

SUMMARY: Amends the Washoe County Code by adding, revising, and amending provisions of the law governing the Community Services Department and the former department of regional parks and open space.

BILL NO. 1077

ORDINANCE NO. 1087

AN ORDINANCE REPEALING CHAPTER 95 GOVERNING PARKS AND RECREATION IN ITS ENTIRETY, AND BY ENACTING A NEW CHAPTER 95 WITHIN WASHOE COUNTY CODE BY ADDING, REVISING, AND AMENDING CHAPTER 95 IN ITS ENTIRETY, INCLUDING BUT NOT LIMITED TO DEFINITIONS APPLICABLE TO THE CHAPTER, OPEN SPACE AND REGIONAL PARKS COMMISSION, POWERS AND DUTIES OF THE DIRECTOR, ENFORCEMENT OF THE CHAPTER, USE OF VEHICLES AND NONMOTORIZED VEHICLES, DOMESTIC ANIMALS, AND VISITOR CONDUCT.

WHEREAS:

- A. This Commission desires to amend Chapter 95 of the Washoe County Code by repealing the current Chapter 95 and replacing it with more up-to-date provisions concerning Washoe County parks and open space.
- B. Following a first reading and publication as required by NRS 244.100–105 and related provisions, and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and
- C. Having given due consideration, the Commission has determined that this ordinance is not a “rule” as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE
DO ORDAIN:

SECTION 1. Chapter 95 of the Washoe County Code is hereby repealed in its entirety.

SECTION 2. Chapter 95 of the Washoe County Code is hereby amended by adding thereto the provisions set forth in Sections 3 to 51, inclusive, of this ordinance.

SECTION 3.

95.010 Definitions.

As used in sections 95.010 to 95.480, inclusive:

- 1. “Department” means the Community Services Department.

2. "Commission" or "park commission" means the Washoe County Open Space and Regional Parks Commission.
3. "Commissioner" or "park commissioner" means a member of the Washoe County Open Space and Regional Parks Commission.
4. "Director" means the director of the Community Services Department or his/her designee.
5. "Employee" means any person employed by Washoe County, through the Community Services Department.
6. "Enforcement Official" means the sheriff, fire chief(s) and district health officer or their authorized designees, as well as inspectors or other code enforcement officers in the county departments of community development, building and safety, public works, regional parks and open space, and water resources, as well as animal control officers and any Washoe County employee possessing citation powers pursuant to NRS 171.17751.
7. "Volunteer" is someone who gives his or her time, talent, energy, skills, common sense and experience for which he or she receives no pay or compensation.
8. "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or governmental instrumentality, or a non-profit entity.
9. "Park Resources" means any natural, cultural, historic, or human made structure or feature of a County park.
10. "Facilities" means any recreational or park property under the jurisdiction and control of the board of county commissioners.
11. "County Park" includes any area designated by the board of county commissioners as a public park, playground, special use or recreational facility, multi-use trail or open space area managed by the department.
12. "Trail" means any paved or unpaved non-motorized path.
13. "Camping" or "camp" means to erect a tent or shelter or use any motor vehicle or any other means for the purpose of, or in such a way as will result in, overnight occupancy thereof in any county park.
14. "Smoking" means the action of inhaling and exhaling the smoke of tobacco or a controlled substance, including, but not limited to marijuana and its derivatives, by any means, including but not limited to cigarettes, cigars, cigarillos, pipes, and hookas.
15. "Vaping" means the action of inhaling and exhaling the vapor of tobacco or a controlled substance, including but not limited to marijuana and its derivatives, by use of any vapor product.
16. "Vapor product" means any noncombustible product that employs a heating element, power source, electronic circuit or other electronic, chemical, or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor from any substance placed in or on the vapor product for the purpose of human consumption. "Vapor product" includes, but is not limited to, any electronic cigarette, cigar, cigarillo, pipe, pen or a substantially similar device. "Vapor product" does not include any product regulated by the United States Food and Drug Administration pursuant to Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

SECTION 4.

95.020 Washoe County Open Space and Regional Parks Commission.

1. Creation; name

Pursuant to the power granted the board of county commissioners by NRS 244.308 to 244.3091, inclusive, there is hereby created a county park commission to be known as the Washoe County Open Space and Regional Parks Commission.

2. Number and Selection of Members

The Washoe County Open Space and Regional Parks Commission shall be composed of nine members, all of whom shall be appointed by the board of county commissioners from residents of the county at large with reference to their fitness for office.

3. Terms of Office; Vacancies; Compensation and Expenses of Washoe County Open Space and Regional Parks Commission

- (a) All commissioners shall be appointed for terms of 4 years.
- (b) The terms shall be staggered in such manner as to provide that no more than three vacancies will occur in any year.
- (c) Commissioners shall hold office until their successors are appointed and qualified.
- (d) Any vacancy in the office of commissioner shall be filled for the unexpired term in the same manner as original appointments.
- (e) Commissioners shall serve without compensation but shall be entitled to the same travel expenses and subsistence allowances as county officers.

4. Oaths of Office of Washoe County Open Space and Regional Parks Commissioners; No Bond Required

Within ten days after their appointment, park commissioners shall qualify by taking the oath of office. No bond shall be required of them.

5. Officers; Term

- (a) The commissioners shall elect a chairperson, vice chairperson, and such other officers as are necessary from among their members within ten days after appointment of a new commissioner. The elected officers shall hold office for one year, with annual elections being in the first regularly scheduled meeting of the commission in the calendar year.
- (b) The secretary may delegate secretarial tasks to the director.
- (c) The county treasurer shall be the treasurer of the commission.

6. Meetings; Records; Quorum

- (a) The commission shall hold at least four meetings each year and shall keep a complete record of all its transactions. A commissioner's absence from a meeting of the commission may be authorized in advance by the chair. Two consecutive unauthorized absences from meetings of the commission by any commissioner shall automatically result in a vacancy in the office of that commissioner.

- (b) Five commissioners constitute a quorum for the transaction of business.
- (c) Any resolution or motion may be adopted or other action ordered taken by a majority of the commissioners forming a quorum.

7. Powers and Duties of the Commission

The powers of the Washoe County Open Space and Regional Parks Commission are to act primarily in an advisory capacity to the board of county commissioners in promoting, aiding and encouraging public recreation and natural resource management including the development of recreation and park facilities. 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:

- (a) Fee schedule for Regional Parks and Open Space
- (b) Park District Plans
- (c) Park Master Plans
- (d) Park Naming and Design
- (e) Special Event Agreements
- (f) Park Policies and Guidelines
- (g) Discretionary Permits as outlined in section 110 of Washoe County Code
- (h) Resolutions of Support

8. Citizens' Committee

The commission shall have the authority to appoint citizens' committees to assist the commission in making recommendations to the board of county commissioners concerning the matters set forth in section 95.020 of this code. Membership in citizens' committees shall be subject to the approval of the director. A commissioner shall be delegated to attend meetings of the citizens' committee. The citizens' committee shall report its recommendations directly to the commission.

9. Responsibility for Facilities

The jurisdiction of the commission includes, in addition to those enumerated, responsibility for study, analysis and recommendations for all existing and all future facilities when requested by the board of county commissioners.

SECTION 5.

COMMUNITY SERVICES DEPARTMENT

95.030 Financial Support.

It shall be the policy of the county, to the extent allowed by law, to credit moneys received from or generated by park facilities for the use and benefit of those facilities.

SECTION 6.

95.050 Powers and Duties of Department/Director.

1. The department shall administer, protect and develop the county park system for the use and enjoyment of the public.

2. The department may establish rules and regulations not inconsistent with law for the government and administration of the county park system.
3. The director shall administer, direct, supervise and coordinate all planning, management and operational functions and technical activities of the county parks.
4. The director shall be empowered to designate employees as enforcement officials on behalf of the department.
5. The director shall be empowered to appoint authorize personnel as referenced in Washoe County Code 95.080 to collect fees.
6. The director may approve and issue a permit for any special activity when the director finds the special activity is in the best interest of the residents of the county and is conducted by a sponsoring agency approved by the director.

SECTION 7.

General Regulations

95.060 Park Hours.

1. Park hours are sunrise to sunset unless specifically posted otherwise or authorized by the director or his/her designee.
2. No person, except county employees or enforcement officials on official business, may enter or be present in any county park after closing hours unless prior authorization has been issued by the department.

SECTION 8.

95.070 Curfew Limitations.

1. The director may set a curfew for persons under 18 years of age in any county park, upon finding that conditions therein are such as to warrant special measures for the protection of juveniles and others, and for the safety and welfare of the general public.
2. When a curfew has been set, no person under 18 years of age may, during the curfew period, remain or be in a county park unless he/she is:
 - (a) Accompanied by his/her parent or guardian;
 - (b) Part of a group permitted to occupy a county park and is supervised by at least one responsible adult per 15 juveniles; or
 - (c) Camping after having furnished written consent of his/her parent or guardian, with the inclusive dates for which permission is granted to camp at the park involved, including the name, address and telephone number of his/her parent or guardian.

SECTION 9.

95.080 Payment for Use of Facilities.

1. No individual or group shall use, occupy or be within the boundaries of any facility for which a fee has been established without having first paid the required fee.
2. The fees may be collected by a county employee or other authorized persons.

SECTION 10.

95.090 Fees; Method of Establishment and Collection.

1. For marketing or promotional purposes only, the county manager or designee shall have discretion to reduce fees, provide for group rates and membership packages for use of the county facility and to establish new fees for short term programs or exhibits that may occur within the department.
2. The director shall submit to the park commission, as needed, a schedule of proposed fees for utilization of reservable park facilities, recreation programs, and special events and activities within the county park system. The fees shall become effective upon approval by the park commission.

SECTION 11.

95.100 Group Use Permit.

No group meetings, functions, concerts, athletic events or similar activities with attendance in excess of twenty five (25) persons shall be held within the boundaries of a County Park without a valid Facility Group Use Permit. Depending on the size of the group and nature of the event, additional permits and licenses may also be required.

SECTION 12.

95.110 Concession/Commercial Operation.

1. No person shall sell food or beverage products at any county parks unless that person has obtained a permit from the department. Copies of applicable City and County licenses and permits, plus all applicable insurance must be submitted prior to consideration of approval.
2. No person shall operate a concession, solicit, sell or offer for sale, peddle, or vend any goods or other merchandise including food, liquids or services in a county park without a permit or prior written authorization from the director.
3. No person shall sell or offer to sell any good or service, display goods or descriptions of goods with the intent to engage in the sale of any good or service, or engage in any act with the intent or expectation of receiving payment therefrom, or otherwise participate in commercial activity in a county park, including but not limited to horse training and rafting tours, without written authorization from the director.

SECTION 13.

95.120 Commercial/Professional Filming and Photography.

1. Except as otherwise provided, permits are required for commercial photography and filming, including but not limited to photographers/videographers for hire, photography/filming with the intent to sell photos or videos, and commercial productions such as television, advertisements, movies and documentaries.
2. Persons may photograph or film in county parks without a permit if:
 - (a) Professional sets, groups of actors or large equipment are not involved; notwithstanding, the use of simple props and/or up to two models for non-commercial purposes is permissible under this subsection;
 - (b) The photography or filming does not interfere with visitor use or enjoyment of county parks, does not disturb or require the rearrangement of park resources, and does not take place outside normal park hours as set forth in Washoe County Code 95.060; and
 - (c) Park rules and regulations are followed at all times.
3. A permit is not required where photography or filming is related to a facility rental and occurs during the time indicated on the rental permit (e.g. weddings, graduation party).

SECTION 14.

95.130 Posting of Signs and Notices.

No person may disturb, alter, create or erect signs or markers of any type without a written permit from the director or his/her designee.

SECTION 15.

Motor Vehicles

95.140 Landing of Aircraft.

Except in emergency situations, no person may land any aircraft including hang-gliders, parasails, parachutes, balloons, ultralights, or similar aircraft or take off in any aircraft from any area in any county park not specifically designated for such purposes without a written permit from the director or his/her designee.

SECTION 16.

95.150 Aerial Apparatus.

1. The lawful use of remote/radio controlled, electrically-powered or gasoline-powered devices, including unmanned aerial vehicles, is permitted unless otherwise designated by the director. The director may prohibit use of such vehicles and devices in county parks or portions of county parks.

2. No person may operate any electrically-powered, gasoline-powered, remote/radio controlled device, including unmanned aerial vehicles, in any county park in such a manner as to disturb the peace or pose a threat to public health or safety.

SECTION 17.

95.160 Vehicle Operators.

1. Except as otherwise provided in this section, no person may operate any motor vehicle as defined in chapter 482 of NRS, or off-road vehicle, in any county park unless he/she complies with the general requirements of chapter 483 of NRS, relating to licensing of persons who operate motor vehicles.
2. The director may permit operation of certain vehicles in county parks by persons who do not meet the requirements contained in subsection 1.

SECTION 18.

95.170 Registered Vehicles Required.

1. Except as otherwise provided in this section, no person may operate any motor vehicle, in any county park, unless, the vehicle is registered in compliance with chapter 482 of NRS, relating to registration of motor vehicles.
2. The director may permit operation of unregistered motor vehicles in county parks when he/she deems it to be in the public interest to do so.

SECTION 19.

95.180 Speed Limit.

No person may drive a vehicle in a county park at a speed greater than 15 miles per hour, except where otherwise posted.

SECTION 20.

95.190 Roads; Parking.

1. Motor vehicles shall be operated in county parks only on roads and in parking areas constructed or designated for motor vehicle use except where such areas have been officially designated for use by motor vehicles.
2. Automobiles, trailers, and other vehicles shall be parked only in designated parking areas in county parks.

SECTION 21.

Non-Motorized Vehicles

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.
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.

SECTION 22.

95.210 Unauthorized Use of Trails.

It shall be unlawful for any person to:

1. Operate any motorized vehicle, including, without limitation, motorcycles, trail bikes, or motorized bicycles upon any trail except as necessary to cross a street, driveway or access road intersection without authorization from the director or his/her designee;
2. Hold any event on any trail without authorization from the director or his/her designee; and
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.

SECTION 23.

Domestic Animals

95.220 Leash Law; Animal Control.

1. Except as otherwise provided in this section, no person may:
 - (a) Bring an animal into, permit an animal to enter or remain in, or possess an animal in any county park unless the animal is on a leash of no more than 6 feet in length and under the immediate control of that person. The director may, upon posting, designate certain areas within the County Parks as off-leash areas.
 - (b) Bring an animal into, permit an animal to enter or remain in, or possess an animal on any beach adjacent to any body of water within any county park except in areas

designated for animals. Animals are prohibited in the water in any bathing or swimming area.

(c) Leave a pet unattended in any vehicle in conditions presenting a significant risk to the health or safety of the pet, including extreme heat or cold temperatures.

2. An employee or enforcement official may take any measure deemed necessary (including the removal of the animal from the park area) to protect park resources and wildlife or to prevent interference by the animal with the safety, comfort, or well-being of any person or other domestic animal in the park area.
3. The director may, prohibit animals in certain areas of county parks.
4. It is unlawful for any person to walk a domestic animal in a county park facility without carrying at all times a suitable container or other suitable instrument for the removal and disposal of animal feces and for immediately removing the feces and properly disposing of it.
5. The provisions of this section do not apply to any person with a disability who uses a certified human service animal individually trained to work or assist the person in a task directly related to their disability.

SECTION 24.

95.230 Horseback Riding: Designated Areas.

No person may:

1. Lead or keep a horse or other large domestic animal in any county park, except on roads, trails or areas designated and posted for such purposes.
2. Hitch or confine a horse or other large domestic animal in a manner that may cause damage to any tree, shrub, improvement, or structure.

SECTION 25.

Visitor Conduct

95.250 Fires: Designated Areas; Regulation.

1. Fires in parks shall be contained to:
 - (a) Fire pits, fireplaces, and charcoal grills provided for such purpose; or
 - (b) Portable camp stoves, lanterns, or gas grills used in established campsites, and picnic areas where fires are permitted.
2. No person may leave a fire unattended.
3. No person may leave a county park before extinguishing such fire.

4. Based on fire risk and weather conditions, the director may prohibit smoking, fires, or any open flame in designated areas within any county park or may close such areas to the public.

SECTION 26.

95.260 Property Defacement.

No person in a county park may:

1. Disturb, destroy, remove, deface or injure any property in any county park.
2. Cut, carve, paint, mark, paste or fasten on any tree, fence, wall, building, monument or other property in any county park any bill, advertisement or inscription without a written permit from the director or his/her designee.

SECTION 27.

95.270 Depositing Rubbish; Littering Importing and Exporting.

No person in a county park may:

1. Leave, deposit, drop or scatter bottles, broken glass, ashes, wastepaper, cans, animal waste or other rubbish in any county park, except in a receptacle designated for that purpose.
2. Import or deposit any rubbish into or in any county park from other places.
3. Export rubbish once it is in a receptacle designated for that purpose.

SECTION 28.

95.280 Firearms, Archery Devices.

1. Except as otherwise provided in this section, no person may discharge any weapon from which a projectile may be propelled by means of explosive, spring, gas, air or other force in any county park.
2. The provisions of this section relating to discharge of firearms do not apply if the firearm or archery device is discharged:
 - (a) At a designated shooting or archery facility owned and operated by the county.
3. Any authorized county employee may, upon approval of the director, adopt reasonable rules governing the discharge of firearms and archery devices at the facility of which he/she is in charge, and all persons using the facility shall adhere strictly to those rules.

SECTION 29.

95.290 Pyrotechnics and Liquid or Solid Fuel Model Rockets Prohibited.

No person may possess, discharge, set off or cause to be discharged in or into any portion of a county park or facility any firecrackers, torpedoes, rockets, fireworks, explosives, solid fuel or liquid fuel propelled model or other substance harmful to the life or safety of any person, without a written permit from the director and his/her designee.

SECTION 30.

95.300 Disturbing the Peace.

1. No person may conduct him/herself in such a manner as to disturb the peace in any county park or facility at any time.
2. No person may make or produce unreasonably loud noise which a reasonable person would find distressing to the senses, use language constituting "fighting words" whose very utterance tends to provoke an immediate violent reaction in the listener, use language that is grossly offensive or obscene amounting to a nuisance, or use language or gestures that have the effect of or is intended to have the effect of inciting violence in any county park.
3. A person violating any provision of this section shall be ordered to immediately cease the violation. Failure to comply with a command by an enforcement official to cease the violation constitutes a violation of this Chapter and constitutes grounds for the imposition of the penalty specified in Washoe County Code 125.050 or this Chapter.
4. The director may order any person violating any provision of this code, or any applicable city ordinance or state or federal law to immediately leave the facility. Refusal or intentional failure to comply with such order shall constitute trespassing.
5. No person may conduct or participate in a disorderly assemblage in any county park.

SECTION 31.

95.310 Sound Amplification.

1. Notwithstanding any other provision of this code, it is unlawful for any person to permit or cause any noise, sound, music or program to be emitted from any sound amplifying equipment without express written permission from the director or his/her designee.
2. Authorization may include monitoring terms and conditions to reduce impacts to adjoining neighborhoods.

SECTION 32.

95.330 Nudity and Disrobing.

1. No person may publicly appear nude or disrobe while in any county park, except in authorized areas of buildings set aside for that purpose.

SECTION 33.

95.340 Possession and Consumption of Alcoholic Beverages or Controlled Substances.

1. Director is authorized to designate park facilities and specific areas of activity within a park as a nonalcoholic area as appropriate.
2. It shall be unlawful for any person to possess any can, bottle or other container any alcoholic beverage which has been opened or the seal broken in any area of a county park facility which has been posted as a nonalcoholic area.
3. It shall be unlawful for any person to possess or use any controlled substance prohibited by NRS chapter 453 in any county park facility.

SECTION 34.

95.350 Smoking and Vaping prohibited in all parks and open spaces, except in designated areas.

1. No person may smoke or vape in a county park or open space. The director is empowered to designate specific smoking areas.

SECTION 35.

95.355 Food and Beverage Prohibited in Designated Areas.

1. No person shall possess or consume food or beverages in areas posted where food and beverage is prohibited.

SECTION 36.

95.360 Sewage Dumping; Sanitation.

1. No waste, water, sewage or effluent from sinks, portable toilets or other plumbing fixtures may be deposited directly upon or into any county park except in a specified dump station.

SECTION 37.

95.370 Manner of Authorized Activity.

1. No person may participate in any activity in a manner that endangers the health and safety of participants, park users and the general public or presents a reasonable risk of damage to park resources or property.

SECTION 38.

Overnight Use

95.380 Camping: Designated Areas; Limitations.

1. No person may camp in any county park except in areas designated and marked for that purpose.
2. No person under the age of 18 years may camp in any county park unless he/she is:
 - (a) Accompanied by his/her parent or guardian;
 - (b) Part of a group permitted to occupy a county park and is supervised by at least one responsible adult per 15 juveniles; or
 - (c) Camping after having furnished to an authorized department employee written consent of his/her parent or guardian, with the inclusive dates for which permission is granted to camp at the park involved, including the name, address and telephone number of his/her parent or guardian.

SECTION 39.

95.390 Number of Persons/Vehicles Occupying Campsites.

1. Except by express authorization of the director or department employee, or in areas that have been designated as group camp sites:
 - (a) The number of persons occupying a campsite shall not exceed 7 except in group sites.
 - (b) The number of vehicles occupying a campsite shall not exceed 2 except in group sites.
2. The director or the director's designee may limit or prohibit recreational vehicles, including but not limited to motorhomes, fifth-wheel trailers, and popup campers, on certain campsites based on the conditions and characteristics of the campsites.

SECTION 40.

95.400 Time Limits on Camping.

1. No person may continually camp in any county park campground for more than 7 days within any 30-day period, unless written permission has been granted by the director. In no event shall any person continually camp in any county park for more than 29 days within a 30-day period.

SECTION 41.

95.410 Occupancy Right of Campsites.

1. A campsite is considered occupied when it is being used or has been reserved for camping purposes by any person or group who has paid the daily use fee within the applicable time limits. No person may take possession or maintain possession of a campsite when he/she has been informed by an authorized department employee that the site has been reserved or when a person or group authorized to occupy the campsite has shown evidence of his/her right to occupy the campsite.

SECTION 42.

95.420 Use of Food Storage Lockers.

1. No person occupying an individual or group camp site may leave the site unoccupied or retire for the night without first placing all food and beverage items in an animal resistant food storage locker or inside of a vehicle.

SECTION 43.

Cultural, Historic, Natural Resources and Wildlife

95.430 Plant Molesting or Harming.

1. Except as otherwise provided, no person in any county park may willfully or negligently pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, burn or carry away any tree, plant or portion thereof, including foliage, flowers, berries, fruit, grass, turf, humus, shrubs, cones and dead wood, except upon authorization by the director.
2. Persons lawfully camping in a county park may gather downed deadwood for the use of a lawful fire in the person's campsite.

SECTION 44.

95.440 Animal Molesting or Harming.

1. No person in any county park may molest, hunt, disturb, injure, trap, take, net, poison, harm or kill any kind of animal or fish, or attempt to do so, except that fish may be taken other than for commercial purposes in accordance with state fishing laws and regulations.
2. Director may authorize certain activities in a county park related to wildlife for research or other educational purposes in compliance with local, state and federal regulations.

SECTION 45.

95.450 Excavation or Disturbing Features of Cultural or Historic Site.

1. No person may knowingly and willfully excavate upon, or remove, destroy, injure or deface, any historic or prehistoric ruins, burial grounds, archeological or paleontological site, or inscriptions on such sites, in or on any county park.

SECTION 46.

Enforcement

95.460 Prohibited Acts/Separate Offenses.

1. It is unlawful for any person to violate, fail to comply with, or assist in the violation of a provision of this Chapter or of any term or condition of a director approval (including without limitation, any permits or licenses).

2. It is unlawful for any person to willfully hinder, interfere with, or obstruct an enforcement officer's issuance of a citation pursuant to this Chapter or Chapter 125, including but not limited to willingly refusing to provide an enforcement officer the name and address of an alleged violator.
3. Each day that a continuing violation occurs or each act or omission in violation of this Chapter constitutes a separate offense.

SECTION 47.

95.470 Compliance with Code, Rules and Regulations.

Any person who:

1. Commits a violation of any provision contained in this Chapter, or in violation of any permit issued or rule adopted by the director; or
2. Enters or remains at any shooting facility in violation of any rule adopted by the director or authorized employees.

may be punished in accordance with Washoe County Code Chapter 125, or in accordance with this Chapter.

SECTION 48.

95.480 Exclusion from County Parks.

1. An enforcement official may exclude a person that violates any County Park rule from one or more County Parks for a specified period of time. Any person found in a county park which he or she has been excluded from is considered trespassing.
2. The exclusion notice issued pursuant to subsection 1 of this section shall contain:
 - (a) The name and address of the person to be excluded;
 - (b) The location at which the basis for exclusion occurred with the date and approximate time of the act or omission;
 - (c) A description of the conditions or conduct that form the basis for exclusion and the specific Code citation that was violated if applicable; and
 - (d) The name, address, phone number, email address, and signature of the enforcement official who issues the notice
3. A person identified as excluded from a county park may appeal the exclusion notice issued pursuant to subsection 1 of this section by filing an appeal to the director within fifteen days of the exclusion date.

SECTION 49.

95.490 Citation Powers of Enforcement Officials.

An enforcement officer of the county may:

Prepare, sign and serve written criminal and civil citations on persons accused of violating a provision of the Nevada Revised Statutes or the Washoe County Code as it pertains to county parks. All criminal citations so issued and served shall comply with the requirements of NRS Chapter 171, including NRS 171.1773 and NRS 171.17751(5).

SECTION 50.

95.500 Penalties- Criminal.

1. Except as otherwise provided by law, any person violating any of the provisions of this Chapter is guilty of a misdemeanor. Upon conviction thereof, punishment shall be by imprisonment in the county jail for not more than six (6) months, or by a fine of not less than fifty dollars (\$50) and not more than one thousand dollars (\$1,000), or by both fine and imprisonment. Failure to appear in the proper court to answer such misdemeanor citation is a separate offense.
2. In lieu of all or part of the criminal penalty which may be imposed pursuant to this section, the convicted person may be sentenced to perform a fixed period of community service.

SECTION 51.

95.510 Penalties-Civil.

Unless exclusively stated otherwise in Washoe County Code or Nevada Revised Statutes, and in lieu of any criminal penalty, a civil penalty may be imposed in favor of the County in an amount no less than one hundred dollars (\$100) and not to exceed one thousand dollars (\$1,000). To impose a civil penalty, the enforcement official shall serve a notice of civil penalty. The notice of civil penalty shall be served by personal service, by regular U.S. mail to the last known address of the violator, or if required by law by certified mail, return receipt requested, to the last known address of the violator. The notice of civil penalty shall be filed with and retained by the issuing department and is deemed to be a public record. The notice of civil penalty shall include:

1. The name and address of the alleged violator;
2. The location at which the violation occurred with the date and approximate time of the violation;
3. A description of the conditions or conduct that violate this Chapter and the specific Code citation that was violated;
4. The name, address phone number, email address, and signature of the enforcement officer who issues the citation; and
5. The amount of civil penalty imposed together with a statement that the notice of civil penalty:

11087

- (a) Shall not be considered a criminal offense for any purpose and that a person who commits the infraction shall not be arrested as a result;
- (b) Shall inform the violator that each and every instance the act or omissions occurs or each day a continuing violation occurs constitutes a separate offense; and
- (c) Shall inform the violator that that they may request an administrative hearing regarding the notice of civil penalty by contacting the administrative hearing office within 30 calendar days after the notice was served. The notice of civil penalty shall also inform the violator that failure to respond to the notice of civil penalty within 30 calendar days of the date the notice of civil penalty was served shall be deemed an admission of liability and a waiver of any right to an administrative hearing.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 10 day of May, 2022.

Proposed by Commissioner Lucy.

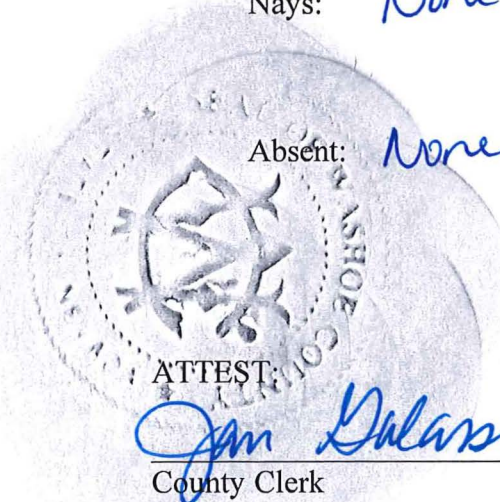
Passed on the 24 day of May, 2022.

Vote:

Ayes: Hartung, Hill, Herman, Lucy, Jung

Nays: None

Absent: None



ATTEST:

Jan Dalassini
County Clerk

Kyle Hartung
Chair
Washoe County Commission

This ordinance shall be in force and effect from and after June 3, 2022.