

ORDINANCE No. 113436

ENGROSSED

COUNCIL BILL No. 106110

AN ORDINANCE relating to the Department of Parks and Recreation; amending Seattle Municipal Code 18.12.030A, -.040, -.050, -.070, -.080, -.120, -.170, -.180, -.240, -.260, -.270, and -.280 of and adding new sections to the Park Code to extend the Superintendent's permit-issuing and rule-making authority, add or modify requirements and prohibitions regarding use or activities in certain areas, and make other changes in such code; amending 12A.52.020 of the Criminal Code to clarify the Superintendent's enforcement responsibilities; repealing Seattle Municipal Code 18.12.220; and imposing penalties.

Law Department

The City of Seattle--Leg

REPORT OF COM

Honorable President:

Your Committee on Parks & Pub

to which was referred the within Council Bill No. _____ report that we have considered the same and respectfully

Be Passed as

COMPTROLLER FILE No. _____

Introduced: <u>APR 20, 1987</u>	By: <u>EXECUTIVE REQUEST</u>
Referred: <u>APR 20, 1987</u>	To: <u>PARKS & PUBLIC GRDS.</u>
Referred:	To:
Referred:	To:
Reported: <u>MAY 11 1987</u>	Second Reading: <u>MAY 11 1987</u>
Third Reading: <u>MAY 11 1987</u>	Signed: <u>MAY 11 1987</u>
Presented to Mayor: <u>MAY 12 1987</u>	Approved: <u>MAY 18 1987</u>
Returned to City Clerk: <u>MAY 18 1987</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

REC'D MAY 12 1987

OK

Ignazio W.
Committee

Law Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on

Parks & Public Grounds

to which was referred the within Council Bill No.

106110

report that we have considered the same and respectfully recommend that the same:

Be Passed as engrossed

5/6/87

REQUEST

PUBLIC GRDS.

REC'D UNIT MAY 12 1987

11 1987

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(OK)

Jeanette Williams
Committee Chair

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE 113436

1
2 AN ORDINANCE relating to the Department of Parks and Recreation; amending
3 Seattle Municipal Code 18.12.030A, - .040, -.050, -.070, -.080, -.120,
4 -.170, -.180, -.240, -.260, -.270, and -.280 of and adding new
5 sections to the Park Code to extend the Superintendent's
6 permit-issuing and rule-making authority, add or modify requirements
7 and prohibitions regarding use or activities in certain areas, and
8 make other changes in such code; amending 12A.52.020 of the Criminal
9 Code to clarify the Superintendent's enforcement responsibilities;
10 repealing Seattle Municipal Code 18.12.220; and imposing penalties.

11 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

12 Section 1. Seattle Municipal Code sub-section 18.12.030A (Ordinance
13 106615 Section 3A) is amended as follows:

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

16 1. "Aquarium" means a facility with artificial habitats
17 ~~((habitat))~~ containing aquatic or ~~((semiaquatic))~~ other forms of life
18 for purposes of research, recreation, conservation, ~~((or))~~ education
19 ~~((or))~~, or viewing.

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

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

4. "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.

1 ((4)) 5. "Superintendent" means the Superintendent of Parks and
2 Recreation of the City and authorized agents of the Superintendent.

3 ((5)) 6. "Zoo" means a zoological garden where animals(~~(,~~
4 ~~reptiles and fowl~~)) are kept for purposes of research, recreation,
5 conservation, education or viewing.

6 ((6)) 7. "Zoo exhibit" means an area in the Zoo reserved for the
7 the purpose of exhibiting Zoo animals (~~(,~~ ~~reptiles and fowl~~)).

8
9 Section 2. Seattle Municipal Code Section 18.12.040 (Ordinance
10 106615 Section 4) is amended as follows:

11 Section 18.12.040 Superintendent's Authority--Rulemaking--Enforcement
12 ~~((It shall be the duty of))~~ ~~((t))~~ The Superintendent shall have the
13 power to enforce the provisions of this chapter.

14 The Superintendent may, in accordance with the Administrative Code,
15 adopt, amend and rescind rules and regulations consistent with this Park
16 Code in order to manage and control the park and recreation system of the
17 City ~~((and necessary to carry out his duties under this chapter,))~~ including
18 rules that:

19 A. Clarify, interpret or apply ~~((Providing clarification and~~
20 ~~interpretation of))~~ this Park Code;

21 B. Regulate~~((ing))~~ the use of parks;

22 C. Regulate~~((ing))~~ conduct in parks; ~~((and))~~

23 D. Designate~~((ing))~~ restricted ~~((places of))~~ areas in parks ~~((.)~~);

24 E. Regulate recreation programs; and
25

1 F. Establish times for opening and closing of any particular park or park
2 facility to public use and/or for entry or use by motor vehicles.
3 Unfenced outdoor areas, which are generally open to public use, may
4 only be closed upon a finding that closure is necessary to preserve the
5 public peace, accommodate construction or maintenance work in the park,
6 prevent injury to park users or the park, or respond to an identified
7 danger to the public health or safety. In the event that Alki Beach
8 Park is closed under provisions of this Section, The Superintendent may
9 extend the closure to the adjacent planting strip, sidewalk, marked
10 on-street bikeway, and parking lane.

11 Section 3. Seattle Municipal Code Section 18.12.050 (Ordinance
12 106615 Section 5 (a)) is amended as follows:

13 Section 18.12.050 Posting signs, posters and notices.

14 Except as authorized by the Superintendent, it is unlawful to use,
15 place or erect any signboard, sign, billboard, bulletin board, post, pole or
16 device of any kind for advertising or notification in any park, or to attach
17 any notice, bill, poster, sign, wire, rod or card to any tree, shrub,
18 railing, post or structure within any park (~~to place or erect in any~~
19 ~~park a structure of any kind~~)).

20 Section 4. Seattle Municipal Code Section 18.12.070 (Ordinance
21 106615 Section 6) is amended as follows:

22 Section 18.12.070 No-trespassing areas--Removal or destruction of
23 property--Structures or obstructions.

24 A. It is unlawful for any person((s)) except a duly authorized
25 Department of Parks and Recreation or other City employee((s)) in the
26 performance of his or her (~~their~~) duties, or other person duly authorized
27 pursuant to law, to enter or go upon any area which has been designated and
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1 posted by the Superintendent ((~~7~~)) as a "no admittance" or "no trespassing"
2 area for the purpose of protecting the environment or for the purpose of
3 protecting the public from conditions which constitute a potential hazard to
4 life or physical well-being.

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

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

17 D. Every offense defined by this section or conduct made unlawful
18 hereby shall constitute a crime subject to the provisions of Chapters 12A.02
19 and 12A.04 of this Code (Seattle Criminal Code) and any person convicted of
20 such crime may be punished by a fine in any sum not to exceed Five
21 ((~~Hundred~~)) Thousand Dollars ((~~500.00~~)) (\$5000.00) or by imprisonment in the
22 City Jail for a term not to exceed ((~~six (6) months~~)) one (1) year, or by
23 both such fine and imprisonment.

24 Section 5. Seattle Municipal Code Section 18.12.080 (Ordinance
25 106615 Section 7 (a)) is amended as follows:

26 Section 18.12.080 Animals ((~~R~~)) running at large prohibited.

27 It is unlawful for any person to allow or permit any dog or other pet
28 to run at large in any park, or to permit any dog or other pet with or

1 without a leash, except Seeing Eye or Hearing Ear dogs or dogs used by
2 public law enforcement agencies and under control of a law enforcement
3 officer, to enter any public beach, swimming or wading area, pond, fountain,
4 stream, or organized athletics area (~~therein, except in areas specifically~~
5 ~~designated by the Superintendent for the exercising of pets~~). The
6 Superintendent may ban dogs and other pets from areas of any park where he
7 or she determines the same may be a nuisance. Any person with a dog or
8 other pet in his or her possession or under his or her control in any park
9 shall be responsible for (~~both~~) the conduct of the animal, (~~and for~~
10 ~~removing~~) shall carry equipment for removing feces, and shall (~~from the~~
11 ~~park~~) place feces deposited by such animal in an appropriate receptacle.

12 Section 6. Seattle Municipal Code Section 18.12.100 (Ordinance 106615
13 Section 7 (c)) is amended as follows:

14 Section 18.12.100 Capturing or striking animals prohibited.

15 Except for fishing and shellfishing in areas authorized by the
16 Superintendent and subject to rules promulgated by the Washington State Game
17 Commission, it is unlawful in any park in any manner to attempt to capture,
18 tease, annoy, disturb, or strike any animal (~~reptile, bird or fowl~~) with
19 any stick, weapon or other device or thing or throw or otherwise propel any
20 missile or other object at or in the vicinity of any such animal (~~reptile,~~
21 ~~bird or fowl~~)).

22 Section 7. Seattle Municipal Code Section 18.12.120 (Ordinance
23 106615 Section 7 (e)) is amended as follows:

24 Section 18.12.120 Feeding of Zoo and Aquarium animals.

25 It is unlawful for any Zoo or Aquarium visitor(~~s~~) to offer (~~feed~~)
26 food or other material to any Zoo animal or Aquarium specimen(~~s~~) located
27 within a Zoo or Aquarium exhibit, or to cause any food or other material to
28 be left within reach of any such animal or specimen inside an exhibit area

1 ((~~+~~)), or to deposit a coin, other metal object or other material in any
2 pool or pond in any animal exhibit area; provided, however, food approved by
3 the Zoo Director or the Aquarium Director may be given to free-roaming
4 animals (~~on Zoo grounds~~) that are not enclosed in exhibit areas, including
5 but not limited to squirrels, rabbits, chickens, peafowl, (~~guinea fowl,~~
6 pigeons, crows, sparrows) and (~~others found on the grounds or~~) animals or
7 specimens in designated feeding areas such as the (~~Children's~~) Zoo Family
8 Farm or Aquarium contact area.

9 Section 8. There is added to the Seattle Municipal Code a new Section
10 18.12.165, as follows:

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

13 It is unlawful for any person to sell, offer to sell, rent, or offer to
14 rent to the public any service or merchandise, including but not limited to
15 any liquid, edible, or other tangible object, on the day of a hydroplane
16 race within an area on any public park property for which the City charges
17 an admission fee pursuant to RCW 35.21.810 - .815 unless:

- 18 A. such person has received permission to carry on such activities from an
19 organization that sponsors the hydroplane race and collects the
20 admission fee; or
21 B. such person has received permission from the Superintendent to carry on
22 such activity or has been granted a general concession to provide
23 merchandise or a service at that location.

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

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1 Section 9. Seattle Municipal Code Section 18.12.170 (Ordinance
2 106615 Section 10) is amended as follows:

3 Section 18.12.170 Sound-amplifying devices.

4 Except as authorized by the Superintendent for specific events and
5 times, or except as necessary for the preservation of public peace or
6 safety, it is unlawful to use any public address system, loudspeaker or
7 other sound-amplifying device in any park. It is unlawful to exceed noise
8 levels prescribed by Section 25.08.520. Any person convicted of violating
9 this section shall be subject to punishment as provided in Section
10 25.08.800.

11 Section 10. Seattle Municipal Code Section 18.12.180 (Ordinance
12 106615 Section 11 (a)) is amended as follows:

13 Section 18.12.180 Operation or landing of watercraft at designated
14 areas only.

15 It is unlawful to have, keep or operate any boat, float, raft or other
16 watercraft in or upon any bay, lake, pond, slough, river, or creek within
17 the limits of any park, or to land the same at any point upon shores within
18 a park, except (~~at places set apart and posted~~) where designated by the
19 Superintendent for such purposes. It is unlawful to operate or land any
20 powered boat, float, or raft within 100 yards of a park swimming beach or
21 fishing dock, except at places set apart by the Superintendent for such
22 purposes. It is unlawful to operate any other watercraft, including but not
23 limited to sailboats, canoes, kayaks and rowboats within 25 yards of a park
24 swimming beach or fishing dock, except in places set apart by the
25 Superintendent for such purposes.

26 Section 11. There is added to the Seattle Municipal Code a new Section
27 18.12.195, as follows:

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Section 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)).

Section 12. There is added to the Seattle Municipal Code a new section, Section 18.12.235, as follows:

18.12.235 Restrictions on uses of vehicles and animals in certain parks.

A. It is unlawful to stand, park, drive, 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 the following designated parks during the periods specified below, except on a street serving as necessary access through such park to a residential or commercial area:

<u>DESIGNATED PARK</u>	<u>HOURS OF PROHIBITED ACTIVITY</u>
Garkeek	Between 9 p.m. and 6 a.m.
Discovery	Between 11 p.m. and 6 a.m.
Golden Gardens	Between 9 p.m. and 6 a.m.
Laurelhurst Park	Between 11 p.m. and 6 a.m.
Lincoln	Between 11 p.m. and 6 a.m.
Magnuson (May 1 - Sept. 10)	Between 9 p.m. and 6 a.m.
(Sept. 11 - Apr. 30)	Between 6 p.m. and 6 a.m.

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Matthews Beach	Between Sunset and 6 a.m.
Pritchard Island Beach	Between sunset and 6 a.m.
Schmitz	Between 11 p.m. and 6 a.m.
Seward	" " " " " "
Volunteer	Between Midnight and 6 a.m.
Washington Park Arboretum (upper loop road only)	Between sunset and sunrise
Westcrest	Between sunset and 6 a.m.
Woodland	Between 11 p.m. and 6 a.m.

Provided, that the Superintendent, by rule, may further restrict such hours upon a finding that the restricted hours are reasonably necessary to protect the public safety or welfare or park property. Hours established by Rule shall take effect as soon as the rule has been filed with the City Clerk and one or more signs informing the public about the hours of restricted use have been posted at entrances to the affected park.

B. It is unlawful to leave a vehicle unattended in any park between the hours of 2 a.m. and 6 a.m. Unattended vehicles parked 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.

Section 13. Seattle Municipal Code § 18.12.240 (Ordinance 106615 § 12(e), as last amended by Ordinance 109078 § 1), is amended as follows:

18.12.240 ((Competitions)) 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

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1 hang-glider, helicopter, hot air balloon, or other airborne conveyance,
2 except at specified places and times designated for such activities by the
3 Superintendent and upon his or her determination that:

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

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

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

10 D. Such activities will not unduly interfere with the use of park
11 facilities by the general public.
12

13 Section 14. There is added to the Seattle Municipal Code a new Section
14 18.12.145 under Subchapter V Prohibited Acts, as follows:

15 Section 18.12.145 Urinating or defecating prohibited except in
16 restrooms.

17 Urinating or defecating in any park, except in facilities specifically
18 provided for the purpose, in violation of Section 12A.10.100 shall be
19 subject to punishment as provided in Section 12A.02.080.

20 Section 15. There is added to the Seattle Municipal Code, a new
21 section, designated Section 18.12.255 as follows:

22 Section 18.12.255 Liquor offenses

23 It is unlawful in a park to consume, or to possess an open container
24 holding, or to open a container holding, any liquor as defined in S.M.C. §
25 12A.24.010C except pursuant to permits respectively issued by the
26 Superintendent and the Washington State Liquor Control Board or its
27 successor. Notwithstanding the provisions of S.M.C. § 12A.02.080, conduct
28

1 made unlawful by this section shall constitute a violation punishable by a
2 civil fine or forfeiture of not more than One Hundred Dollars (\$100.00).

3 Section 16. Seattle Municipal Code Section 18.12.260 (Ordinance
4 106615 Section 14) is amended as follows:

5 Section 18.12.260 Littering--Trash deposit.

6
7 It is unlawful to throw or deposit any refuse or other material in any
8 park, except in designated receptacles ((*)) ; or to take garbage or refuse
9 to a park for disposal in the park; or to deposit garbage or refuse
10 generated outside a park in a receptacle within the park designated for
11 deposit of trash by the public.

12 Section 17. There is added to the Seattle Municipal Code a new
13 Section 18.12.265, as follows:

14 Section 18.12.265 Motorized models.

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

19 Section 18. Seattle Municipal Code Section 18.12.270 (Ordinance
20 106615 Section 15) is amended as follows:

21 Section 18.12.270 Fires.

22
23 It is unlawful (a) to ignite or maintain any fire or to participate in
24 igniting, maintaining or using any fire within any park except ((~~fires~~
25 ~~built~~)) in a designated stove or fire ring ((~~fire pits~~)), or in a beach area
26 at Carkeek Park approved by the Superintendent for beach fires, or (b) to
27 ignite in any stove or fire ring any household rubbish or other material
28 banned from outdoor burning by air pollution control regulations, or (c) to

1 ignite or maintain a fire in any fire ring during any stage of an air
2 pollution episode declared by the Puget Sound Air Pollution Control Agency.

3 All fires within parks are prohibited ((each day)) between the hours of
4 eleven p.m. and six a.m.

5 Section 19. There is added to the Seattle Municipal Code a new

6 Section 18.12.275, as follows:

7 Section 18.12.275 Permits.

8
9 It is unlawful to use a park or conduct an activity or hold an event in
10 any park for which a permit is required by this ordinance or by rules of the
11 Superintendent without first obtaining a permit from the Superintendent.

12 Section 20. There is added to the Seattle Municipal Code a new
13 Section 18.12.277, as follows:

14 Section 18.12.277 Trespass in the parks.

15 A. The Superintendent may order anyone observed by the Superintendent to
16 leave the premises of a park, who within the park:

- 17
- 18 1. causes injury to another or creates a substantial risk of injury
19 to another;
 - 20 2. causes damage to property of the City or to the park or the
21 property of another or creates a substantial risk of such damage;

22 *Dr. H. J.*
23 ~~3. disrupts the use and enjoyment of the park by another or an
organized event.~~

24 Upon such an order being given, the recipient shall no longer be invited,
25 licensed or otherwise privileged to remain on the premises of the park from
26 which he or she was ordered to leave. A person who has been ordered by the
27 Superintendent to leave the premises of a park shall not re-enter the
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premises of that park, from which he or she was ordered to leave, for a period of twenty-four (24) hours after the order was given.

B. The Superintendent may forbid anyone from re-entering the premises of a park for a period of no more than thirty (30) days whenever:

1. The person forbidden re-entry has already been ordered to leave the premises of a City park on two occasions within the last thirty (30) days; and
2. The person forbidden re-entry has caused injury to another or engaged in conduct creating a substantial risk of injury to another within the park, or caused damage to property or engaged in conduct creating a substantial risk of damage to property of the City or another or to the park.

An order prohibiting re-entry for a period longer than twenty-four (24) hours shall be in writing.

C. The following persons are guilty of the crime of illegal trespass in a park:

1. Anyone who fails to leave the premises of a park after being ordered by the Superintendent under the authority of this section to leave the premises;
2. Anyone who re-enters the premises of a park within twenty-four (24) hours after leaving the premises under an order of the Superintendent under the authority of this section; and
3. Anyone who re-enters the premises of a park within the period contained in a written order prohibiting re-entry issued by the Superintendent under the authority of this section.

D. Any of the following may issue orders on behalf of the "Superintendent," as used in this section, to leave the premises of a park:

1 The supervisor or other person in charge of a park or recreational facility
2 and his or her immediate assistants; a lifeguard at a beach or swimming
3 pool; a peace officer; and, with respect to facilities devoted exclusively
4 to a particular recreation program, the recreation leader in charge; and
5 during the hours the facility is closed to the public, a guard or
6 maintenance worker. A written order prohibiting re-entry for a period
7 longer than twenty-four (24) hours may only be issued by the Superintendent
8 or a director or a district recreation manager acting for the
9 Superintendent.

10 E. Every offense defined by this section or conduct made unlawful hereby
11 shall constitute a crime subject to the provisions of Chapter 12A.02 and
12 12A.04 of the Seattle Municipal Code, and any person convicted of such crime
13 may be punished by a fine in any sum not to exceed Five Thousand Dollars
14 (\$5000.00) or by imprisonment in the City Jail for a term not to exceed one
15 (1) year, or by both such fine and imprisonment.

16 Section 21. Seattle Municipal Code Section 18.12.280 (Ordinance
17 106615 Section 16) is amended as follows:

18 Section 18.12.280 Discrimination prohibited.

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

26 B. It is unlawful for any person (~~or organization~~) occupying or
27 using any park (~~and~~) or recreation facility (~~ies pursuant to a permit~~
28 ~~for the conduct of sponsoring of an event, race or show~~) for any event,

1 activity or exhibition open to the public, whether or not under a permit and
2 whether or not ((with or without)) an admission or entrance fee is charged,
3 to deny to any other person ((or organization)) the full use and enjoyment
4 of such park and recreation facility ((ies)) because of race, creed, color,
5 sex, marital status, sexual orientation, political ideology, age, religion,
6 ancestry, national origin or the presence of any sensory, mental or physical
7 handicap. In addition to other sanctions, the permit of ((A)) any person
8 ((or organization)) who is convicted of a violation of this section,
9 ((shall have any such permit)) for access or use of such park and recreation
10 facility may be cancelled and ((shall thereafter be denied issuance)) after
11 notice and hearing, the Superintendent may order that such person shall not
12 be eligible ((of)) for any similar permit for access to, or use of, a park
13 and/or recreation facility ((ies)) for a period up to three years.

14 C. Where applicable, the term((s)) ((persons)) "deny" ((and full
15 use and enjoyment of)) shall have the meaning ((as)) in RCW 9.91.010, as
16 now or hereafter amended; the terms "full enjoyment of" and "person" shall
17 have the meaning in RCW 49.60.040, as now or amended.

18 D. Nothing in this section shall prohibit the exercise of
19 constitutional liberties or the use of a bona fide qualification or
20 restriction that does not infringe upon civil rights or civil liberties
21 recognized by state law or City ordinance.

22 Section 22. Seattle Municipal Code Section 12A.52.020 (Ordinance
23 89021 Section 1-A, as last amended by Ordinance 109674 Section 20) is
24 further amended as follows:

25 Section 12A.52.020 Enforcement Authority.

26 The Director of Construction and Land Use shall enforce provisions of
27 this chapter relating to the deposit or accumulation of litter on private
28

(To be used for all Ordinances except Emergencies.)

property; the Superintendent of Parks and Recreation shall enforce such provisions in any public park; and the Director of Engineering shall enforce all other provisions of this chapter.

Section 23. Repealer

Seattle Municipal Code Section 18.12.220 (Section 12c of Ordinance 106615 as last amended by Ordinance 109078) is hereby repealed.

Section 24. Any act consistent with the authority and prior to the effective date of this ordinance is ratified and confirmed.

Section 25. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 11th day of May, 1987, and signed by me in open session in authentication of its passage this 11th day of May, 1987. *[Signature]* President of the City Council.

Approved by me this 18th day of May, 1987. *[Signature]* Mayor.

Filed by me this 18th day of May, 1987.

Attest: *[Signature]* City Comptroller and City Clerk.

(SEAL)

Published _____

By *[Signature]* Deputy Clerk.

PUBLISH DO NOT PUBLISH
CITY ATTORNEY *[Signature]*

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#27

CB 106110

ORDINANCE _____

1
2 AN ORDINANCE relating to the Department of Parks and Recreation; amending
3 Seattle Municipal Code 18.12.030A, - .040, -.050, -.070, -.080, -.120,
4 -.170, -.180, -.240, -.260, -.270, and -.280 of and adding new
5 sections to the Park Code to extend the Superintendent's
6 permit-issuing and rule-making authority, add or modify requirements
7 and prohibitions regarding use or activities in certain areas, and
8 make other changes in such code; amending 12A.52.020 of the Criminal
9 Code to clarify the Superintendent's enforcement responsibilities;
10 repealing Seattle Municipal Code 18.12.220; and imposing penalties.

11 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

12 Section 1. Seattle Municipal Code sub-section 18.12.030A (Ordinance
13 106615 Section 3A) is amended as follows:

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

16 1. "Aquarium" means a facility with artificial habitats
17 ~~((habitat))~~ containing aquatic or ~~((semiaquatic))~~ other forms of life
18 for purposes of research, recreation, conservation, ~~((or))~~ education
19 ~~((or))~~, or viewing.

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

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

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

4 ~~((#))~~ 5. "Superintendent" means the Superintendent of Parks and
Recreation of the City and authorized agents of the Superintendent.

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1 ((5)) 6. "Zoo" means a zoological garden where animals((
2 reptiles and fowl)) are kept for purposes of research, recreation,
3 conservation, education or viewing.

4 ((6)) 7. "Zoo exhibit" means an area in the Zoo reserved for the
5 the purpose of exhibiting Zoo animals ((~~reptiles and fowl~~)).

6 Section 2. Seattle Municipal Code Section 18.12.040 (Ordinance
7 106615 Section 4) is amended as follows:

8 Section 18.12.040 Superintendent's Authority--Rulemaking--Enforcement
9 ~~((It shall be the duty of))~~ ((~~t~~)) The Superintendent shall have the
10 power to enforce the provisions of this chapter.

11 The Superintendent may establish a permit system for the use of a park
12 and park facilities; charge such fees therefor as authorized by ordinance or
13 resolution of the City Council; insofar as consistent with constitutional
14 rights protected by the First Amendment to the United States Constitution
15 and Article I, Section 3 of the Washington Constitution, require the user to
16 furnish insurance, an indemnity agreement and/or make a deposit; include
17 other appropriate terms and conditions; and make refunds of deposits and
18 fees on unused permits. All permits shall be wholly of a temporary nature,
19 shall vest no permanent right, and may be revoked upon thirty days' notice
20 or, if the permit so states, upon shorter notice.

21 The Superintendent may, in accordance with the Administrative Code,
22 adopt, amend and rescind rules and regulations consistent with this Park
23 Code in order to manage and control the park and recreation system of the
24 City ~~((and necessary to carry out his duties under this chapter,))~~ including
25 rules that:

- 26 A. Clarify, interpret or apply ~~((Providing clarification and~~
27 ~~interpretation of))~~ this Park Code;
28 B. Regulate~~((ing))~~ the use of parks;
C. Regulate~~((ing))~~ conduct in parks; ~~((and))~~

1 D. Designate ~~((+ag))~~ restricted ((places of)) areas in parks ((.));

2 E. Regulate recreation programs; and

3
4 F. Establish times for opening and closing of any particular park or park
5 facility to public use and/or for entry or use by motor vehicles.
6 Unfenced outdoor areas, which are generally open to public use, may
7 only be closed upon a finding that closure is necessary to preserve the
8 public peace, accommodate construction or maintenance work in the park,
9 prevent injury to park users or the park, or respond to an identified
10 danger to the public health or safety. In the event that Alki Beach
11 Park is closed under provisions of this Section, The Superintendent may
12 extend the closure to the adjacent planting strip, sidewalk, marked
13 on-street bikeway, and parking lane.

14 Section 3. Seattle Municipal Code Section 18.12.050 (Ordinance
15 106615 Section 5--(a)) is amended as follows:

16 Section 18.12.050 Posting signs, posters and notices.

17 Except as authorized by the Superintendent, it is unlawful to use,
18 place or erect any signboard, sign, billboard, bulletin board, post, pole or
19 device of any kind for advertising or notification in any park, or to attach
20 any notice, bill, poster, sign, wire, rod or card to any tree, shrub,
21 railing, post or structure within any park (~~((+ag to place of erect in any~~
22 ~~park a structure of any kind)).~~

23 Section 4. Seattle Municipal Code Section 18.12.070 (Ordinance
24 106615 Section 6) is amended as follows:

25 Section 18.12.070 No-trespassing areas--Removal or destruction of
26 property--Structures or obstructions.

27 A. It is unlawful for any person((s)) except a duly authorized
28 Department of Parks and Recreation or other City employee((s)) in the
performance of his or her (~~((the+))~~) duties, or other person duly authorized

1 pursuant to law, to enter or go upon any area which has been designated and
2 posted by the Superintendent ((s)) as a "no admittance" or "no trespassing"
3 area for the purpose of protecting the environment or for the purpose of
4 protecting the public from conditions which constitute a potential hazard to
5 life or physical well-being.

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

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

18 D. Every offense defined by this section or conduct made unlawful
19 hereby shall constitute a crime subject to the provisions of Chapters 12A.02
20 and 12A.04 of this Code (Seattle Criminal Code) and any person convicted of
21 such crime may be punished by a fine in any sum not to exceed Five
22 ((Hundred)) Thousand Dollars ((500.00)) (\$5000.00) or by imprisonment in the
23 City Jail for a term not to exceed ((six (6) months)) one (1) year, or by
24 both such fine and imprisonment.

25 Section 5. Seattle Municipal Code Section 18.12.080 (Ordinance
26 106615 Section 7 (a)) is amended as follows:

27 Section 18.12.080 Animals ((R)) running at large prohibited.

28 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

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1 without a leash, except Seeing Eye or Hearing Ear dogs or dogs used by
2 public law enforcement agencies and under control of a law enforcement
3 officer, to enter any public beach, swimming or wading area, pond, fountain,
4 stream, or organized athletics area (~~therein, except in areas specifically~~
5 ~~designated by the Superintendent for the exercising of pets~~). The
6 Superintendent may ban dogs and other pets from areas of any park where he
7 or she determines the same may be a nuisance. Any person with a dog or
8 other pet in his or her possession or under his or her control in any park
9 shall be responsible for (~~both~~) the conduct of the animal, (~~and for~~
10 ~~removing~~) shall carry equipment for removing feces, and shall (~~from the~~
11 park)) place feces deposited by such animal in an appropriate receptacle.

11 Section 6. Seattle Municipal Code Section 18.12.100 (Ordinance 106615
12 Section 7 (c)) is amended as follows:

13 Section 18.12.100 Capturing or striking animals prohibited.

14 Except for fishing and shellfishing in areas authorized by the
15 Superintendent and subject to rules promulgated by the Washington State Game
16 Commission, it is unlawful in any park in any manner to attempt to capture,
17 tease, annoy, disturb, or strike any animal (~~reptile, bird or fowl~~) with
18 any stick, weapon or other device or thing or throw or otherwise propel any
19 missile or other object at or in the vicinity of any such animal (~~reptile,~~
20 ~~bird or fowl~~)).

21 Section 7. Seattle Municipal Code Section 18.12.120 (Ordinance
22 106615 Section 7 (e)) is amended as follows:

23 Section 18.12.120 Feeding of Zoo and Aquarium animals.

24 It is unlawful for any Zoo or Aquarium visitor((s)) to offer ((feed))
25 food or other material to any Zoo animal or Aquarium specimen((s)) located
26 within a Zoo or Aquarium exhibit, or to cause any food or other material to
27 be left within reach of any such animal or specimen inside an exhibit area
28

1 ((~~+~~)), or to deposit a coin, other metal object or other material in any
2 pool or pond in any animal exhibit area; provided, however, food approved by
3 the Zoo Director or the Aquarium Director may be given to free-roaming
4 animals ((~~ON ZOO GROUNDS~~)) that are not enclosed in exhibit areas, including
5 but not limited to squirrels, rabbits, chickens, peafowl, ((~~GUINEA FOWL,~~
6 pigeons, crows, sparrows)) and ((~~OTHERS FOUND ON THE GROUNDS OF~~)) animals or
7 specimens in designated feeding areas such as the ((~~CHILDREN'S~~)) Zoo Family
8 Farm or Aquarium contact area.

9 Section 8. There is added to the Seattle Municipal Code a new Section
10 18.12.165, as follows:

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

13 It is unlawful for any person to sell, offer to sell, rent, or offer to
14 rent to the public any service or merchandise, including but not limited to
15 any liquid, edible, or other tangible object, on the day of a hydroplane
16 race within an area on any public park property for which the City charges
17 an admission fee pursuant to RCW 35.21.810 - .815 unless:

- 18 A. such person has received permission to carry on such activities from an
19 organization that sponsors the hydroplane race and collects the
20 admission fee; or
- 21 B. such person has received permission from the Superintendent to carry on
22 such activity or has been granted a general concession to provide
23 merchandise or a service at that location.

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

1 Section 9. Seattle Municipal Code Section 18.12.170 (Ordinance
2 106615 Section 10) is amended as follows:

3 Section 18.12.170 Sound-amplifying devices.

4 Except as authorized by the Superintendent for specific events and
5 times, or except as necessary for the preservation of public peace or
6 safety, it is unlawful to use any public address system, loudspeaker or
7 other sound-amplifying device in any park. It is unlawful to exceed noise
8 levels prescribed by Section 25.08.520. Any person convicted of violating
9 this section shall be subject to punishment as provided in Section
10 25.08.800.

11 Section 10. Seattle Municipal Code Section 18.12.180 (Ordinance
12 106615 Section 11 (a)) is amended as follows:

13 Section 18.12.180 Operation or landing of watercraft at designated
14 areas only.

15 It is unlawful to have, keep or operate any boat, float, raft or other
16 watercraft in or upon any bay, lake, pond, slough, river, or creek within
17 the limits of any park, or to land the same at any point upon shores within
18 a park, except (~~at places set apart and posted~~) where designated by the
19 Superintendent for such purposes. It is unlawful to operate or land any
20 powered boat, float, or raft within 100 yards of a park swimming beach or
21 fishing dock, except at places set apart by the Superintendent for such
22 purposes. It is unlawful to operate any other watercraft, including but not
23 limited to sailboats, canoes, kayaks and rowboats within 25 yards of a park
24 swimming beach or fishing dock, except in places set apart by the
25 Superintendent for such purposes.

26 Section 11. There is added to the Seattle Municipal Code a new Section
27 18.12.195, as follows:

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Section 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)).

Section 12. There is added to the Seattle Municipal Code a new section, Section 18.12.235, as follows:

18.12.235 Restrictions on uses of vehicles and animals in certain parks.

A. It is unlawful to stand, park, drive, 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 the following designated parks during the periods specified below, except on a street serving as necessary access through such park to a residential or commercial area:

<u>DESIGNATED PARK</u>	<u>HOURS OF PROHIBITED ACTIVITY</u>
Carkeek	Between 9 p.m. and 6 a.m.
Discovery	Between 11 p.m. and 6 a.m.
Golden Gardens	Between 9 p.m. and 6 a.m.
Lincoln	Between 11 p.m. and 6 a.m.
Magnuson (May 1 - Sept. 10)	Between 9 p.m. and 6 a.m.
(Sept. 11 - Apr. 30)	Between 6 p.m. and 6 a.m.
Matthews Beach	Between Sunset and 6 a.m.

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Pritchard Island Beach	Between sunset and 6 a.m.
Schmitz	Between 11 p.m. and 6 a.m.
Seward	" " " " " "
Volunteer	Between Midnight and 6 a.m.
Washington Park Arboretum (upper loop road only)	Between sunset and sunrise
Westcrest	Between sunset and 6 a.m.
Woodland	Between 11 p.m. and 6 a.m.

Provided, that the Superintendent, by rule, may further restrict such hours upon a finding that the restricted hours are reasonably necessary to protect the public safety or welfare or park property. Hours established by Rule shall take effect as soon as the rule has been filed with the City Clerk and one or more signs informing the public about the hours of restricted use have been posted at entrances to the affected park.

B. It is unlawful to leave a vehicle unattended in any park between the hours of 2 a.m. and 6 a.m. Unattended vehicles parked 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.

Section 13. Seattle Municipal Code § 18.12.240 (Ordinance 106615 § 12(e), as last amended by Ordinance 109078 § 1), is amended as follows:

18.12.240 (~~Competitions~~) 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

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1 hang-glider, helicopter, hot air balloon, or other airborne conveyance,
2 except at specified places and times designated for such activities by the
3 Superintendent and upon his or her determination that:

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

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

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

10 D. Such activities will not unduly interfere with the use of park
11 facilities by the general public.
12

13 Section 14. There is added to the Seattle Municipal Code a new Section
14 18.12.145 under Subchapter V Prohibited Acts, as follows:

15 Section 18.12.145 Urinating or defecating prohibited except in
16 restrooms.

17 Urinating or defecating in any park, except in facilities specifically
18 provided for the purpose, in violation of Section 12A.10.100 shall be
19 subject to punishment as provided in Section 12A.02.080.

20 Section 15. There is added to the Seattle Municipal Code, a new
21 section, designated Section 18.12.255 as follows:

22 Section 18.12.145 Liquor

23 It is unlawful to bring into or consume in any park any wine, beer, or
24 other intoxicating liquors, except as authorized or permitted by state law.
25 A violation of this section shall be punished as a violation under
26 §12A.02.080 when the consumption occurs at a picnic table or in a shelter in
27 a designated picnic area in conjunction with the consumption of food. A
28 violation of this section shall be punished as a crime under §12A.02.070
under all other circumstances.

1 Section 16. Seattle Municipal Code Section 18.12.260 (Ordinance
2 106615 Section 14) is amended as follows:

3 Section 18.12.260 Littering--Trash deposit.

4
5 It is unlawful to throw or deposit any refuse or other material in any
6 park, except in designated receptacles ((▼)) ; or to take garbage or refuse
7 to a park for disposal in the park; or to deposit garbage or refuse
8 generated outside a park in a receptacle within the park designated for
9 deposit of trash by the public.

10 Section 17. There is added to the Seattle Municipal Code a new
11 Section 18.12.265, as follows:

12 Section 18.12.265 Motorized models.

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

17 Section 18. Seattle Municipal Code Section 18.12.270 (Ordinance
18 106615 Section 15) is amended as follows:

19 Section 18.12.270 Fires.

20
21 It is unlawful (a) to ignite or maintain any fire or to participate in
22 igniting, maintaining or using any fire within any park except ((fires
23 built)) in a designated stove or fire ring ((fire pits)), or in a beach area
24 at Carkeek Park approved by the Superintendent for beach fires, or (b) to
25 ignite in any stove or fire ring any household rubbish or other material
26 banned from outdoor burning by air pollution control regulations, or (c) to
27 ignite or maintain a fire in any fire ring during any stage of an air
28 pollution episode declared by the Puget Sound Air Pollution Control Agency.
All fires within parks are prohibited ((each day)) between the hours of
eleven p.m. and six a.m.

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Section 19. There is added to the Seattle Municipal Code a new
Section 18.12.275, as follows:

Section 18.12.275 Permits.

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 ordinance or by rules of the
Superintendent without first obtaining a permit from the Superintendent.

Section 20. There is added to the Seattle Municipal Code a new
Section 18.12.277, as follows:

Section 18.12.277 Trespass in the parks.

A. The Superintendent may order anyone to leave the premises of a park,
who within the park:

1. causes injury to another or creates a substantial risk of injury to another;
2. causes damage to property of the City or to the park or the property of another or creates a substantial risk of such damage; or
3. disrupts the use and enjoyment of the park by another or an organized event.

Upon such an order being given, the recipient shall no longer be invited,
licensed or otherwise privileged to remain on the premises of the park from
which he or she was ordered to leave. A person who has been ordered by the
Superintendent to leave the premises of a park shall not re-enter the
premises of that park, from which he or she was ordered to leave, for a
period of twenty-four (24) hours after the order was given.

B. The Superintendent may forbid anyone from re-entering the premises of
a park for a period of no more than thirty (30) days whenever:

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- 1 1. The person forbidden re-entry has already been ordered to leave
2 the premises of a City park on two occasions within the last
3 thirty (30) days; and
4 2. The person forbidden re-entry has caused injury to another or
5 engaged in conduct creating a substantial risk of injury to
6 another within the park, or caused damage to property or engaged
7 in conduct creating a substantial risk of damage to property of
8 the City or another or to the park.

9 An order prohibiting re-entry for a period longer than twenty-four (24)
10 hours shall be in writing.

11 C. The following persons are guilty of the crime of illegal trespass in a
12 park:

- 13 1. Anyone who fails to leave the premises of a park after being
14 ordered by the Superintendent under the authority of this section
15 to leave the premises;
16 2. Anyone who re-enters the premises of a park within twenty-four
17 (24) hours after leaving the premises under an order of the
18 Superintendent under the authority of this section; and
19 3. Anyone who re-enters the premises of a park within the period
20 contained in a written order prohibiting re-entry issued by the
21 Superintendent under the authority of this section.

22 D. Any of the following may issue orders on behalf of the
23 "Superintendent," as used in this section, to leave the premises of a park:
24 The supervisor or other person in charge of a park or recreational facility
25 and his or her immediate assistants; a lifeguard at a beach or swimming
26 pool; a peace officer; and, with respect to facilities devoted exclusively
27 to a particular recreation program, the recreation leader in charge; and
28

1 during the hours the facility is closed to the public, a guard or
2 maintenance worker. A written order prohibiting re-entry for a period
3 longer than twenty-four (24) hours may only be issued by the Superintendent
4 or a director or a district recreation manager acting for the
5 Superintendent.

6 E. Every offense defined by this section or conduct made unlawful hereby
7 shall constitute a crime subject to the provisions of Chapter 12A.02 and
8 12A.04 of the Seattle Municipal Code, and any person convicted of such crime
9 may be punished by a fine in any sum not to exceed Five Thousand Dollars
10 (\$5000.00) or by imprisonment in the City Jail for a term not to exceed one
11 (1) year, or by both such fine and imprisonment.

12 Section 21. Seattle Municipal Code Section 18.12.280 (Ordinance
13 106615 Section 16) is amended as follows:

14 Section 18.12.280. Discrimination prohibited.

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

22 B. It is unlawful for any person ~~((of organization))~~ occupying or
23 using any park ~~((and))~~ or recreation facility ~~((ies pursuant to a permit~~
24 ~~for the conduct of sponsoring of an event, race or show))~~ for any event,
25 activity or exhibition open to the public, whether or not under a permit and
26 whether or not ~~((with or without))~~ an admission or entrance fee is charged,
27 to deny to any other person ~~((of organization))~~ the full use and enjoyment
28 of such park and recreation facility ~~((ies))~~ because of race, creed, color,

1 sex, marital status, sexual orientation, political ideology, age, religion,
2 ancestry, national origin or the presence of any sensory, mental or physical
3 handicap. In addition to other sanctions, the permit of ((A)) any person
4 ((of organization)) who is convicted of a violation of this section,
5 ((shall have any such permit)) for access or use of such park and recreation
6 facility may be cancelled and ((shall thereafter be denied issuance)) after
7 notice and hearing, the Superintendent may order that such person shall not
8 be eligible ((of)) for any similar permit for access to, or use of, a park
9 and/or recreation facility ((ies)) for a period up to three years.

10 C. Where applicable, the term((s)) (("persons";)) "deny" ((and "full
11 use and enjoyment of")) shall have the meaning ((as)) in RCW 9.91.010, as
12 now or hereafter amended; the terms "full enjoyment of" and "person" shall
13 have the meaning in RCW 49.60.040, as now or amended.

14 D. Nothing in this section shall prohibit the exercise of
15 constitutional liberties or the use of a bona fide qualification or
16 restriction that does not infringe upon civil rights or civil liberties
17 recognized by state law or City ordinance.

18 Section 22. Seattle Municipal Code Section 12A.52.020 (Ordinance
19 89021 Section 1-A, as last amended by Ordinance 109674 Section 20) is
20 further amended as follows:

21 Section 12A.52.020 Enforcement Authority.

22 The Director of Construction and Land Use shall enforce provisions of
23 this chapter relating to the deposit or accumulation of litter on private
24 property; the Superintendent of Parks and Recreation shall enforce such
25 provisions in any public park; and the Director of Engineering shall enforce
26 all other provisions of this chapter.

(To be used for all Ordinances except Emergency.)

Section 23. Repealer

Seattle Municipal Code Section 18.12.220 (Section 12c of Ordinance 106615 as last amended by Ordinance 109078) is hereby repealed.

Section 24. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the.....day of....., 19 ..,
and signed by me in open session in authentication of its passage this.....day of
....., 19 ..

President.....of the City Council.

Approved by me this.....day of....., 19 ..

Mayor.

Filed by me this.....day of....., 19 ..

Attest:.....
City Comptroller and City Clerk.

(SEAL)

Published.....

By.....
Deputy Clerk.

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Seattle
Department of
Parks and Recreation

Charles Foyer, Mayor
Walter R. Hundley, Superintendent

RECEIVED

MAY 06 1987

JEANETTE WILLIAMS
SEATTLE CITY COUNCIL MEMBER



MEMORANDUM

To: City Councilwoman Jeanette Williams, Chair, Parks and
Public Grounds Committee

From: Walter R. Hundley
W. R. Hundley

Subject: Revised Park Code

Several questions were raised in the hearing held Monday, May 4, 1987, regarding proposed amendments to the Seattle Park Code. This is in response to those questions.

1. Insurance Requirement for Use Permits. The concern expressed is that the provision allowing the City to require permit applicants to provide insurance for their events would restrict or inhibit rights guaranteed under the First Amendment. The proposed Park Code amendment specifically provides that insurance may be required only insofar as is consistent with the First Amendment of the U.S. Constitution.

In fact, the use permit system has been in place for several years under the Superintendent's authority to regulate the use of parks, and we have consistently waived insurance requirements for rallies, demonstrations, religious services, and other events protected by First Amendment guarantees. The booklet we provide to Use Permit Applicants specifically states this. A copy of the booklet "How to Apply for a Use Permit" is attached; the relevant section highlighted.

2. Trespass in the Park. Concern has been expressed that parks staff may attempt to act capriciously, arbitrarily, and without sufficient cause in ordering citizens to leave the premises of a park facility. We believe and the Law Department concurs that the language we propose is legally defensible. It is the product of a great deal of consideration, debate, and review involving this Department and attorneys in the Law Department. Three specific serious conditions have been identified which could result in a person being asked to leave. Staff would have to witness the situation personally and be prepared to defend from firsthand knowledge any decision to temporarily expel a person from a park facility.

Increasingly, citizens are insisting that we maintain an environment that is safe, comfortable and enjoyable, especially in our community centers. Parents have a right to expect that their children will experience a safe,

wholesome atmosphere in our buildings. Similarly, adults and senior adults making choices about their recreational activities expect the Department to maintain orderly facilities in which they feel comfortable. If we fail to do this--or even if people perceive that we are failing--many citizens simply will choose to stay away from facilities their tax money built.

The ability to act decisively on the spot to halt destructive or disruptive behavior is essential to maintaining an orderly atmosphere. One of the key factors is immediacy; another is authority. Many situations can be handled quickly that might otherwise get out of control if staff is in a position to take prompt, decisive action.

3. Liquor. The concern expressed is that the proposed language prohibiting people from bringing liquor into a park would make law-breakers of innocent citizens who simply stop at a convenience store and purchase a six-pack which they then carry home through a park. As you know, it is currently a violation of state law to consume alcoholic beverages in a park or other public place. This leads to enforcement problems because a police officer must witness the consumption in order to take action.

To be enforceable, the legislation must extend to possession as well as consumption. Only the police have enforcement authority. It is very unlikely that an innocent person walking through a park carrying a grocery sack which might contain alcoholic beverages would be stopped by a police officer. Even if such a person were stopped, it would be within the officer's discretion to assess the seriousness of the event. The Police Department is not eager to increase its workload or the burden on the court system by writing frivolous citations.

If you have further concerns about the proposed amendments to the Park Code, please do not hesitate to call.

WRH:rh

Attachment: How to Apply for a Use Permit

APPROVALS

SMC 25.08.520A makes it unlawful for any person to cause or allow sound from an officially sanctioned outdoor musical event originating in a park to exceed an "L_{eq}" of 95 dB (A) for one minute as measured 50 feet from the source. An "L_{eq}" is defined as "The constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound." An authorized Park Department official, Health Department official or a police officer may stop any outdoor musical event as a public nuisance if the decibel level exceeds 105 dB(A) for a total of five minutes in any thirty minute period as measured 50 feet from the source.

Unless the likelihood of violating the Noise Control Ordinance is remote, the City will require a bond or cash deposit in an amount up to five hundred dollars (\$500) for an outdoor musical event where noise will be produced without amplification, and in an amount up to one thousand dollars (\$1,000) where amplified sound will be used. The factors used to consider when determining the amount of the deposit include, among other factors: past performance, amplification, number and type of musical instruments, location of event and number of participants. The bond or cash deposit is security for payment of any fines imposed for violating the ordinance. A copy of the Noise Control Ordinance will be supplied upon request.

It is an applicant's duty to secure all necessary City permits.

The Seattle Building Code applies to construction on park property. It may require a permit for activities at or in preparation for an event, e.g. building a stage over one foot in height, constructing a booth for sales or displays, erecting a large tent. Where a Building Permit may be required, no use permit will be issued unless the building permit has been secured or the Department of Construction and Land Use has indicated that none will be needed.

When receiving oral advice, record the name of the City official rendering it: oral responses may need to be verified.

The Department of Parks and Recreation reserves the right to regulate the pricing of goods and services sold to the public. Prices of food, products, or services and admission charges should be discussed with the Recreation Information Office when making an application. No liquor may be sold or handled except in certain indoor facilities with a valid state liquor license after special permission is given by the Superintendent.

A City business license under SMC 5.44 m is required if the applicant engages in business activities subject to the City's business and occupation tax. A certificate of registration may be needed under the Admission Tax Ordinance (SMC 5.40) in order to charge admissions. A business license or certificate of registration when required, may be secured from the Department of License and Consumer Affairs, 102 Seattle Municipal Building, 600 - 4th Avenue, Seattle, Washington 98104.

SMC 10.10 requires permits for food establishments and food handlers, including those in City parks. These permits may be secured from the Seattle-King County Health Department. If these permits are not obtained, a health officer may stop the sale or distribution of food.

Sometimes, an activity may need staff services from park personnel in operating equipment, in providing instruction, or in making special site preparation. (e.g. special lighting, locating chemical toilets or a dumpster, providing additional garbage cans, etc.) At other times, police services may be helpful for crowd control or traffic direction. There may be an additional fee for such departmental staff services; the Police Department determines fees for its services. The Recreation Information Office will supply information and assistance to an applicant in arranging for them.

APPEALS

If an applicant is dissatisfied with the decision by department officials on an application, the applicant may appeal to the Director of Recreation, 210 Municipal Building, Seattle, WA 98104, Phone 625-4008. The appeal should contain the following information:

- A) A precise identification of the application;
- B) A statement of the action or omission causing concern;
- C) The action requested by the applicant and the reasons supporting it, e.g. why the action is unfair or a hardship; impacts of the decision of departmental personnel that the Director of Recreation might not otherwise know, etc.
- D) Whether an opportunity to speak with the Director or a hearing is requested, and if so, an address or telephone number where you may be contacted; and
- E) If a decision is urgently needed, an indication when a decision needs to be made.

The appeal will be considered within a reasonable time--within 48 hours if the appeal raises issues of constitutional rights and requires immediate attention. If practical, the matter may be resolved by telephone or a personal visit. The Department's decision will be final.

SUMMARY

To secure a park use permit, file an application and pay a fifteen dollar (\$15.00) application fee. Do it early; allow time for processing. An application may need any of the following:

* Public liability insurance in an approved form.

Performance bond, cash deposit, or noise control bond.

Special approvals: review by Performing and Visual Arts Manager, building and food establishment and handlers permits, business license or admission tax registration, or additional departmental review and services.

If you have any questions or encounter difficulties, contact the Recreation Information Office. If dissatisfied, there is an appeal to the Director of Recreation, 210 Municipal Building, Seattle, Washington 98104.

The City's park and recreation system is provided for public recreation and enjoyment. If a term or condition causes hardship, confer with the Recreation Information Officer. Perhaps, an adjustment may be made in the activities planned so that department procedures and terms might accommodate your use while adequately protecting the City.

GL:wpv
5/28/83

**HOW TO APPLY
FOR A
USE PERMIT**



Seattle
Department of
Parks and Recreation

This booklet is designed to help you get a use permit by telling you where to apply, what our procedures and requirements are, and how you may appeal if you are dissatisfied.

USE PERMITS

Use permits are needed to reserve a playing field, a facility, hall or room in a community center, a stage or performing arts area, or to use a park for a gathering of a large number of people. Use permits allow park officials to schedule events to prevent conflicts, to make necessary preparations (e.g. heating, lighting, etc.), to provide personnel and facilities if needed (e.g. garbage cans, lavatories), and to avoid overuse, (e.g. turf often needs watering and an interval to recuperate after heavy use.)

Use permits are granted on an application basis, to apply for all outdoor facilities, the Lawn Bowling Clubhouse, and the public area of Pier 57, write, call or visit the Recreation Information Office at this address: 5201 Green Lake Way North, Seattle, WA 98103, telephone 625-4668.

Reservations for recreation rooms or buildings are made through the Senior Facility Supervisor at the desired site during regular operating hours.

FEE

All permit applications must be accompanied by a fifteen dollar (\$15.00) application fee. The fee pays for processing the application—checking whether the time is available, asking department personnel if advance preparation is needed and alerting them, reserving the use on facility calendars, and coordinating with you and, if needed, with other City departments. If a requested time or place is already taken, an alternative site may be recommended. The fee will be returned if the application is denied.

If an admission fee will be charged or food or merchandise sold, the City charges a use fee of 10% of the gross receipts. Any commercial or promotional use requires a minimum fee of one hundred dollars (\$100.00).

Some concessionaires (e.g. a food stand, popcorn wagon, or ice cream cart) have exclusive privileges to sell food for a fee inside a park. The Recreation Information Office will tell you about them when this is the case. Concessionaires' contract rights have to be respected.

The percentage of gross receipts does not apply to a bona fide donation or collection made at a religious or political gathering. The fee applies to sales at a fixed price for buttons, literature, or food, for example.

In a contribution, the donor alone determines what will be given and receives nothing in exchange; in a sale, the seller or the seller and the buyer set the price, and the rule is: no money, no merchandise.

Insurance, a performance bond, and special approvals may be needed in addition to the above fees.

APPLICATION

An application form is attached. The form is self-explanatory. It should be completed in detail. Answers to all the questions should give a full description of what activities are planned, when the facilities are needed, and the number of people expected. Additional fees may be added if needed. Wherever a "Yes" answer is given on the checklist (Question (ii)), an explanation should be supplied. Is very important to date and sign the application. An unsigned application will be returned; an incomplete form may cause delays. Please keep the gold copy of the application for your records.

Applications for Use Permits should be made at least two months before the requested date. Applications will be accepted with less advance notice on the understanding that a permit may have to be denied, because the Department of Parks and Recreation lacks enough time to route the request or make appropriate preparations.

- * With less than six (6) days, a \$50.00 late fee is required in addition to any other fees.

INSURANCE

The City requires that a user provide the City with liability insurance coverage extending over the term of the permit unless the proposed event is a religious or political activity protected by the First Amendment to the United States Constitution. The liability insurance must be evidenced by a certificate or policy of insurance. The insurance should meet these requirements:

- a) It should contain Comprehensive General Liability coverage, and if a motor vehicle will be used, Automobile Liability. The Comprehensive General Liability coverage, includes (but is not limited to) coverages sometimes called "Premises/Operations Liability (M&O); Products and Completed Operations Liability; and Contractual Liability." The Automobile Liability should include coverage for owned, nonowned, leased or hired vehicles;
b) It should have at least coverage up to either of the following amounts ("minimum limits"):
* \$500,000 Bodily Injury Liability and
\$100,000 Property Damage Liability.
or
* \$500,000 Combined Single Limit, Bodily Injury and Property Damage;

It should name the City of Seattle as an additional insured and promise the City twenty (20) days advance notice of any change or cancellation. This wording on the certificate is recommended:

- "1. The City of Seattle shall be named an additional insured under the above-numbered insurance policy as respects the Park Use Permit issued by the City of Seattle."
"2. The City of Seattle shall be given twenty (20) days notice of any change, cancellation, expiration or renewal of the policy."

It may appear as a "rider" to the certificate; and

d) The policy period should include the dates of the planned event.

Some applicants present a Certificate of Insurance form identified as "Acord" in the insurance trade. Unless the applicant's insurance policy has a "rider" with the language in subsection (c) in the preceding paragraph, these two changes need to be made in the "Acord" form of certificate:

- 1. The following wording at the top of the form should be deleted in its entirety: "This certificate is issued as a matter of information only and confers no rights upon the certificate holder."
2. This wording, which now appears at the bottom of the form:

"Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail _____ days written notice to the below named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company." This should be changed to read as follows:

"Should any of the above described policies be cancelled or reduced as to coverage before the expiration date thereof, the issuing company will mail twenty (20) days written notice to the below named certificate holder/City of Seattle as an additional insured."

Both changes should be initiated by the insurance agent.

In order to accommodate constitutional rights to assemble peacefully for political and religious purposes, no insurance is required for gatherings (such as rallies, demonstrations, and outdoor religious services) purely for political or religious expression. Liability insurance may be required in connection with a political or religious event when the proposed activity presents a significant risk of injury;

For example, food may be sold or it may be served in quantity; the audience may engage in athletics, group exercises, or activity with physical contact as part of the program; booths may be built or carnival activities may be provided to raise funds; equipment with cords and wires may be brought in; or an attraction may involve a publicly staged or circus animals or hot air balloon launching. In all these cases, insurance would be required to cover those activities involving a significant risk of injury.

BOND OR DEPOSIT

A performance bond is a written guarantee from a bonding company or approved surety agreeing to make payment to the City up to a set amount if a named party does not fully comply with a Park Use Permit. A cash deposit is a payment made to the City and held in trust for performance or payment of certain charges such as an escrow account or a damage deposit given by tenants to landlords. A performance bond is released if the terms and conditions of a permit are fully performed and a cash deposit is returned by check from the City Comptroller's Office. If a permit is not performed fully, expenses incurred or damages sustained may be charged against the bond.

The City requires a performance bond or cash deposit in these situations:

- a) When admission is charged to an event or food or products are sold, in order that the City may be assured of collecting the percentage of gross receipts charged;
b) When the event presents a risk of damage to City property, in order that the City may be assured that repairs will be made or the City reimbursed its cost;
c) When the event appears likely to cause the City unusual clean up or restoration expenses, in order that the City can cover its probable out-of-pocket costs;
d) When the City's Noise Control Ordinance, Seattle Municipal Code (SMC) 25.08, applies in order to comply with its terms and conditions, particularly Section 520E; and
e) When special services are provided, or extra expenses are anticipated, and the Superintendent of Parks and Recreation determines that a performance bond is necessary to fully protect the City.

The bond or cash deposit is set in an amount which would make the City whole if the terms and conditions of the use permit were not fully performed, and where applicable, in accordance with SMC 25.08, 520E.

City of Seattle

Executive Department-Office of Management and Budget

James P. Ritch, Director
Charles Royer, Mayor



April 2, 1987

473

9182

COPY RECEIVED

APR 3 1987

Douglas M. Jewett
CITY ATTORNEY

Handwritten signatures of Douglas M. Jewett and another individual, possibly Lori Mayfield, over the typed name of Douglas M. Jewett.

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

In January of 1986, the Mayor proposed to the City Council that legislation be adopted amending certain sections of the Seattle Municipal Code and adding new sections to the Park Code (see C.B. 105342, introduced to City Council January 27, 1986). The legislation was prepared by the Parks Department. The Council has not yet adopted the proposed ordinance.

Between the time the legislation was introduced and the present, the Parks Department has made changes in the proposed legislation, and wishes to substitute the enclosed revised ordinance for adoption by the Council in place of the one originally submitted. Since the title of the ordinance remains the same, we are not forwarding a new request for legislation, but rather ask that you review this substitute ordinance and forward it to Lori Mayfield of Councilmember Jeanette Williams' staff.

Should you have questions or suggested revisions on the proposed legislation, please contact Teresa Summers in the Office of Management and Budget at X2551. Thank you for your cooperation.

Sincerely,

A large, stylized handwritten signature of Charles Royer.

Charles Royer

By

JIM RITCH
Budget Director

JR/ts/ca

Enclosure

cc: Walter Hundley, Parks Superintendent
Lou Anne Kirby, Parks Department

Seattle
Department of
Parks and Recreation

Charles Royer, Mayor
Walter R. Hundley, Superintendent

MAR 30 1987



MEMORANDUM

RECEIVED

APR 08 1987

Date: March 25, 1987

To: Jeanette Williams, Chair
City Council Parks and Public Grounds Committee

Via Mayor Charles Royer

Attention: Jim Ritch, Director
Office of Management and Budget

From: Walter R. Hundley 

JEANETTE WILLIAMS
SEATTLE CITY COUNCIL MEMBER

Thank you for your patience with respect to proposed Park Code amendments. In the interim since your committee held the public hearing last August, we have met with various interested agencies and organizations, including the Police Department, Municipal Court, Department of Human Resources, neighborhood groups, and a representative of the American Civil Liberties Union.

As a result of these meetings and comments received, we have made a number of changes in the proposed legislation. These changes are summarized in an addendum to the previous Legislation Request Supporting Information.

We feel the changes we have made have improved the legislative request in terms of completeness, fairness and enforceability. We are now asking to have the proposed Park Code amendments again placed on the agenda of the Parks and Public Grounds Committee.

Again, thank you for your patience in this matter.

LEGISLATION REQUEST SUPPORTING INFORMATION
ADDENDUM TO JANUARY 3, 1986 STATEMENT -- PARK CODE

In addition to changes summarized in the Objectives section of the Statement of Legislation Supporting Information submitted January 6, 1986, the following changes are now proposed to the Park Code:

- Section 2 (page 2, lines 12-15): Cite First Amendment rights in order to address ACLU concerns.
- Section 2 (f) (page 3, lines 5-12): Add park closures to regulatory provisions, as requested by Police Department and Mayor's Task Force; includes provision to close sidewalk, bikeway, and parking lane adjacent to Alki Beach Park under emergency conditions.
- Section 12 (page 8): Add "Matthews Beach - Sunset to 6 a.m." to list of parks closed at night.
- Section 14 (page 10, lines 13-20): Add new section referencing the City's prohibition on urinating or defecating in parks (SMC 12.10.100) as requested by Mayor's Task Force. Renumber succeeding sections.
- Section 15 (page 10, lines 23-28): Establish penalties for liquor violations.
- Section 20 (page 12, lines 14, 17; page 13, line 5): Delete "is likely to" and change "create" to "creates" (a substantial risk of injury), in order to address ACLU concerns.
- Section 20 (page 13, line 25): Add "a peace officer" to the list of persons authorized to act on behalf of the Superintendent, a change requested by the Police Department.

A copy of the previous Statement of Supporting Information is attached, along with the complete text of the proposed amendments to the Park Code.

Contact Person:

Lou Anne Kirby, Community Relations Coordinator, 625-2683.

March 26, 1987

LEGISL. JN REQUEST SUPPORTING INFORMAT.

In conformance with the City of Seattle Operating Procedure 100-014 and 200-001 the following information is submitted.

Title

An ordinance to amend the existing Park Code (Ordinance 106615: SMC 18.12) by amending, renumbering, adding sections, and repealing one section.

Statement of Objectives

This legislation has the following objectives:

- Restore the prohibition against the consumption or delivery of alcoholic beverages in parks, except as permitted or authorized under state law. (Section 18.12.255; page 10)
- Authorize the Superintendent or his designee to order a person to leave a park and prohibit reentry for a period of 24 hours if the person has caused injury to a person or property or is likely to do so, or is disrupting the enjoyment of the park by others. Upon written notice the Superintendent may prohibit a person from reentering a park for a period of 30 days when the person has been ordered to leave a park on two previous occasions within the past 30 days and has caused injury or property damage or engaged in conduct likely to result in injury or property damage. (Section 18.12.277; page 12)
- Require a permit to hang-glide in or from a park. (18.12.240; page 9)
- Incorporate noise limits and penalties prescribed in the Noise Ordinance (25.08.520 and 25.08.800) into the Park Code. (18.12.170; page 7)
- Make the Park Code consistent with the City's Animal Control Code by requiring people with pets in parks to carry equipment to remove feces; and delete phrase related to areas for exercising pets. (18.12.170; page 4)
- Limit commercial activities on hydroplace race day. (18.12.165; page 6)
- Prohibit commercial fishing activities in parks and at boat ramps; provided, however, that this section cannot be applied to impair the exercise of any right protected under the Treaty of Point Elliott (12 Stat. 927 (1859)). (18.12.195; page 7)
- Prohibit the burning of garbage and other inappropriate materials in beach fires. (18.12.270; page 11)
- Prohibit the disposal of commercial or residential garbage in dumpsters or trash containers in parks. (18.12.260; page 10)
- Authorize by ordinance the use permit process and other Superintendent's rules already in effect such as those concerning motorized models and hours of operation for motor vehicles in parks. (18.12.275; page 11)
- Clarify hours for vehicular access to parks and prohibit overnight parking in parks and their associated parking lots. (18.12.230; pages 8-9)
- Make a number of other housekeeping and grammatical changes.

Fiscal Requirements

No additional fiscal requirements are anticipated as a result of this legislation.

Evaluation Criteria

The Department of Parks and Recreation works closely with citizens and other public agencies, especially the departments of Police, Health, Fire, and Licensing (Animal Control) to provide safe, clean and attractive parks and recreation facilities. Provisions of the Park Code along with other related City codes and applicable state laws provide the basis for enforcing regulations to ensure park security and sanitation. In developing this legislation, which has been in progress since 1981, we have consulted all of the agencies mentioned as well as the State Game Department, State Fisheries, and the Puget Sound Air Pollution Control Agency. Their comments are incorporated in this legislation.

The Park Board conducted a public hearing on the Park Code as a whole on December 17, 1981, and on February 25, 1982, recommended it for adoption by the City Council. In addition to the above hearing, the Park Board has held hearings on hang-gliding; alcoholic beverages; the night-time closure of various parks; noise as it relates to music in the parks; and park security as a whole.

Recognizing that any regulations and limitations on the use of parks to some extent may limit the freedom of individuals in their use of public property, the Parks Department has consulted with the Law Department to make every effort to preserve individual rights consistent with the need to preserve and protect public safety and property and to provide for the common enjoyment of all park users.

Alternatives

The alternative to passage of the amended Park Code is to continue under existing legislation, which in some cases has proved to be out-of-date or inadequate.

Contact Person

Lou Anne Kirby, Community Relations Coordinator. 625-2683.

January 3, 1986

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below

stated period. The annexed notice, a
Ordinance No. 113436
.....

was published on
May 21, 1987
.....

.....
R. Spruizga
.....

Subscribed and sworn to before me on
May 21, 1987

.....
Yvonne Summers
.....
Notary Public for the State of Washington,
residing in Seattle.

ORD# 113436

35MM

2 SHEETS

City of Seattle

Section 18.01.010 shall have the meaning (as) in RCW 9A.01.010, as now or hereafter amended, the terms "fully employed" and "person" shall have the meaning RCW 49.60.040, as now or amended.

B. 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.

Section 22. Seattle Municipal Code Section 12A.52.020 (Ordinance 89021 Section 1-A, as last amended by Ordinance 109674 Section 20) is further amended as follows:

Section 12A.52.020 - Enforcement Authority.

The Director of Construction and Land Use shall enforce provisions of this chapter relating to the deposit for accumulation of litter on private property, the Superintendent of Parks and Recreation shall enforce such provisions in any public park and the Director of Engineering shall enforce all other provisions of this chapter.

Section 23. Repealer.

Seattle Municipal Code Section 18.12.020 (Section 12 of Ordinance 106615, as last amended by Ordinance 109078) is hereby repealed.

Section 24. Any act consistent with the authority and prior to the effective date of this ordinance is ratified and confirmed.

Section 25. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the charter.

Passed by the City Council the 11th day of May, 1987, and signed by me in open session in authentic attestation of its passage this 11th day of May, 1987.

SAM SMITH, President of the City Council.
Approved by me this 13th day of May, 1987.
SAM SMITH, Acting Mayor.

Filed by me this 13th day of May, 1987.
ALAN NORWARD J. BROOKS, City Comptroller and City Clerk.
(S) BY THERESA DUNBAR, Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce Seattle, May 21, 1987.