

Chapter 18.04
COMMUNITY ADVISORY
COUNCILS—ASSOCIATED RECREATION
COUNCIL

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18.04.010 Authority of Superintendent of Parks and Recreation.

The Superintendent of Parks and Recreation is authorized to:

A. Recognize advisory councils in the various neighborhood communities of the City (called “community advisory councils” in this chapter): (1) to advise and assist the Department of Parks and Recreation (called the “Department” in this chapter) in performing its functions and activities at its facilities in such neighborhoods and in planning parks, playgrounds, and other community recreation areas; and (2) to carry out projects and activities as community advisory council recreational programs at facilities which are part of the park and recreational system of the City;

B. Provide information, assistance, supplies, and the use of equipment as necessary and appropriate to community advisory councils;

C. Make facilities under the jurisdiction of the Department available for use by the respective community advisory councils for programs and activities for the general public at charges or rentals which allow for the benefit provided to the Department thereby and grant preference in the usage of such facilities to the respective community advisory council programs and activities for the general public over requests by other persons or groups for uses that are not open to the general public;

D. Include information concerning community advisory council recreational programs for the general public in information and publicity provided to the public as to Departmental operations

and/or activities and events occurring at its facilities, and encourage members of the general public to participate in the respective community advisory councils as a way of expressing opinions and guiding Departmental policy and activities at Departmental facilities;

E. Contract with the respective community advisory councils regarding any of the foregoing, any activities to be undertaken by such agencies at facilities under the jurisdiction of the Department and services and assistance to be provided by the Department in establishing and conducting programs and activities for the general public, any concurrent activities to be undertaken, and such other matters as deemed appropriate and ancillary thereto;

F. Establish minimum criteria for recognition and for withdrawal of recognition of such community advisory councils, and/or for contracting for various types of programs at Departmental facilities, by rules and regulations promulgated in accordance with Ordinance 102228,¹ including among other requirements:

1. A legal structure adequate for a community advisory council to undertake and implement the type of program and activities it plans to undertake at Departmental facilities,

2. Standards for conducting and planning recreational programs at Departmental facilities,

3. Satisfactory internal controls, deposit of funds, maintenance of records, and accounting and handling of funds generated by such programs,

4. Procedures for reporting on activities and funding,

5. Maintenance of personnel and payroll records, payment of employment taxes (e.g. social security, unemployment compensation, industrial insurance assessments) and withholding of income taxes, and proof of filing the necessary reports, and

6. Authorization to City officials, upon notice during reasonable business hours, to examine books and records and make such audits as deemed appropriate; and

G. Contract with the Associated Recreation Council to provide financial management, accounting, and material support for its member community advisory councils, to provide publicity beyond the capability of the respective

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community advisory councils, and to provide such other services as do not impair the programs of the community advisory councils; and, in such contract, to provide office space to the Associated Recreation Council at a Department facility and such other services or consideration as necessary and appropriate for the Associated Recreation Council to advise the Superintendent in performing other functions for the Department as shall be agreed upon from time to time by contract; and

H. Call upon the community advisory councils and the Associated Recreation Council from time to time for assistance in other matters that further the programs and activities of the Department;

all as the Superintendent shall deem appropriate and for the purpose of increasing educational and recreational opportunities for Seattle residents, providing greater public use and enjoyment of the City's park and recreation system and establishing a variety of activities, and, through a sound system of accounts and records, preserving public confidence in programs and activities offered at City facilities.

(Ord. 105655 § 1, 1976.)

1. Editor's Note: Ord. 102228, the Administrative Code, is codified in Chapter 3.02 of this Code.

18.04.020 Collection of funds—Prior determination of deposit credit.

Wherever practicable, the manner of collection, deposit, and ownership of funds received for or in connection with a service undertaken by the Associated Recreation Council or an activity, event, or program undertaken by or in conjunction with a community advisory council shall be determined prior to the collection of funds for the event, activity, or program, and the person making the payment informed as to whom the money will belong. All money, checks or other funds payable to the City in any capacity shall be deposited in the City Treasury. All money, checks, or other funds payable to a community advisory council or the Associated Recreation Council for an event, activity, or program or to the Associated Recreation Council for a service on City-owned facilities authorized by this chapter shall be deposited in a financial institution, approved by the Superintendent of Parks and Recreation, for the credit of the community advisory council concerned or the Associated Recreation Council.

When the identity of the party to whom funds belong is uncertain, the same shall be deposited in the City Treasury and the determination as to whom the funds belong shall be made by the Superintendent of Parks and Recreation with adjustments made as authorized by ordinance. (Ord. 105655 § 2(part), 1976.)

18.04.030 Collection of funds—No prior determination of deposit credit.

A. In the event moneys shall be collected where no prior determination has been made about the appropriate disposition thereof, the same shall be deposited in the City Treasury whenever:

1. The instrument of payment names the City, the Parks and Recreation Department, or a City official as payee;

2. Circumstances identifying the intended recipient as a community advisory council or the Associated Recreation Council are absent;

3. The payment is made in cash to a City officer or employee while in the course of employment or assigned duties; or

4. The payment is made for a function or service not sponsored by a community advisory council or the Associated Recreation Council.

B. Deposit shall be made with the authorized depository of the concerned community advisory council or the Associated Recreation Council whenever the payment is made for an authorized program, activity or event presented and performed by the community advisory council and:

1. The check, money order, or other instrument names such community advisory council or the Associated Recreation Council as payee;

2. The payment is made in cash accompanied with a registration form or letter, which identify the intended recipient as a community advisory council or the Associated Recreation Council as the case may be, or other surrounding circumstances which clearly manifest such intent; or

3. The payment is made to an official of the recipient organization authorized to receive the same at a location that is outside the control

of the City.
(Ord. 105655 § 2(part), 1976.)

18.04.040 Adjustments for mistaken payments.

Adjustments for mistaken payments after deposit in the City Treasury and crediting of funds received, shall be made only by ordinance upon proper documentation.
(Ord. 105655 § 2(part), 1976.)

18.04.050 Provisions to govern transactions.

The following provisions shall govern transactions of the Superintendent with the respective community advisory councils and the Associated Recreation Council:

A. No organization that receives recognition from the Superintendent or conducts programs for the public at City facilities, as authorized in this chapter, shall discriminate in membership or participation in activities upon the basis of race, creed, color, sex, age, national origin, or the presence of a physical, sensory, or mental handicap unless based upon a bona fide inability to perform an assignment or participate in an activity;

B. The Superintendent retains and may exercise the power to regulate and control the amount of fees charged to the general public by any organization authorized in this chapter for participation in any program or activity upon a facility that is under the jurisdiction of the Department;

C. Services, supplies, and the use of facilities provided by the City to the respective community advisory councils and the Associated Recreation Council shall be paid or accounted for at true and full value, provided, as authorized in this chapter, the Superintendent may take into account the benefits to the City from projects and activities to be provided by the contracting party to the general public and the long-range best interests of the City, and may make allowance therefor in establishing the consideration in an agreement; and

D. All funds held by the respective advisory councils and/or the Associated Recreation Council which are generated by activities of the community advisory councils at City facilities shall be devoted to projects and activities for the general public, advisory and other activities authorized in this chapter, and expenses incidental thereto.
(Ord. 105655 § 3, 1976.)

18.04.060 Policies to guide transactions.

The following general policies shall guide the Superintendent in transactions with the community advisory councils and the Associated Recreation Council:

A. Departmental policies and practices applicable to community advisory councils and to the Associated Recreation Council generally should be established by rules and regulations promulgated by the Superintendent of Parks and Recreation, and matters relating to particular facilities, programs, or activities with named community advisory councils should be the subject of individual agreements;

B. The services performed by the Associated Recreation Council shall support activities of the respective community advisory councils, shall avoid displacing or duplicating activities undertaken by an active community advisory council unless requested by the community advisory council concerned; and

C. Rules and regulations promulgated, and agreements authorized should be drawn and interpreted to fulfill the purposes stated in Section 18.04.010.

(Ord. 105655 § 4, 1976.)

Chapter 18.08

PARK NAMING PROCEDURES

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18.08.010 Authority to designate names—Naming Committee created.

18.08.020 Notification of name—Official adoption.

18.08.010 Authority to designate names—Naming Committee created.

The Superintendent of Parks and Recreation with the advice of the Board of Park Commissioners is authorized to designate the names of parks, recreation areas or facilities from among names submitted to him by a Parks and Recreation Naming Committee hereby created which shall consist of the Superintendent of Parks and Recreation, the Chairman of the Board of Park Commissioners, and the chairman of the committee of the City Council responsible for parks and public grounds, or their designated representa-

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tives, and the Naming Committee is authorized to establish policies and procedures as contemplated in C.F. 269124 to be followed in selecting names to be submitted to the Superintendent. (Ord. 104937 § 1(part), 1975; Ord. 99911 § 1(part), 1971.)

18.08.020 Notification of name—Official adoption.

Upon designating a name for a park, recreation area or facility the Superintendent of Parks and Recreation shall notify the Mayor and chairman of the committee of the City Council responsible for parks and public grounds of such name within ten (10) days, and thereafter upon filing of such name designation in the Office of the City Clerk, the name shall thereupon become officially adopted. (Ord. 117242 § 20, 1994; Ord. 104937 § 1(part), 1975; Ord. 99911 § 1(part), 1971.)

**Chapter 18.12
PARKS CODE**

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Severability: The provisions of this chapter are declared to be separate and severable and the invalidity of any section, subdivision, paragraph, sentence, or portion of this chapter or the invalidity of its application to any person or circumstance shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.

(Ord. 106615 § 19, 1977.)

Subchapter I General Provisions

18.12.010 Citation.

This chapter shall constitute the Parks Code of the City and may be cited as such.

(Ord. 106615 § 1, 1977.)

18.12.020 Police power.

This chapter is declared to be an exercise of the police power of the City, and its provisions shall be liberally construed for the preservation and protection of the natural environment, public peace, health, safety and welfare.

(Ord. 106615 § 2, 1977.)

18.12.025 Purpose and findings.

The City of Seattle finds as follows, and declares that the ordinance codified in this section is passed in response to the following facts:

A. Unlawful and inappropriate behavior in the City's parks diminishes these precious assets and deprives citizens of the full use and enjoyment of the natural beauty, recreational opportunities and peaceful repose that parks are intended to preserve in an urban setting.

B. In addition to more serious criminal acts that threaten personal injury and property damage, a wide range of illegal disorderly behavior can transform a park into an unwelcoming, unattractive and ultimately unsafe public space requiring increased expenditures for public safety and maintenance.

C. The laws intended to preserve and protect the parks for the benefit of all are effective only if those who use the parks obey the law. The current criminal and civil penalties for violating the law are frequently inadequate alone to deter illegal behavior, prevent its recurrence or provide for the removal of the offender from the park.

D. Compliance with the law, including the Parks Code and regulations, will be enhanced by the immediate administrative sanction of excluding from a park those who violate the law. In addition, for repeat offenders and for more serious offenses, exclusion for extended periods of time will provide a necessary additional remedy to protect the parks.

E. Due to the geographic proximity of some parks, the similarity of some park functions and the potential displacement of illegal behavior from one park to another, it is necessary to provide for exclusion from groups of parks or all parks under certain circumstances.

(Ord. 118607 § 1, 1997.)

18.12.030 Definitions—Rules of construction.

A. Unless clearly inconsistent with the context in which used, the following definitions apply:

1. "Adequate leash" means a leash of eight (8) feet in length or shorter.

2. "Aquarium" means a facility with artificial habitats containing aquatic or other forms of life for purposes of research, recreation, conservation, education, or viewing.

3. "At large" means a dog or other animal inside The City of Seattle, off the premises of the owner, and not under control by adequate leash.

4. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such a way as will permit remaining overnight.

5. "City park zone" means:

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a. A group of parks determined by the Superintendent to be so related to one another geographically or by function or both, that the Superintendent determines that, generally, exclusion from one park would be ineffective without exclusion from the other or others. A park can be part of more than one City park zone.

b. A City park that is not included in a City park zone defined in subsection A5a is itself a City park zone.

6. "Felony violation" means the violation of a criminal law, the conviction of which would:

a. Carry a maximum sentence in excess of one (1) year's imprisonment; or

b. Constitute a felony in Title 9A of the Revised Code of Washington.

7. "Knowingly" means to act when:

a. One is aware of a fact, facts, circumstances or result described by a statute or ordinance defining an offense; or

b. One has information which would lead a reasonable person in the same situation to believe that facts exist which facts are described by a statute or ordinance defining an offense.

8. "Off-leash area" means an area designated in subsection B of Section 18.12.080 where dogs, and no other animal, shall be allowed to run at large.

9. "Park" means all parks and bodies of water contained therein, squares, drives, parkways, boulevards, trails, golf courses, museums, aquaria, zoos, beaches, playgrounds, playfields, botanical gardens, greenbelts, parking lots, community centers, and other park, recreation and open space areas and buildings and facilities comprising the parks and recreation system of the City under the management and control of the Superintendent.

10. "Park rule" for purposes of Section 18.12.278 means those particular rules or codes of conduct the Superintendent has adopted and has designated, by rule, as those for which a violation may lead to exclusion from a park under Section 18.12.278.

11. "Recreation program" means any program or activity conducted, sponsored, or assisted by the Department of Parks and Recreation, whether or not it occurs in a park.

12. "Superintendent" means the Superintendent of Parks and Recreation of the City and authorized agents of the Superintendent, who may include, without limitation, the Chief of Police of

The City of Seattle and his or her subordinate officers, Seattle animal control officers, and staff of the Department of Parks and Recreation.

13. "Superintendent's Hearing Officer" means the individual who is the Superintendent of Parks and Recreation and each person or panel of persons on whom the Superintendent has conferred responsibility to conduct the hearing authorized in Section 18.12.278 E.

14. "Violation" means an act or omission or combination thereof that is contrary to any park rule or any civil or criminal provision of the Revised Code of Washington or the Seattle Municipal Code proven by a preponderance of the evidence.

15. "Weapon violation" means possession of use of a weapon in violation of Chapter 9.41 of the Revised Code of Washington or Chapter 12A.14 of the Seattle Municipal Code.

16. "Zoo" means a zoological garden where animals are kept for purposes of research, recreation, conservation, education or viewing.

17. "Zoo exhibit" means an area in the Zoo reserved for the purpose of exhibiting Zoo animals.

B. Wherever consistent with the context of this chapter, words in the present, past or future tenses shall be construed to be interchangeable with each other, words in the singular number shall be construed to include the plural, and words in the masculine gender shall apply to the feminine and neuter genders.

(Ord. 118607 § 5, 1997; Ord. 118099 § 1, 1996; Ord. 113436 § 1, 1987; Ord. 106615 § 3, 1977.)

18.12.040 Superintendent's authority— Rulemaking—Enforcement.

The Superintendent shall have the power to enforce the provisions of this chapter.

The Superintendent may, in accordance with the Administrative Code,¹ adopt, amend and rescind rules and regulations consistent with this Park Code in order to manage and control the park and recreation system of the City including rules that:

- A. Clarify, interpret or apply this Park Code;
- B. Regulate the use of parks;
- C. Regulate conduct in parks;
- D. Designate restricted areas in parks;

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- E. Regulate recreation programs;
 - F. Establish times for opening and closing of any particular park or park facility to public use and/or for entry or use by motor vehicles;
 - G. Restrict and/or prohibit the use of any skateboard, roller skate, coaster or other similar device in any park or part of a park. This prohibition shall not apply to a person with a disability, who uses wheeled equipment in order to be ambulatory. Before exercising this authority, the Superintendent shall hold a public hearing in conjunction with the Board of Park Commissioners and receive their advice and recommendations. It is City policy that restrictions or prohibitions on the use of such recreational equipment on a surface that is paved or improved for travel be imposed only to the extent appropriate to preserve the park from damage and/or avoid impairing the use and enjoyment of the park by others; and
 - H. Impose a speed limit on use of any or all park paths, trails and walks, improved and unimproved. Such speed limit may apply to pedestrians and/or those persons using roller skates, skateboards, coasters, bicycles, carts, or any similar device or conveyance.
- (Ord. 117645 § 2, 1995; Ord. 116893 § 1, 1993; Ord. 116737 § 1, 1993; Ord. 113436 § 2, 1987; Ord. 106615 § 4, 1977.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

18.12.042 Permit system.

The Superintendent may establish a permit system and require a permit for:

- A. Reserving any room or part of a community center, athletic field, picnic facility, stage, or other defined area of a park for a certain time or series of times; and granting the exclusive use thereof during the time reserved;
- B. Posting any signs, posters or notices; placing or erecting any structure or obstruction of any kind within a park, whether temporary or permanent; engaging in any competitions involving a vehicle, boat, aircraft, or animal, or launching or landing aircraft or airborne conveyance; or cutting or removing any tree or plant material;
- C. Making any improvement to or in a park or constructing a public work;
- D. Conducting a commercial activity; using any outdoor electrical power outlet; or laying

cables or extending wires in or over a park; or using any park or facility during the hours it is closed to the public;

E. Making any use of a park or recreational facility for an event that differs in kind from the use and enjoyment of the park or recreational facilities by the general public of the premises.

No permit is required of park employees acting in the scope and course of their duties. Exemptions may be made for abutting owners, who maintain park boulevards, with respect to the area maintained; for concessionaires as to the area under concession; and as to governmental officials acting under authority of law. Issuance of a permit shall be subject to payment of such fees or charges as required by ordinance or authorized by resolution of the City Council.

A permit for an event may authorize the placing of temporary signs, posters or notices reasonably related thereto.

All permits shall be wholly of a temporary nature, shall best no permanent right, and may be revoked upon thirty (30) days' notice or, if the permit so states, upon shorter notice. (Ord. 113860 § 1(part), 1988.)

18.12.045 Terms and conditions.

The Superintendent may condition the permit or impose such terms and conditions as appropriate to protect the health, safety and welfare of the public and/or the park; to avoid or limit unnecessary interference with other uses or users of the park; to minimize disturbance of the surrounding neighborhood; and to require the user to leave the area under permit in a condition after the activity or event as it was beforehand. For this purpose, the Superintendent may require the user to furnish public liability and property damage insurance, naming the City as an additional insured, in such amounts as reasonably necessary to provide recompense for personal injury or death or property damage to a member of the public as a result of the event or activity; execute an indemnity and/or hold harmless agreement; and/or make a reasonable security deposit or provide a bond.

The terms and conditions of a permit (including providing insurance and/or security deposit) shall not infringe upon rights of petition, assembly, or free expression protected by the First Amendment of the United States Constitution and/or Article I, Sections 3, 4 and 5 of the Washington

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Constitution. If an applicant asserts that a term or condition proposed by the Superintendent infringes upon a constitutional right, the Superintendent shall have the burden of showing that the proposed term or condition is a reasonable restriction on the time, place and manner of exercising the right and is valid.
(Ord. 113860 § 1(part), 1988.)

18.12.047 Refund of deposits and fees.

The Superintendent is authorized to make refunds of fees upon timely cancellation of an event or activity and to return all or any portion of any security deposit when no longer needed or after costs that may be charged against the permit have been paid.
(Ord. 113860 § 1(part), 1988.)

Subchapter II Property Regulations

18.12.050 Posting signs, posters and notices.

Except as authorized by the Superintendent, it is unlawful to use, place or erect any signboard, sign, billboard, bulletin board, post, pole or device of any kind for advertising or notification in any park, or to attach any notice, bill, poster, sign, wire, rod or card to any tree, shrub, railing, post or structure within any park.
(Ord. 113436 § 3, 1987; Ord. 106615 § 5(a), 1977.)

18.12.060 Distribution of handbills.

It is unlawful to distribute any handbills, circulars, or signs in any park in any manner that interferes with or obstructs the normal passage of people or vehicles.
(Ord. 106615 § 5(b), 1977.)

18.12.070 No-trespassing areas—Removal or destruction of property—Structures or obstructions.

A. It is unlawful for any person except a duly authorized Department of Parks and Recreation or other City employee in the performance of his or her duties, or other person duly authorized pursuant to law, to enter or go upon any area which has been designated and posted by the Superintendent as a “no admittance” or “no trespassing” area for the purpose of protecting the environment or for the purpose of protecting the public from

conditions which constitute a potential hazard to life or physical well-being.

B. It is unlawful for any person except a duly authorized Department of Parks and Recreation or other City employee in the performance of his or her duties, or other person duly authorized pursuant to law, to remove, destroy, mutilate or deface any structure, lawn, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, shrub, tree, geological formation, plant, flower, lighting system, sprinkling system, gate, barricade or lock or other property lawfully in any park, or to remove sand, soil, or sod in any park.

C. It is unlawful for any person other than a duly authorized employee or agent of the Seattle Department of Parks and Recreation to place or erect in any park a structure or obstruction of any kind without a permit from the Superintendent.

D. Every offense defined by this section or conduct made unlawful hereby shall constitute a crime subject to the provisions of Chapters 12A.02 and 12A.04 of this Code (Seattle Criminal Code) and any person convicted of such crime may be punished by a fine in any sum not to exceed Five Thousand Dollars (\$5,000) or by imprisonment in the City Jail for a term not to exceed one (1) year, or by both such fine and imprisonment.

(Ord. 113436 § 4, 1987; Ord. 106615 § 6, 1977.)

Subchapter III Animals

18.12.080 Animals running at large prohibited (first of two).¹

A. Except as expressly allowed in subsection B hereof, it is unlawful for any person to allow or permit any dog or other pet to run at large in any park, or to permit any dog or other pet with or without a leash, except Seeing Eye or Hearing Ear dogs or dogs used by public law enforcement agencies and under control of a law enforcement officer, to enter any public beach, swimming or wading area, pond, fountain, stream, organized athletics area, or designated children's play area. The Superintendent may ban dogs and other pets, or a specific dog or other pet, from areas of any park where he or she determines the same may be a nuisance.

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B. A pilot off-leash program shall be established under the administration of Seattle Animal Control, a subdivision of the Executive Services Department (Exhibit H, attached to Ordinance 118099 and on file in the City Clerk's office). Given that the City's determination of nonsignificance (DNS) issued August 21, 1997 for the Permanent Dog Off-Leash Exercise Area has been appealed, the pilot off-leash program shall continue in effect for a period ending on the date a decision affirming the DNS is filed with the City Clerk or, in the alternative, for a period ending sixty (60) days after a final environmental impact statement (EIS) is issued. Dogs may be allowed to run at large only in the following areas hereby designated as off-leash areas:

1. That portion of Genesee Park depicted on Exhibit 18.12.080 A²;
2. That portion of Golden Gardens Park depicted on Exhibit 18.12.080 B²;
3. That portion of Lower Woodland Park depicted on Exhibit 18.12.080 C²;
4. That portion of Magnuson Park depicted on Exhibit 18.12.080 D²;
5. That portion of Volunteer Park depicted on revised Exhibit 18.12.080 E²;
6. That portion of Westcrest Park as depicted on Exhibit 18.12.080 F²; and
7. That portion of the City's stormwater drainage-retention facility adjacent to I-90 Lid Park as depicted on Exhibit 18.12.080 G².

Any person who takes a dog into an off-leash area must have physical control of the dog by means of an adequate leash when entering and leaving the off-leash area and must maintain voice control over the dog at all times while in the off-leash area. All dogs in an off-leash area must be licensed and must display valid license tags attached to the dog collar. Vicious animals, as defined in Section 9.25.024 A of this Code, are not permitted to use the off-leash areas.

C. Any person with a dog or other pet in his or her possession or under his or her control in any park shall be responsible and liable for the conduct of the animal, shall carry equipment for removing feces, and shall place feces deposited by such animal in an appropriate receptacle.

D. The Superintendent is authorized to close to off-leash dog use any area described under subsection B of this section on a temporary or permanent basis if significant problems arise which cannot be resolved jointly by the Depart-

ment of Parks and Recreation and Seattle Animal Control and if the Superintendent determines that such closure is necessary for the preservation and protection of the natural environment, public health or safety. Prior to closing any off-leash area, the Superintendent shall consult with the Director of the Executive Services Department. The Superintendent shall state in writing his or her other reasons for closure.

(Ord. 118724 § 2, 1997; Ord. 118638 § 1, 1997; Ord. 118099 § 4, 1996; Ord. 113436 § 5, 1987; Ord. 106615 § 7(a), 1977.)

1.Editor's Note: This version (Version 1) of SMC Section 18.12.080 took effect on the effective date of Ordinance 118724, October 30, 1997. It continues the City's pilot off-leash program for a period of time, the length of which is governed by the outcome of a SEPA appeal that is, as of November 12, 1997, currently pending before the Seattle Hearing Examiner. (The SEPA appeal was filed in response to the City's SEPA determination of nonsignificance (DNS) that was issued August 21, 1997.)

If the Hearing Examiner affirms the City's SEPA determination of nonsignificance, then, on the date the affirming decision is filed with the City Clerk, this version of SMC Section 18.12.080 (Version 1) will sunset and will be superseded by Version 2 of SMC Section 18.12.080 (see Section 3 of Ordinance 118724).

If the Hearing Examiner does not affirm the City's SEPA determination of nonsignificance, but instead determines that an Environmental Impact Statement (EIS) must be prepared by the City, then Version 1 of SMC Section 18.12.080 will remain in effect until sixty (60) days after a final EIS is issued by the City. At the end of this sixty (60) day period, Version 1 would sunset automatically but Version 2 will not take effect. In this situation, there will be no authorized off-leash areas.

2.Editor's Note: All exhibits are on file and may be examined during regular business hours in the City Clerk's office, Municipal Building, 600 4th Avenue, 1st Floor, Seattle, Washington, 98104.

18.12.080 Animals running at large prohibited (second of two).¹

A. Except as expressly allowed in subsection B hereof, it is unlawful for any person to allow or permit any dog or other pet to run at large in any park, or to permit any dog or other pet with or without a leash, except Seeing Eye or Hearing Ear dogs or dogs used by public law enforcement agencies and under control of a law enforcement officer, to enter any public beach, swimming or wading area, pond, fountain, stream, organized athletics area or designated children's play area. The Superintendent may ban dogs and other pets, or a specific dog or other pet, from areas of any park where he or she determines the same may be a nuisance.

B. Dogs may be allowed to run at large only in the following areas hereby designated as off-leash areas:

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1. That portion of Genesee Park depicted on Exhibit 18.12.080 H²;

2. That portion of Golden Gardens Park depicted on Exhibit 18.12.080 I²;

3. That portion of Magnuson Park depicted on Exhibit 18.12.080 J² until title to that portion of the Navy property at Sand Point intended for parks and recreation purposes is transferred to the City and the use plan for that portion of the property has been completed and adopted;

4. That portion of Volunteer Park depicted on revised Exhibit 18.12.080 K² will be extended until October 25, 1998, or until another site on Capitol Hill is secured and opened. No later than March 15, 1998, the Department of Parks and Recreation, following consultation with the Office of Management and Planning and COLA, shall submit at least three (3) alternative sites (one (1) of which may include rotation of the Volunteer Park area) to the Council for consideration as a replacement for the Volunteer Park site. After appropriate public hearings and review, the Council will make a final decision on a Capitol Hill site no later than July 30, 1998;

5. That portion of Westcrest Park as depicted on Exhibit 18.12.080 L²;

6. That portion of the City's stormwater drainage-retention facility adjacent to I-90 Lid Park as depicted on Exhibit 18.12.080 M²;

7. That portion of Woodland Park depicted on Exhibit 18.12.080 N²; provided that this site may not be used as an off-leash area until the Superintendent has filed a stewardship agreement concerning the site with the City Clerk and until signs are installed;

8. That portion of City Light Right-of-Way #2 depicted on Exhibit 18.12.080 O²; provided that this site may not be used as an off-leash area until the Superintendent has filed a stewardship agreement concerning the site with the City Clerk and until signs are installed;

9. That portion of City Light Right-of-Way #3 depicted on Exhibit 18.12.080 P²; provided that this site may not be used as an off-leash area until the Superintendent has filed a stewardship agreement concerning the site with the City Clerk and until signs are installed;

10. That portion of the East Duwamish Greenbelt depicted on Exhibit 18.12.080 Q²; provided that this site may not be used as an off-leash area until the Superintendent has filed a

stewardship agreement concerning the site with the City Clerk and until signs are installed;

11. That portion of Northacres Park depicted on Exhibit 18.12.080 R²; provided that this site may not be used as an off-leash area until the Superintendent has filed a stewardship agreement concerning the site with the City Clerk and until signs are installed;

12. That portion of Jefferson Park Reservoir depicted on Exhibit 18.12.080 S²; provided that this site may not be used as an off-leash area until the Superintendent has filed a stewardship agreement concerning the site with the City Clerk and until signs are installed.

It is the intention of the City Council that only one (1) of the sites on North Beacon Hill, either City Light Right-of-Way #2 (subsection B8 above), East Duwamish Greenbelt (subsection B10 above), or Jefferson Park Reservoir (subsection B12 above) be developed as an off-leash site at this time and that the site selected be used as an off-leash area only after an appropriate neighborhood process has taken place, a local stewardship group has been formed under the auspices of COLA or another appropriate group, and an agreement signed.

Any person who takes a dog into an off-leash area must have physical control of the dog by means of an adequate leash when entering and leaving the off-leash area and must maintain voice control over the dog at all times while in the off-leash area. All dogs in an off-leash area must be licensed and must display valid license tags attached to the dog collar. Vicious animals, as defined in Section 9.25.024 A of this Code, are not permitted to use the off-leash areas.

C. Any person with a dog or other pet in his or her possession or under his or her control in any park shall be responsible and liable for the conduct of the animal, shall carry equipment for removing feces, and shall place feces deposited by such animal in an appropriate receptacle.

D. The Superintendent shall review the impacts of off-leash activities at sites described in -subsections B7 through B12 of this section after eighteen (18) months of operations at each site.

In the case of nonpark sites, this review shall include consultation with the City department with authority over the site. If, based on this review, the Superintendent finds significant problems that cannot be practically corrected, the Superintendent may close the site to off-leash use. In addition to any action taken pursuant to the review described above, the Superintendent is authorized to close to off-leash dog use any area described under subsection B of this section on a temporary or permanent basis if significant problems arise which cannot be resolved jointly by the Department of Parks and Recreation, Seattle Animal Control, and COLA, and if the Superintendent determines that such closure is necessary for the preservation and protection of the natural environment, public health or safety. Prior to closing any off-leash area, the Superintendent shall consult with the Director of the Executive Services Department. The Superintendent shall state in writing his other reasons for closure.

Prior to any permanent closure, the Superintendent shall give thirty (30) days written notice, to be posted at the site, stating the reason(s) for the closure and shall conduct one (1) or more public hearings on the proposed closure.

Moreover, the Superintendent is authorized to manage all off-leash sites and this authority shall include, but not be limited to, the authority to make minor alterations to site boundaries after reasonable notice to the public, impose operating hours and curtail use at sites as necessary for renovation, repair or for other operational reasons. (Ord. 118724 § 3, 1997.)

2.Editor's Note: All exhibits are on file and may be examined during regular business hours in the City Clerk's office, Municipal Building, 600 4th Avenue, 1st Floor, Seattle, Washington, 98104.

18.12.085 Violation—Civil penalties.

A. Violation of Section 18.12.080 shall be a civil infraction as contemplated by RCW 7.80.120 subject to the following penalties:

Initial Infraction. Imposition of a monetary penalty of Fifty Dollars (\$50);

Second Infraction. Imposition of a monetary penalty of One Hundred Dollars (\$100);

Third Infraction. Imposition of a monetary penalty of One Hundred Twenty-five Dollars (\$125);

Subsequent Infractions. Imposition of a monetary penalty of One Hundred Fifty Dollars (\$150) for each infraction.

B. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service as contemplated by RCW 7.80.130(2).

C. The Seattle Municipal Court may waive the first civil penalty incurred if the violation is the first violation of Section 18.12.080 incurred by the park user on or after the effective date of the ordinance codified in this chapter.¹

1.Editor's Note: This version (Version 2) of SMC Section 18.12.080 will only take effect if the Hearing Examiner affirms the City's SEPA determination of nonsignificance (DNS). (See Editor's Note 1 to SMC Section 18.12.080, Version 1, above.) (An appeal was filed in response to the City's DNS, and as of November 14, 1997, that appeal is currently pending before the City's Hearing Examiner.)

If the Hearing Examiner affirms the City's DNS, then on the date the Hearing Examiner's affirming decision is filed with the City Clerk, Version 1 of SMC Section 18.12.080 will sunset and this version (Version 2) will automatically take effect, superseding Version 1 of SMC Section 18.12.080.

If the Hearing Examiner does not affirm the City's SEPA determination of nonsignificance, but instead determines that an Environmental Impact Statement (EIS) must be prepared by the City, then Version 1 of SMC Section 18.12.080 will remain in effect until sixty (60) days after a final EIS is issued by the City. At the end of this sixty (60) day period, Version 1 would sunset automatically but Version 2 will not take effect. In this situation, there will be no authorized off-leash areas.

18.12.090 PARKS AND RECREATION

(Ord. 118098 § 1, 1996.)

1.Editor's Note: The effective date of Ordinance 118098 is May 25, 1996.

18.12.090 Entering exhibits or game refuge prohibited.

It is unlawful for any person except police officers, officers or employees of the Department of Parks and Recreation, or employees of appropriate state and federal agencies, in the performance of their official duties, to enter or go upon any Zoo or Aquarium exhibit or upon any area or place in any park designated and posted by the Superintendent or by appropriate state or federal agencies as a game refuge, sanctuary or reserve (unless designated by the Superintendent for entry), or to molest or disturb any wildlife thereon, its nests, or breeding places.

(Ord. 106615 § 7(b), 1977.)

Seattle Municipal Code
July, 2000 code update file
Text provided for historic reference only.

Exhibit 18.12.080 A

GENESEE PARK

**See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.**

**For current SMC, contact
the Office of the City Clerk**

PARKS AND RECREATION

Exhibit 18.12.080 B

GOLDEN GARDENS PARK

Seattle Municipal Code
July, 2000 code update file
Text provided for historic reference only.

PARKS CODE

Exhibit 18.12.080 C

WOODLAND PARK

See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

For current SMC, contact
the Office of the City Clerk

(Seattle 9-96)

PARKS AND RECREATION

Exhibit 18.12.080 D

WARREN G. MAGNUSON PARK

Seattle Municipal Code
July, 2000 code update file
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PARKS CODE

Exhibit 18.12.080 E

VOLUNTEER PARK

See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
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For current SMC, contact
the Office of the City Clerk

(Seattle 9-96)

PARKS AND RECREATION

Exhibit 18.12.080 F

WESTCREST PARK

Exhibit 18.12.080 G

I-90 "BLUE DOG POND"

See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
July, 2000 code update file
Text provided for historic reference only.

**See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.**

**For current SMC, contact
the Office of the City Clerk**

18.12.100 Capturing or striking animals prohibited.

Except for fishing and shellfishing in areas authorized by the Superintendent and subject to rules promulgated by the Washington State Game Commission, it is unlawful in any park in any manner to attempt to capture, tease, annoy, disturb, or strike any animal with any stick, weapon or other device or thing or throw or otherwise propel any missile or other object at or in the vicinity of any such animal.
(Ord. 113426 § 6, 1987; Ord. 106615 § 7(c), 1977.)

18.12.110 Animals prohibited in designated areas.

It is unlawful for anyone except police officers, park patrol officers, or other authorized City employees, in the performance of their duties, to have any animal present within the Zoo, Aquarium or other park area designated by the Superintendent and so posted, or to allow or permit any animal under his control to enter such facilities.
(Ord. 106615 § 7(d), 1977.)

18.12.120 Feeding of Zoo and Aquarium animals.

It is unlawful for any Zoo or Aquarium visitor to offer food or other material to any Zoo animal or Aquarium specimen located within a Zoo or Aquarium exhibit, or to cause any food or other material to be left within reach of any such animal or specimen inside an exhibit area, or to deposit a coin, other metal object or other material in any pool or pond in any animal exhibit area; provided, however, food approved by the Zoo Director or the Aquarium Director may be given to free-roaming animals that are not enclosed in exhibit areas, including but not limited to squirrels, rabbits, chickens, peafowl, and animals or specimens in designated feeding areas such as the Zoo Family Farm or Aquarium contact area.
(Ord. 113436 § 7, 1987; Ord. 106615 § 7(e), 1977.)

Subchapter IV Weapons

18.12.130 Unlawful use of airguns, bow and arrow or slingshots.

It is unlawful in any park to discharge or use any airgun or bow and arrow, or to use any slingshot or other device the purpose of which is to propel an object away from the person using it, except at places and times set aside by the Superintendent as safe for such activity and posted by signs specifying the permitted activity.
(Ord. 106615 § 8(a), 1977.)

18.12.140 Firearms prohibited—Exceptions.

It is unlawful to carry a firearm in any park; provided, that this section shall not apply to police officers or to Department of Parks and Recreation employees acting pursuant to and in accordance with rules and regulations of the Superintendent; and provided further, that this section shall not apply at shooting, trap-shooting and skeet-shooting ranges.
(Ord. 106615 § 8(b), 1977.)

Subchapter V Prohibited Acts

18.12.145 Urinating or defecating prohibited except in restrooms.

Urinating or defecating in any park, except in facilities specifically provided for the purpose, in violation of Section 12A.10.100 shall be subject to punishment as provided in Section 12A.02.080.
(Ord. 113436 § 14, 1987.)

18.12.150 Soliciting prohibited.

Except as may be specifically provided by law, no person shall solicit contributions for himself, nor for any charitable, educational or scientific purpose, in any park.
(Ord. 106615 § 9(a), 1977.)

18.12.160 Sale of merchandise—Concession contract required.

It is unlawful to sell or attempt to sell any merchandise, liquid, edible, or any other tangible or intangible thing, right, privilege or claim in any park without having an authorized concession contract or use permit to do so.
(Ord. 106615 § 9(b), 1977.)

18.12.165 Sale or rental of merchandise or service from park property on hydroplane race day.

It is unlawful for any person to sell, offer to sell, rent, or offer to rent to the public any service or merchandise, including but not limited to any liquid, edible, or other tangible object, on the day

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of a hydroplane race within an area on any public park property for which the City charges an admission fee pursuant to RCW 35.21.810 — .815 unless:

A. Such person has received permission to carry on such activities from an organization that sponsors the hydroplane race and collects the admission fee; or

B. Such person has received permission from the Superintendent to carry on such activity or has been granted a general concession to provide merchandise or a service at that location.

A violation of this section shall constitute a crime. Any person convicted thereof may be punished by a fine in any sum not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a term of one (1) day or by both such fine and imprisonment.

(Ord. 113436 § 8, 1987.)

18.12.170 Sound-amplifying devices.

Except as authorized by the Superintendent for specific events and times, or except as necessary for the preservation of public peace or safety, it is unlawful to use any public address system, loudspeaker or other sound-amplifying device in any park. It is unlawful to exceed noise levels prescribed by Section 25.08.520. Any person convicted of violating this section shall be subject to punishment as provided in Section 25.08.800.

(Ord. 113436 § 9, 1987; Ord. 106615 § 10, 1977.)

Subchapter VI Watercraft and Vehicles

18.12.180 Operation or landing of watercraft at designated areas only.

It is unlawful to have, keep or operate any boat, float, raft or other watercraft in or upon any bay, lake, pond, slough, river, or creek within the limits of any park, or to land the same at any point upon shores within a park, except where designated by the Superintendent for such purposes. It is unlawful to operate or land any powered boat, float, or raft within one hundred (100) yards of a park swimming beach or fishing dock, except at places set apart by the Superintendent for such purposes. It is unlawful to operate any other watercraft, including but not limited to sailboats, canoes, kayaks and rowboats within twenty-five (25) yards of a park swimming beach or fishing dock, except in places set apart by the Superintendent for such purposes.

(Ord. 113436 § 10, 1987; Ord. 106615 § 11(a), 1977.)

(Seattle 9-87)

18.12.190 Motor-powered watercraft prohibited in certain areas.

Except as authorized by the Superintendent for special events and rescue purposes, motorpowered watercraft are prohibited on Green Lake, and on those waters which are contiguous to the Washington Park Arboretum and located south of the State Inner Harbor Line within the northeast one-quarter ($\frac{1}{4}$) of Section 21, Township 25 North, Range 4 E., W.M., in King County, Washington.

(Ord. 106615 § 11(b), 1977.)

18.12.195 Fishing for commercial purposes.

It is unlawful at any park boat launch ramp or parking area associated with any park boat launch ramp to engage in or attempt to engage in any fishing activities for "commercial purposes" as defined by RCW 75.04.080, including handling, processing or otherwise disposing of or dealing in food fish or parts thereof for profit, or by sale, barter or trade, or in commercial channels, or to have, keep, launch, land or operate any boat equipped with gear unlawful for fishing for personal use as specified by the State Director of Fisheries pursuant to RCW Title 75; provided that this section shall not be applied to impair the exercise of any right protected by the Treaty of Point Elliott (12 Stat. 927 (1859)).

(Ord. 113436 § 11, 1987.)

18.12.200 Use of driveways and boulevards—Speed limit.

It is unlawful to ride, propel, drive or direct any animal or motorized vehicle over or through any park except along and upon the park drives, parkways and park boulevards, or to do so at a speed in excess of the posted speed limit, or to do so in excess of fifteen (15) miles per hour where no speed limit is posted.

(Ord. 109078 § 1(part), 1980; Ord. 108935 § 1(part), 1980; Ord. 108379 § 1(part), 1979; Ord. 106615 § 12(a), 1977.)

18.12.210 Areas closed to general vehicular access.

Except as authorized by the Superintendent, it is unlawful to drive or operate a non-City vehicle in any park or in any area therein which is designated as being closed to general vehicular traffic access, and which is so posted.

(Ord. 109078 § 1(part), 1980: Ord. 108935 § 1(part), 1980: Ord. 108379 § 1(part), 1979: Ord. 106615 § 12(b), 1977.)

18.12.230 Testing vehicles prohibited.

It is unlawful to operate a motor vehicle for the purpose of testing it along or upon any park drive, parkway or park boulevard.

(Ord. 109078 § 1(part), 1980: Ord. 108935 § 1(part), 1980: Ord. 108379 § 1(part), 1979: Ord. 106615 § 12(d), 1977.)

18.12.235 Restrictions on uses of vehicles and animals in a park when the park is not open to the public.

A. It is unlawful to drive or ride in or on any motor vehicle or animal, other than a City-owned service or emergency vehicle or horse of the Police Department Mounted Patrol, in any park when the park is not open to the public, or when the park, roadway, or parking lot is, by order of the Superintendent, closed to entry or use by motor vehicles, except on a street serving as necessary access through such park to a residential or commercial area.

B. It is unlawful to park or leave a motor vehicle unattended in any park during hours when the park is not open to the public, or when the park, roadway, or parking lot is, by order of the Superintendent, closed to entry or use by motor vehicles, except pursuant to a permit issued by the Department. Vehicles parked or left unattended in violation of this section are hereby declared to be a nuisance and may be impounded in accordance with the provisions of the Traffic Code providing for impoundment with or without citation and without prior notice to the owner.

C. The prohibitions contained in this section shall not apply to a vehicle driven or parked, as the case may be, by a person participating in an activity either conducted by the Department or conducted pursuant to the terms of a permit issued by the Department.

(Ord. 118115 § 1, 1996: Ord. 117645 § 3, 1995: Ord. 113436 § 12, 1987.)

18.12.240 Authorization required for competitions and airborne craft.

It is unlawful in any park to engage in, conduct or hold any trials or competitions for speed, endurance, hill climbing or similar competition involving any vehicle, boat, aircraft or animal

whether or not such vehicle, boat or aircraft is designed for carrying human beings and whether or not such animal carries or tows a human being, or to operate, launch or land any hang-glider, helicopter, hot air balloon, or other airborne conveyance, except at specified places and times designated for such activities by the Superintendent and upon his determination that:

A. Adequate provision has been made to ensure that the health and safety of participants in, and spectators of, any such activity will not be unduly endangered;

B. Such activities will be conducted in such a manner as to minimize potential damage to public or private property;

C. Such activities will not constitute a public nuisance; and

D. Such activities will not unduly interfere with the use of park facilities by the general public.

(Ord. 113436 § 13, 1987: Ord. 109078 § 1(part), 1980: Ord. 108935 § 1(part), 1980: Ord. 108379 § 1(part), 1979: Ord. 106615 § 12(e), 1977.)

Subchapter VII Use Regulations

18.12.245 General park operating hours—Four a.m. through Eleven-thirty p.m.

General park operating hours shall be between four (4:00) a.m. and eleven-thirty (11:30) p.m. Individual parks, unless provided otherwise pursuant to this section, shall not be open to the public between eleven-thirty (11:30) p.m. and four (4:00) a.m. For purposes of this section, "parks" includes all parks and bodies of water contained therein, trails, golf courses, beaches, playgrounds, playfields, greenbelts, and open space areas comprising the parks and recreation system of the City under the management and control of the Superintendent. For purposes of this section, "park" does not include the following drives, parkways, and boulevards: Alaskan Way; Cheasty Boulevard; Lake Washington Boulevard; Lakeside Avenue South; Magnolia Boulevard; Lark Park Drive South; Queen Anne Boulevard; Ravenna Boulevard; and Smitz Boulevard.

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The Superintendent may establish specified operating hours for individual parks or facilities, pursuant to SMC Section 18.12.040, including designating specified individual parks as open to the public twenty-four (24) hours per day. (Ord. 117645 § 1, 1995.)

18.12.250Camping.

It is unlawful to camp in any park except at places set aside and posted for such purposes by the Superintendent. (Ord. 106615 § 13, 1977.)

18.12.255Liquor offenses.

It is unlawful in a park to consume, or to possess an open container holding, or to open a container holding, an liquor as defined in SMC Section 12A.24.010 C except pursuant to permits respectively issued by the Superintendent and the Washington State Liquor Control Board or its successor. Conduct made unlawful by this section shall constitute a crime subject to the provisions of Chapters 12A.02 and 12A.04 of the Seattle Municipal Code, the punishment for which shall be as specified in SMC Section 12A.02.070. (Ord. 113565 § 2, 1987; Ord. 113436 § 15, 1987.)

18.12.257Unlawful possession of liquor in a public park.

It is unlawful in a park to possess an unopen container of liquor, as defined in SMC Section 12A.24.010 C, except:

A. Pursuant to permits respectively issued by the Superintendent and Washington State Liquor Control Board; or

B. Pursuant to rules or regulations adopted by the Superintendent; or

C. During the direct and immediate transportation of liquor in the retailer's original package, accompanied by an original receipt therefor, through a park to a place where liquor can be lawfully consumed or to a vehicle outside a park.

D. An offense under this section is designated a violation the punishment for which shall be as specified in SMC Section 12A.02.080. (Ord. 113565 § 1, 1987.)

18.12.260Littering—Trash deposit.

It is unlawful to throw or deposit any refuse or other material in any park, except in designated receptacles; or to take garbage or refuse to a park for disposal in the park; or to deposit garbage or refuse generated outside a park in a receptacle within the park designated for deposit of trash by the public.

(Ord. 113436 § 16, 1987; Ord. 106615 § 14, 1977.)

18.12.265Motorized models.

It is unlawful to operate any motorized model aircraft or motorized model watercraft in any park except at places set apart by the Superintendent for such purposes or as authorized by a permit from the Superintendent.

(Ord. 113436 § 17, 1987.)

18.12.270Fires.

It is unlawful (a) to ignite or maintain any fire or to participate in igniting, maintaining or using any fire within any park except in a designated stove or fire ring, or in a beach area at Carkeek Park approved by the Superintendent for beach fires, or (b) to ignite in any stove or fire ring any household rubbish or other material banned from outdoor burning by air pollution control regulations, or (c) to ignite or maintain a fire in any fire ring during any stage on an air pollution episode declared by the Puget Sound Air Pollution Control Agency. All fires within parks are prohibited between the hours of eleven p.m. (11:00 p.m.) and six a.m. (6:00 a.m.).

(Ord. 113436 § 18, 1987; Ord. 106615 § 15, 1977.)

18.12.275Permits.

It is unlawful to use a park or conduct an activity or hold an event in any park for which a permit is required by this chapter or by rules of the Superintendent without first obtaining a permit from the Superintendent.

(Ord. 113436 § 19, 1987.)

18.12.278Park exclusion.

A. The Superintendent may, by delivering an exclusion notice in person to the offender, exclude from a City park zone or zones, anyone who within a City park:

1. Violates any provision within this chapter; or

2. Violates any park rule as defined in Section 18.12.030; or

3. Violates any provision of the Seattle Municipal Code or Revised Code of Washington.

The offender need not be charged, tried, or convicted of any crime or infraction in order for an exclusion notice to be issued or effective. The exclusion may be based upon observation by the Superintendent or upon the sort of civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.

B. If the offender:

1. Has not been excluded from any City park zone by an exclusion notice issued within one (1) year prior to the violation and the current violation is not a felony violation or weapon violation, then the Superintendent may exclude the offender from the City park zone in which the current violation occurred for a period not exceeding seven (7) days from the date of the exclusion notice;

2. Has been the subject of only one (1) prior exclusion notice issued within one (1) year prior to the current violation and neither the current nor the past violation was a felony violation or weapon violation, then the Superintendent shall exclude the offender from the City park zone in which the current violation occurred for a period of ninety (90) days from the date of the exclusion notice;

3. Has been the subject of two (2) or more prior exclusion notices issued within one (1) year prior to the current violation, all from the same City park zone in which the current violation occurred, or if the current violation is a felony violation or weapon violation, then the Superintendent shall exclude the offender from the City park zone in which the current violation occurred for a period of one (1) year from the date of the exclusion notice;

4. Has been the subject of two (2) prior exclusion notices within one (1) year prior to the current violation and, in combination, the current violation and those prior violations took place in two (2) or more City park zones, then the Superintendent shall exclude the offender from all City park zones for a period of one (1) year from the date of the exclusion notice.

C. The exclusion notice shall be in writing and shall contain the date of issuance. The exclusion

notice shall specify the length and places of exclusion. It shall be signed by the issuing individual. Warning of the consequences for failure to comply shall be prominently displayed on the notice.

D. Only the Superintendent's Hearing Officer after a hearing may rescind or shorten an exclusion notice.

E. An offender receiving an exclusion notice longer than seven (7) days may seek a hearing before the Superintendent's Hearing Officer to have the exclusion notice rescinded or the period of exclusion shortened. The request for a hearing shall be delivered to the Superintendent's Hearing Officer or postmarked no later than seven (7) days after the issuance date of the exclusion notice. The request for hearing shall be in writing and shall be accompanied by a copy of the exclusion notice on which the hearing is sought. The hearing should occur within seven (7) days after the Superintendent's Hearing Officer receives the request for hearing. The Superintendent's Hearing Officer shall take reasonable steps to notify the offender of the date, time, and place of the hearing.

F. The Superintendent's Hearing Officer may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The Superintendent's Hearing Officer shall not issue a subpoena for the attendance of a witness at the request of the offender unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The offender shall be responsible for serving any subpoena issued at the offender's request.

G. At the hearing, the violation must be proved by a preponderance of the evidence in order to uphold the exclusion notice. If the exclusion notice was issued because of the alleged violation of any criminal law, the offender need not be charged, tried, or convicted for the exclusion notice to be upheld. The exclusion notice establishes a prima facie case that the offender committed the violation as described. The Superintendent's Hearing Officer shall consider a sworn report or a declaration under penalty of perjury as authorized by RCW 9A.72.085, written by the individual who issued the exclusion notice, without further evidentiary foundation. The certifications authorized in Rule 6.13 of the Criminal Rules for Courts of Limited Jurisdiction

18.12.245 PARKS AND RECREATION

shall be considered without further evidentiary foundation. The Superintendent's Hearing Officer may consider information that would not be admissible under the evidence rules in a court of law but which the Superintendent's Hearing Officer considers relevant and trustworthy.

H. If the violation is proved, the exclusion notice shall be upheld; but upon good cause shown, the Superintendent's Hearing Officer may shorten the duration of the exclusion. If the violation is not provided by a preponderance of the evidence, the Superintendent's Hearing Officer shall rescind the exclusion. If the Superintendent's Hearing Officer rescinds an exclusion, the exclusion shall not be considered a prior exclusion for purposes of Seattle Municipal Code Section 18.12.278 B.

I. The decision of the Superintendent's Hearing Officer is final. An offender seeking judicial review of the Superintendent's Hearing Officer's decision must file an application for a writ of review in the King County Superior Court within fourteen (14) days of the date of that decision.

J. The exclusion shall remain in effect during the pendency of any administrative or judicial proceeding.

K. No determination of facts made by a person conducting a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and shall not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.

L. This section shall enforced so as to emphasize voluntary compliance with laws and park rules, and so that inadvertent minor violations that would fall under subsection B1 of this section can be corrected without resort to an exclusion notice. (Ord. 118607 § 2, 1997.)

18.12.279 Trespass in parks—

Definition—Punishment.

A. Any person who knowingly:

1. Enters or remains in a park from which he or she has been excluded during the period covered by an exclusion notice pursuant to SMC Section 18.12.278; or

2. Enters, remains in, or is otherwise present within the premises of a park during hours which the park is not open to the public, unless the person is present within the park to participate in an activity either conducted by the Department

or conducted pursuant to the terms of a permit issued by the Department; shall be guilty of trespass in parks, a gross misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04 of the Seattle Municipal Code.

B. It is not a defense to the crime of trespass in parks:

1. That the underlying exclusion issued pursuant to this chapter is on appeal when the excluded person is apprehended, charged, or tried under this section; nor

2. That the excluded person entered or remained in the park pursuant to a permit that was issued in the name of another person either before or after the date of the exclusion notice.

C. Any person convicted of this crime may be punished by a fine in any sum not to exceed Five Thousand Dollars (\$5,000) or by imprisonment in the City Jail for a term not to exceed one (1) year, or by both such fine and imprisonment. (Ord. 118607 § 3, 1997.)

18.12.280 Discrimination prohibited.

A. It is the policy of the City, in the exercise of its police powers for the protection of the public health, safety and general welfare, and for the maintenance of peace and good government, to assure equal opportunity for full enjoyment and use of park facilities to all persons, free from restrictions because of race, color, sex, marital status, sexual orientation, gender identity, political ideology, age, creed, religion, ancestry, national origin or the presence of any sensory, mental or physical handicap.

B. It is unlawful for any person occupying or using any park or recreation facility for any event, activity or exhibition open to the public, whether or not under a permit and whether or not an admission or entrance fee is charged, to deny to any other person the full use and enjoyment of such park and recreation facility because of race, creed, color, sex, marital status, sexual orientation, gender identity, political ideology, age, religion, ancestry, national origin or the presence of any sensory, mental or physical handicap. In

addition to other sanctions, the permit of any person who is convicted of a violation of this section, for access or use of such park and recreation facility may be canceled and after notice and hearing, the Superintendent may order that such person shall not be eligible for any similar permit for access to, or use of, a park and/or recreation facility for a period up to three (3) years.

C. Where applicable, the term “deny” shall have the meaning in RCW 9.91.010, as now or hereafter amended; the terms “full enjoyment of” and “person” shall have the meaning in RCW 49.60.040, as now or amended.

D. Nothing in this section shall prohibit the exercise of constitutional liberties or the use of a bona fide qualification or restriction that does not infringe upon civil rights or civil liberties recognized by state law or City ordinance. (Ord. 119628 § 11, 1999; Ord. 113436 § 21, 1987; Ord. 106615 § 16, 1977.)

Subchapter VIII Violation—Penalty

18.12.290 Designated.

Except as otherwise specifically provided in this chapter, any violation of or failure to comply with any provision of this chapter shall constitute a violation subject to the provisions of Chapters 12A.02 and 12A.04 of this Code (Seattle Criminal Code) and any person convicted thereof may be punished by a civil fine or forfeiture in any sum not exceeding Five Hundred Dollars (\$500). (Ord. 106615 § 17, 1977.)

Chapter 18.16 REGULATIONS PERTAINING TO SPECIFIC PARK AND RECREATION AREAS

Sections:

Subchapter I Washington Park

18.16.010 Purpose of subchapter.

18.16.020 No restriction of access.

18.16.030 No admission charge or entrance fee except Japanese Gardens.

18.16.040 No leasing or non-park uses.

18.16.050 Japanese Teagarden hours.

Subchapter II Volunteer Park

18.16.100 Conservatory donation box.

Subchapter III Westlake Park

18.16.150 Skateboarding, roller-skating and using coasters.

18.16.160 Failure to respond to citation.

Subchapter I Washington Park

18.16.010 Purpose of subchapter.

This subchapter is based on the principle that public parks are a public trust, to be maintained for present and future generations. It is the specific purpose of this subchapter to hold and preserve Washington Park and the Arboretum therein as open space park lands, freely accessible to all the citizens of Seattle. (Ord. 103667 § 1, 1974.)

18.16.020 No restriction of access.

Public access to and across park lands (Washington Park) owned by the City in the east halves of sections 21 and 28, township 25, range 4, E., W.M. shall not be restricted or impaired. No gate, fence, or barrier to pedestrian or vehicle access not in existence in said park on June 1, 1973, shall be permitted to stand. Every such gate, fence, and barrier shall forthwith be removed from the property by the Park Department of the City. (Ord. 103667 § 2, 1974.)

18.16.030 No admission charge or entrance fee except Japanese Gardens.

Said park lands shall be freely accessible to the public. The City shall not levy or allow to be levied any admission charge or entrance fee to said park lands except the City may charge an admission fee for entry to the Japanese Gardens. (Ord. 109503 § 1, 1980; Ord. 103667 § 3, 1974.)

18.16.040 No leasing or non-park uses.

The City shall not lease park lands (Washington Park) owned by the City in the east halves of

18.16.040 PARKS AND RECREATION

sections 21 and 28, township 25, range 4 E., W.M., or any portion thereof. The City shall not enter into any use agreement for said park lands which in any way allows for non-park uses of any portion thereof. Non-park uses shall include, but not be limited to, the construction or use of

buildings for university classrooms, offices, laboratories, or administration buildings.
(Ord. 103667 § 4, 1974.)

18.16.050 Japanese Teagarden hours.

The hours which the Japanese Teagarden will be open to the public are:

December, January, February

..... 10 a.m. until 4 p.m. on weekdays only

November, March, April

..... 10 a.m. until 4 p.m. daily

May through October

..... 10 a.m. until 10 p.m. daily.

(Ord. 109503 § 2, 1980.)

Subchapter II Volunteer Park

18.16.100 Conservatory donation box.

The Superintendent of Parks and Recreation is authorized to place a "Conservatory Donation" box near the entrance of the Volunteer Park Conservatory for accepting cash donations for the Conservatory from the public.

(Ord. 106963 § 1, 1977.)

Subchapter III Westlake Park

18.16.150 Skateboarding, roller-skating and using coasters.

It is unlawful for any person to operate or ride on any skateboard, roller skates, coaster or other similar device in Westlake Park or on the abutting sidewalks or in the adjoining Westlake Avenue between Fourth Avenue and Pine Street, and Pine Street between the westerly margin of Fourth Avenue and the easterly margin of Fifth Avenue. This prohibition shall not apply to handicapped person using wheeled equipment in order to be ambulatory.

Violation of this section shall be a civil infraction subject to a maximum penalty of Fifty Dollars (\$50). A magistrate may in lieu of all or part of the penalty authorize the violator to provide an equivalent amount of community service.

(Ord. 116731 § 1(part), 1993.)

18.16.160 Failure to respond to citation.

There shall be a penalty of Twenty-five Dollars (\$25). for failure to respond to a notice of infraction issued under Section 18.16.150, to appear at a requested hearing, or to pay the penalty or provide the community service required.

(Ord. 116731 § 1(part), 1993.)

owner operation.
(Ord. 105187 § 1, 1975.)

Chapter 18.20 TENNIS COURTS

Sections:

18.20.010 Permit for professional instruction.

18.20.010 Permit for professional instruction.

The Superintendent of Parks and Recreation is authorized to issue permits for the use of tennis courts on park property for professional tennis instruction subject to reasonable conditions specified therein, including but not limited to times and places for instruction and fees to be charged therefor, and to charge and collect in connection with the issuance of each such permit a fee which shall be equal to ten (10) percent of the gross receipts of fees charged for instruction carried on in accordance with such permit.
(Ord. 99998 § 1, 1971.)

Chapter 18.24 PARKING LOTS

Sections:

18.24.010 Operation by Superintendent of Parks and Recreation.

Statutory Reference: For statutory provisions authorizing first-class cities to provide off-street parking facilities, see RCW Ch. 35.86.

18.24.010 Operation by Superintendent of Parks and Recreation.

The Superintendent of Parks and Recreation is authorized for and on behalf of the City to operate for fee parking without recourse to commercial or private operators such parking lots under the Department's jurisdiction as are deemed desirable with the concurrence of the City Council by resolution as to location and fee schedule in accordance with provisions of RCW 35.86.010 and 35.86.040 which so permit such

Chapter 18.28 FEES FOR SERVICES AND FACILITIES

Sections:

18.28.010 Fee schedule established.

18.28.020 Special promotional and marketing activities.

18.28.030 Waiver of fees for individuals or groups.

18.28.040 Experimental rates.

18.28.100 Municipal Golf Facilities

Improvement Subaccount.

18.28.010 Fee schedule established.

The Superintendent of Parks and Recreation is authorized to charge the fees substantially in the form set forth in the fee schedule entitled Exhibit "A"¹ attached to Ordinance 119249, with amendments made by Ordinances 119491 and 119757 (Council Bill No. 112943) for all uses of Parks and Recreation Department facilities identified therein, and to waive or reduce such fees, establish experimental rates, and engage in special promotional and marketing activities as described in Exhibit "A"¹ as conditioned in Sections 18.28.010 through 18.28.040 hereof. This 1999 and 2000 fee schedule supersedes all prior fee schedules to the extent inconsistent therewith.
(Ord. 119757 § 1, 1999: Ord. 119491 § 1, 1999: Ord. 119249 § 1, 1998: Ord. 119108 § 1, 1998: Ord. 118815 § 1, 1997: Ord. 118474 § 1, 1997: Ord. 118375 § 1, 1996: Ord. 117887 § 2, 1995: Ord. 117388 § 1, 1994: Ord. 117270 § 3, 1994: Ord. 116929 § 1, 1993: Ord. 116443 § 1, 1992: Ord. 115919 § 1, 1991: Ord. 115440 § 1, 1990: Ord. 114812 § 1, 1989: Ord. 114228 § 1, 1988: Ord. 113736 § 1, 1987: Ord. 113179 § 1, 1986: Ord. 112568 § 1(part), 1985.)

1. Editor's Note: All exhibits may be examined at the office of the City Clerk, First Floor, Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA, 98104, or will be mailed upon request.

18.28.020 Special promotional and marketing activities.

A. The Superintendent of Parks and Recreation is authorized to undertake special promotional and marketing activities for the use of

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departmental facilities including but not limited to the Zoo, the Aquarium, swimming pools, golf facilities, community centers, ballfields and tennis center and to reduce or waive fees in connection therewith. A waiver or reduction from the established fees for special promotional or marketing purposes shall comply with the following five (5) criteria:

1. The waiver or reduction of the fee shall accord with sound management practices for municipal facilities of like character. It shall fulfill a declared objective furthering a departmental purpose such as acquainting the public with the facility or the service provided by the department thereby establishing or broadening public usage; reaching out to people who would not otherwise make use of the facility; or securing advertising, services or other benefits from a sponsor or those attending.

2. The promotion and the fee waiver or reduction shall appear appropriate to the City's facility. It should avoid the appearance of a City endorsement or approval of a private product, service, or activity; the use of public facilities for electoral purposes prohibited by RCW 42.17.130; or the granting of special privileges to a particular portion of the populace.

3. The promotion and attendance under the waiver or lower charge shall respect the use and enjoyment of the facility by people paying the established fee. In addition, those attending under the promotion should have an opportunity to use and enjoy the facility, without overcrowding.

4. Waivers or reduced fees shall be treated as special or extraordinary occurrences. Their frequency and extent, in aggregate, shall not have the effect of subverting the established fee schedule through a multiplicity of special rates or by inducing the public to anticipate and defer usage of a facility in order to take advantage of recurrent promotions.

5. The opportunity to sponsor an arrangement under conditions set forth in Exhibit B,¹ shall be made available to individuals, associations, and businesses, similarly situated, on an equal basis, in accord with and subject to the Superintendent's rules.

B. The circumstances when waivers or reduced fees are available shall be defined by rules promulgated by the Superintendent of Parks and Recreation pursuant to the Administrative Code, Seattle Municipal Code Chapter 3.02.

(Ord. 118375 § 2, 1996; Ord. 112568 § 1(part), 1985.)

1. Editor's Note: Exhibit B is on file with Ordinance 112568 in the office of the City Clerk.

18.28.030 Waiver of fees for individuals or groups.

A. The Superintendent of Parks and Recreation may waive or reduce an entry or use fee contained in the established fee schedule for an organization, association, group of individuals, or an individual, and authorize the supervisor of a facility to do so, irrespective of any special promotion or event whenever:

1. Such a waiver vindicates a constitutional right guaranteed by the First Amendment to the United States Constitution through its Fourteenth Amendment or Article I, Section 3 of the Washington Constitution;

2. The user, including but not limited to departmental advisory councils or societies organized to assist the Woodland Park Zoo or the Aquarium, the conservatory in Volunteer Park, the Arboretum at Washington Park, or horticultural areas provides services or assistance to the Department in lieu of the fee that would otherwise apply, or provides in-kind services or leaves improvements to the facility that offset the reduced fee revenue;

3. The user is poor or infirm or is a charitable organization assisting the poor or infirm, and charging the fee would have the effect of depriving the individual of reasonable access to the facility or of opportunity to participate in a public event, and would cause hardship or directly reduce the assistance such organization provides to the poor or infirm;

4. The user is an organization serving the public or the community, lacks its own facility as a result of a calamity or other temporary distress, and there is a perceived moral obligation toward the organization or its members at a moment of crisis;

5. Another government requests use of the facility for a public purpose; or the use is granted under a reciprocal use of facilities agreement with another municipal government;

6. Free admission to the facility furthers a departmental purpose, e.g., the person is a volunteer for a department-sponsored or co-sponsored event, participates in an athletic event for

public spectators, or enters in connection with a work assignment or to assist a concessionaire or as a parent or guardian to assist the Department in the instruction or care of a minor or ward;

7. The entry is under authority of law (e.g., governmental inspectors, law enforcement officers, officials with subpoenas who act in the scope and course of their duties) or under a contract right or privilege; or

8. In the opinion of the Superintendent, the waiver or reduction is in the overall public interest due to extraordinary facts or circumstances.

B. In determining whether a fee should be waived or reduced, the Superintendent shall be guided by the benefit to the public and the Department when granting the request, the frequency and amount of usage requested, the effect on and fairness to other users, its consistency with policies underlying the fee schedule and this chapter, and the consequences of denying the request. (Ord. 112568 § 1(part), 1985.)

18.28.040 Experimental rates.

A. With the concurrence of the Budget Director, the Superintendent of Parks and Recreation is authorized to adjust the fee or charge contained in the established fee schedule for any particular facility on a temporary basis of up to sixty (60) days in order to increase public attendance or usage and the resulting revenues. Temporary rates may take the form of special price during a special time, e.g., a half-price rate for entry to a park facility during the final hour before closing, a lower rate for children when half or more of the allotted time for family or children's usage has expired, or a two (2) for one (1) entry for a handicapped individual and a person who accompanies and assists a handicapped individual.

B. The Superintendent shall report to the City Council in conjunction with the presentation of the Department's proposed budget, the Department's experience with any experimental rates during the preceding twelve (12) months. (Ord. 112568 § 1(part), 1985.)

18.28.100 Municipal Golf Facilities Improvement Subaccount.

A Municipal Golf Facilities Improvement Subaccount is hereby established in the Parks and Recreation Fund (Fund 102). Moneys from this subaccount shall be disbursed for making major

18.28.100

PARKS AND RECREATION

Seattle Municipal Code
July, 2000 code update file
Text provided for historic reference only.

**See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.**

(Seattle 3-00)

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the Office of the City Clerk**

18-14.8

Seattle Municipal Code
July, 2000 code update
Text provided for historical reference only.
See ordinances creating new sections for complete
sections for complete
and tables and to compare with
this source file.

maintenance outlays that are not considered part of the Department's regular maintenance operation and equipment expenditures that are not capital improvements, such as construction of new tees, greens, sand bunkers, safety fencing, cart paths and/or sanding fairways, renovation of irrigation systems, and other minor improvements or additions. To qualify for use of subaccount moneys, an expenditure shall be included in the Municipal Golf Facilities Renovation Master Plan; assist in providing a safe and playable environment or operating a quality municipal golf facility; or contribute to the operation, promotion, administration and development of golf programs for Seattle residents.

(Ord. 117663 § 3, 1995; Ord. 115678 § 1, 1991.)

Chapter 18.30 ABATEMENT OF UNAUTHORIZED USES OF PARK PROPERTY

Sections:

18.30.010 Definitions.

18.30.020 Violation of chapter.

18.30.030 Joint and several liability.

18.30.040 Rebuttable presumption.

18.30.050 Department abatement of unauthorized uses—Failure to respond to thirty day notice.

18.30.055 Department abatement of unauthorized uses—Unidentified responsible parties and emergency situations.

18.30.060 Department abatement of dumping.

18.30.070 Responsibility for abatement costs.

18.30.080 Stop Orders.

18.30.090 Enforceability.

18.30.100 Severability.

18.30.010 Definitions.

A. The following definitions apply:

1. "Abatement" means removal or elimination of an unauthorized use of park property, whether by physical removal or by legal action. "Abatement" does not include voluntary removal promptly carried out pursuant to the direction of the Department.

2. "City" means The City of Seattle.

3. "Construction site" means any property on which a structure is being constructed, reconstructed, repaired, or removed, and any property on which significant landscaping, in-

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cluding pruning, trimming, mowing, earth moving or removal of yard waste is being conducted.

4. "Department" means the Department of Parks and Recreation of The City of Seattle.

5. "Dumping" means placing, releasing, dropping or depositing yard waste, litter, trash, debris, obstructions, or hazards on park property without permission from the Department. For purposes of the ordinance codified in this chapter, "dumping" is treated as a separate category of "unauthorized use" to clarify that it is subject to summary enforcement action.

6. "Park" or "park property" mean all parks and bodies of water contained therein, squares, drives, parkways, boulevards, trails, golf courses, museums, aquarium, zoos, beaches, playgrounds, play fields, botanical gardens, greenbelts, open spaces, and all other buildings and facilities comprising the parks and recreation system of the City under the management and control of the Superintendent.

7. "Permit" means temporary written permission by the Superintendent to use or occupy park property.

8. "Responsible party" or "party responsible" mean any person, business or legal entity that:

a. Owns or has a possessory interest in property benefited by an unauthorized use;

b. Owns or has a possessory interest in property from which dumping occurred; and/or

c. Establishes, continues, or maintains an unauthorized use or dumping.

In the case of dumping or any unauthorized use subject to a Stop Order, "responsible party" may include but is not limited to a contractor who causes, carries out or contributes to the dumping or the unauthorized use subject to a Stop Order.

9. "Stop Order" means an order requiring immediate cessation of any activity on park property that constitutes an unauthorized use. A Stop Order may require the party responsible to perform all cleanup or restoration necessary to abate the unauthorized use.

10. "Structure" means anything constructed or erected on or under the ground, or any improvement built up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs.

11. "Superintendent" means Superintendent of Parks and Recreation of the City and authorized agents of the Superintendent.

12. "Use" means the exercise of dominion or control over, or occupation of, all or part of any park property. "Use" includes constructing, storing, erecting, placing upon, or maintaining, operating any inanimate object in, upon, over or under any park property, other than that associated with customary public use of park property, provided, that "customary public use" does not include any use prohibited by City ordinance or state or federal law. The term "use" includes but is not limited to any of the following in, upon, over or under park property:

a. Any driveway, parking pad, stairway, walkway, building, patio, deck, sign, or other structure;

b. Fencing, staging, scaffolding, or other structure, material, machinery or tools used or to be used in connection with the erection, alteration, demolition, repair or painting of any structure;

c. Landscaping, gardens and rockeries;

d. Drainage facilities, including but not limited to pipes, catch basins, sumps, swales, detention ponds and ancillary structures;

e. Utility installations and ancillary structures;

f. Storing or placing any inanimate object, provided that "use" shall not include placing an inanimate object in such a location and for such a limited time that, under the circumstances, a reasonable person would consider the use to be a customary use;

g. Disturbing any park property by digging, cutting, excavating, filling, chipping, puncturing or breaking;

h. Planting, removing, injuring, destroying, cutting, topping or pruning any tree, shrub, plant or flower on park property, provided that "use" does not include routine maintenance specifically allowed under the terms of a volunteer program approved by the Department;

i. Constructing, reconstructing, repairing or removing any driveway, curb, or curb setback, sidewalk, or crosswalk, pavement, sewers, water mains, grading, lighting, utilities, or appurtenances thereto, except when permitted by ordinance, or doing any work in, or erecting any structure in, upon, over or under any park; and

j. Vending of any kind, whether of a product or a service.

13. "Use, customary" or "customary use" mean a use that is associated with normal recreational activity in a park and that does not violate any federal, state or local law.

14. "Use, unauthorized" or "unauthorized use" mean a use that is not conducted either (1) pursuant to a legal right recognized by the City or established by court order; (2) with the consent, direction or approval of the Superintendent; or (3) in accord with the terms of a permit issued by the Superintendent.

B. Wherever consistent with the context of this chapter, words in the present, past or future tenses shall be construed to be interchangeable with each other, words in the singular number shall be construed to include the plural, and words in the masculine gender shall apply to the feminine and neuter genders.
(Ord. 118339 § 1(part), 1996.)

18.30.020 Violation of chapter.

It is a violation of this chapter to engage in any unauthorized use of park property or dumping on park property. Any party responsible for an unauthorized use or dumping on park property is in violation of this chapter and is subject to its remedies. All unauthorized uses and dumping are in violation of this chapter and may be abated as provided in this chapter or under other laws.
(Ord. 118339 § 1(part), 1996.)

18.30.030 Joint and several liability.

All responsible parties are jointly and severally liable for unauthorized use of, or dumping on, park property. The Department may pursue remedies against one or more responsible parties. The Department's failure to pursue any legal remedy against a responsible party does not constitute a defense to liability under this chapter.
(Ord. 118339 § 1(part), 1996.)

18.30.040 Rebuttable presumption.

For the purposes of this chapter, there is a rebuttable presumption that soil, debris or other spillage on park property linked by tire trackage or other trails to a construction site results from transportation to or from the construction site.
(Ord. 118339 § 1(part), 1996.)

18.30.050 Department abatement of unauthorized uses—Failure to respond to thirty day notice.

If the responsible party or parties does not abate the unauthorized use within thirty (30) days after the Department has mailed a notice via first class mail to the responsible party or parties requesting

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abatement of the encroachment, the Superintendent may:

A. Impose a civil penalty of One Hundred Dollars (\$100.00) for each day the unauthorized use continues beyond the thirty (30) day abatement period;

B. Abate the unauthorized use and restore the affected park property;

C. Refer the matter to the City Attorney, who may bring an action for trespass, ejectment, declaratory or injunctive relief, or any other appropriate civil or criminal remedy; or

D. Use any combination of the above remedies.

(Ord. 118339 § 1(part), 1996.)

18.30.055 Department abatement of unauthorized uses—Unidentified responsible parties and emergency situations.

If the Department cannot identify a party responsible for the unauthorized use despite using all reasonable means, as defined in Section 18.30.070 A2 below, or if the Department determines that the unauthorized use creates substantial risk of injury to persons, to park property, to utilities serving the park property and/or to park improvements, the Superintendent may, without notice or on less than thirty (30) days' notice:

A. Impose a civil penalty of One Hundred Dollars (\$100.00).

1. For each day the unauthorized use continues beyond the abatement period specified in a notice from the Department, or

2. If no notice is given, for each day the unauthorized use continues from the date the Department documents in its records the unauthorized use;

B. Abate the unauthorized use and restore the affected park property;

C. Refer the matter to the City Attorney, who may bring an action for trespass, ejectment, declaratory or injunctive relief, and any other appropriate civil or criminal remedy; or

D. Use any combination of the above remedies.

(Ord. 118339 § 1(part), 1996.)

18.30.060 Department abatement of dumping.

If a responsible party does not immediately abate all dumping on park property and restore the affected park property to its condition prior to any

dumping, or if the Department cannot immediately locate or identify the party responsible for such dumping, the Superintendent may:

A. Impose a civil penalty of Two Hundred Dollars (\$200.00) for each day that the dumping remains unabated after the Superintendent orders the responsible party to abate it;

B. Abate the dumping and restore the affected park property;

C. Refer the matter to the City Attorney, who may bring an action for trespass, ejectment, declaratory or injunctive relief, or any other appropriate civil or criminal remedy; or

D. Use any combination of the above remedies.

(Ord. 118339 § 1(part), 1996.)

18.30.070 Responsibility for abatement costs.

A. All parties responsible for an unauthorized use or dumping on park property are jointly and severally liable to the City for the costs the City incurs in abating the unauthorized use or dumping and restoring the affected park property. However, where Section 18.30.030 applies, no person may be held responsible for abatement costs unless:

1. The Department sent that person thirty (30) days' notice to abate and that person failed to abate the unauthorized use within that time; or

2. The Department used all reasonable means to locate the responsible party before carrying out the abatement and restoration, but was unable to do so. The Department shall be held to have used all reasonable means to locate the responsible party once it has researched the official property records of the county and reviewed all other information brought to the Department's attention.

B. The Superintendent is authorized to promulgate rules specifying the recoverable costs of abatement. These may include, but are not limited to, staff time, cost of outside contractors, dump fees, rental cost of equipment, machine or vehicle used in the abatement, cost of providing notices, a fifteen percent (15%) surcharge for administrative expenses, and any reasonable attorneys' fees incurred for abatement and restoration and for collection of authorized penalties and other charges.

C. A written statement by the Superintendent of the costs and expenses incurred by the City in abating an unauthorized use or dumping and restoring the affected park property is a true and

accurate record of the work done by the City and of the expenses incurred.
(Ord. 118339 § 1(part), 1996.)

18.30.080 Stop Orders.

A. The Superintendent may issue a Stop Order to halt:

1. An ongoing unauthorized use of park property that creates a substantial risk of injury to persons, to park property, to utilities serving the park property and/or to park improvements; or

2. Ongoing dumping on park property.

B. The Superintendent shall post the Stop Order at the site and, if possible, serve a copy upon a person doing or responsible for the activity. Once the Superintendent posts the Stop Order, all unauthorized use and dumping in the park shall cease immediately.

C. The Stop Order shall state the activity being stopped and the basis of the Stop Order. The Stop Order may require the responsible party to correct the violation or hazard that prompted the Stop Order and restore the affected park property.

D. A person aggrieved by a Stop Order of the Superintendent has five (5) working days after the Stop Order is posted to request reconsideration from the Superintendent. The request for reconsideration must be in writing, and may include any objections and evidence. Within five (5) working days after receiving a request, the Superintendent shall make a decision as to whether the Stop Order shall remain in force. The decision of the Superintendent upon reconsidering the matter is final. No decision to impose or continue a Stop Order may give rise to a claim for damages. The Stop Order shall remain in effect pending reconsideration.

E. A responsible party who fails to comply with a Stop Order immediately after receiving notice of the Stop Order is subject to a penalty of Five Hundred Dollars (\$500.00) for every day the responsible party fails to comply after receiving notice. In addition, the responsible party is subject to any combination of the remedies listed in SMC Sections 18.30.050, 18.30.055, 18.30.060 and 18.30.070, except that the total penalty imposed cannot be greater than Five Hundred Dollars (\$500.00) per day, plus any abatement costs.
(Ord. 118339 § 1(part), 1996.)

18.30.090 Enforceability.

The remedies in this chapter are in addition to all remedies available under common law, statute, ordinance or regulation. Notwithstanding any other provisions of the Seattle Municipal Code, actions to enforce this chapter may be brought in King County Superior Court or King County District Court.
(Ord. 118339 § 1(part), 1996.)

18.30.100 Severability.

All sections and subsections of this chapter are severable, and if any section or subsection is held invalid, such invalidity shall not affect the validity and effectiveness of any other section or subsection.
(Ord. 118339 § 1(part), 1996.)