

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO)
CODE TITLE 10 TO UPDATE THE PARKS,)
CEMETERIES AND NATURAL AREAS RULES)
AND REGULATIONS

ORDINANCE NO. 18-1419

Introduced by Chief Operating Officer Martha
Bennett in concurrence with Council
President Tom Hughes

WHEREAS, rules and regulations governing use of Metro parks, cemeteries and natural areas are set forth in Title 10 of the Metro Code; and

WHEREAS, Metro Code Title 10 has not been comprehensively reviewed and updated since its initial adoption in 1996, it contains provisions are no longer relevant or necessary, and in some places it contains duplicative and contradictory provisions; and

WHEREAS, since the adoption of Title 10, Metro's portfolio of parks and natural areas has significantly expanded, and the Parks and Nature department has reorganized, resulting in changes in the operation and management of Metro's parks, cemeteries, and natural areas; and

WHEREAS, there is a need for regulations governing use of Metro's parks, cemeteries, and natural areas to address new and emerging uses of Metro properties that were not contemplated at the time Title 10 was drafted, nor in subsequent amendments; and

WHEREAS, the Metro Council adopted the Parks and Nature System Plan in 2016, which formally established and clarified Metro's role in the region and its mission of protecting water quality, fish and wildlife habitat, and creating opportunities for the public to enjoy nature close to home through a connected system of parks, trails and natural areas; and

WHEREAS, there is public interest in allowing new uses or expanded certain uses of parks and natural area properties owned or operated by Metro, such as allowing hunting, dogs and other domestic animals, or operation of unmanned aircraft (i.e., drones) at Metro owned or operated parks and natural areas; and

WHEREAS, Metro must balance its commitment to both protecting natural resources and providing for public use of its properties; and

WHEREAS, smoking at Metro parks and natural areas poses health risks to all users through secondhand smoke (especially children and pregnant women), smoking waste products produce significant litter and pollutants that can be consumed by wildlife and affect water quality, and cigarettes and other smoking materials present serious fire risks; and

WHEREAS, the Metro Council adopted Resolution No. 11-4262 adopting a tobacco-free grounds policy, and the Parks and Nature department has not yet implemented this policy at its parks, cemeteries, natural areas; and

WHEREAS, in order to provide notice to the public to transition to a smoke-free environment at Metro's parks, cemeteries, and natural areas, it is prudent to allow flexibility and time for the proposed rule to take effect; and

WHEREAS, Metro Code Title 10 sets forth fees that apply to certain properties or activities, requiring an amendment to the Metro Code for any fee adjustment, which is unnecessarily burdensome and inconsistent with how other Metro departments set and adjust fees; and

WHEREAS, proposed substantive amendments to Title 10 include allowing domestic animals on regional trails traversing Metro properties and at most Metro boat ramps; prohibiting operation of unmanned aircraft (i.e., drones); prohibiting smoking at Metro parks and natural areas after a one-year policy implementation period; delegating the authority to set and adjust fees to the Chief Operating Officer; and limiting the periods for exclusions from parks, cemeteries, and natural areas to no more than one year; and

WHEREAS, the proposed amendments preserve the ability of Metro to approve uses that are prohibited by Title 10 on a case-by-case basis by special use permit; and

WHEREAS, the proposed updates to Metro Code Title 10 reorganizes and renumbers most of the chapters and provisions within them, which will improve ease of reference for Metro staff, local government partners (especially those involved in helping to enforce Metro rules), and the public at large, improving Metro's transparency; and

WHEREAS, staff engaged in thoughtful outreach regarding proposed amendments to Title 10, including hiring an outside consultant to convene a "Sounding Board," which represented diverse perspectives on these issues; the Sounding Board volunteers looked closely at existing parks, cemetery and natural area rules to provide input to staff on current policies and potential adjustments; and

WHEREAS, the Metro Council finds that the amendments to Metro Code Title 10 further the public good and the needs of Metro; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Title 10 is amended as set forth in Exhibit A, B, and C attached to this Ordinance.
2. The Chief Operating Officer is directed to begin enforcement of the smoking prohibition set forth in the revised Metro Code Section 10.03.200 after April 12, 2019.

ADOPTED by the Metro Council this 12th day of April, 2018.

Tom Hughes, Council President

Attest:

Approved as to Form:

Nellie Papsdorf, Recording Secretary

Alison R. Kean, Metro Attorney