreation), Chapter 13.06 (Open Space), is hereby amended by adding thereto a new section, 13.06.170 Motor Vehicles, as follows (**bold, underlined** text is added):

**13.06.170 – Motor Vehicles.**

1. **A person shall not operate or park any motor vehicle, including off-highway vehicles, on or within open space, except on roads and in areas designated for such use.**
2. **As used in this section:**
  - a. **“Electronic personal assistive mobility device” means any battery powered mobility device that is designed primarily for use by a natural person with a disability related to mobility and is used by such a person for ambulation.**
  - b. **“Motor vehicle” has the meaning ascribed to it in NRS 484A.130, but does not include electric personal assistive mobility devices.**

SECTION IV:

That Title 13 (Parks and Recreation), Chapter 13.06 (Open Space), is hereby amended by adding thereto a new section, 13.06.170 Littering and dumping, as follows (**bold, underlined** text is added):

**13.06.180 – Littering and dumping.**

**On or within open space, a person shall not:**

- 1. Leave any garbage, cans, bottles, papers, appliances, furniture, automobiles or other refuse, except in such receptacles as may be designated and provided for that purpose; or**
- 2. Dispose of any liquid or solid waste, including wastewater, hazardous waste, yard waste, engine oils, anti-freeze, or batteries upon or into the surface of the ground or water.**

SECTION V:

That Title 13 (Parks and Recreation), Chapter 13.06 (Open Space), is hereby amended by adding thereto a new section, 13.06.180 Flora and fauna, as follows (**bold, underlined** text is added):

**13.06.190 – Flora and fauna.**

**On or within open space, a person shall not:**

- 1. Dig, remove, destroy, injure, mutilate or cut any tree, shrub, flower, grass or any portion thereof; or**
- 2. Take, seize, molest, injure, catch, hunt, trap, or kill any bird, reptile, fish or animal, or attempt to do so, except in accordance with local, state and federal laws and regulations.**

SECTION VI:

That Title 13 (Parks and Recreation), Chapter 13.06 (Open Space), is hereby amended by adding thereto a new section, 13.06.190 Soil and rocks, as follows (**bold, underlined** text is added):

**13.06.200 - Soil and rocks.**

**On or within open space, a person shall not excavate or remove any soil, rock, sand or gravel.**

SECTION VII:

That Title 13 (Parks and Recreation), Chapter 13.06 (Open Space), is hereby amended by adding thereto a new section, 13.06.200 Fireworks, as follows (**bold, underlined** text is added):

**13.06.210 - Fireworks.**

**Except as otherwise provided in this section, a person shall not, on or within open space, carry or discharge any fireworks, including, without limitation, firecrackers, rockets or torpedoes. The prohibition set forth in this section does not prohibit organized displays of fireworks that the director has, in writing, approved in advance.**

SECTION VIII:

That Title 13 (Parks and Recreation), Chapter 13.06 (Open Space), is hereby amended by adding thereto a new section, 13.06.210 Firearms, archery and similar devices, as follows (**bold, underlined** text is added):

**13.06.220 - Firearms, archery, and similar devices.**

**Except as otherwise allowed by state statute or regulation, or as otherwise designated permissible by Carson City, a person shall not, on or within open space, fire, shoot or otherwise discharge any firearm, bow, pellet gun, BB gun, slingshot, paintball gun or similar device.**

SECTION IX:

That Title 13 (Parks and Recreation), Chapter 13.06 (Open Space), is hereby amended by adding thereto a new section, 13.06.220 Dispersed camping, as follows (**bold, underlined** text is added):

**13.06.230 – Dispersed camping.**

- 1. On or within open space, a person shall not engage in dispersed camping.**
- 2. As used in this section, “dispersed camping” means camping that is:**
  - a. Outside of a designated campground; and**

- b. Characterized by a lack of services such as trash removal, and a lack of facilities such as tables and fire pits or fire rings.**

SECTION X:

That Title 13 (Parks and Recreation), Chapter 13.06 (Open Space), is hereby amended by adding thereto a new section, 13.06.230 Fires – Designated Areas, as follows (**bold, underlined** text is added):

**13.09.240 – Fires – Designated areas – Regulation.**

1. No person may build, light, use or maintain a fire except in a camp stove, pit or fireplace provided, maintained or designated for such purposes or in portable camp stoves or lanterns.
2. No person may leave any open space property before extinguishing any fire which he has built, lighted or maintained, nor may any person leave a fire unattended.

SECTION XI:

That Title 13 (Parks and Recreation), Chapter 13.06 (Open Space), is hereby amended by adding thereto a new section, 13.06.240 Cultural Resources, as follows (**bold, underlined** text is added):

**13.09.250 – Cultural Resources**

No person may knowingly and willfully excavate, remove, destroy, or deface any historic or prehistoric ruins, burial grounds, sites, structures or inscriptions.

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DRAFT DOCUMENT – April 17, 2017

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SECTION IX:

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

PROPOSED on \_\_\_\_\_, 2017.

PROPOSED by \_\_\_\_\_.

PASSED \_\_\_\_\_, 2017.

VOTE:           AYES: SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAYS: SUPERVISORS: \_\_\_\_\_

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ABSENT: SUPERVISORS: \_\_\_\_\_

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\_\_\_\_\_  
Robert Crowell, Mayor

ATTEST:

\_\_\_\_\_  
SUE MERRIWETHER  
CLERK/RECORDER

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2017.