

Chapter 10.03

PARK RULES AND REGULATIONS

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10.03.010 Short Title.

This chapter shall constitute the “Park Rules and Regulations for the City of Lake Stevens” and may be cited as such. (Ord. 821, Sec. 2, 2009)

10.03.020 Definitions.

The terms used, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

- (a) “Department” means the City of Lake Stevens Planning and Community Development Department.
- (b) “Director” means the Director of the Planning and Community Development Department for the City of Lake Stevens, or his or her designee.
- (c) Event. Refer to Chapter 14.08.
- (d) Event Permit. Refer to Chapter 14.08.
- (e) “Park” means a site designed, developed or designated by the City for recreational use or activities by the public including, but not limited to:
 - (1) Indoor facilities, such as:
 - (i) Gymnasiums;
 - (ii) Swimming pools; or
 - (iii) Community and activity centers; and
 - (2) Outdoor facilities, such as:
 - (i) Sport fields;
 - (ii) Playgrounds;
 - (iii) Skate parks;
 - (iv) Docks, piers, boardwalks and fishing areas;
 - (v) Swim and beach areas;
 - (vi) Boat launches and marinas;
 - (vii) Parking lots; or
 - (viii) Gazebos, picnic shelters and related outdoor activity areas; and
 - (3) Areas and trails for:
 - (i) Pedestrians;
 - (ii) Bicyclists; or

- (iii) Dogs or equestrians; and
- (4) Any other public property or facility that the City has designed, identified or designated for recreational use or activities.
- (f) Park Permit. A park permit is required for any activity, assembly, gathering, meeting or other organized activity, of more than 50 but less than 100 persons, held in a City park, public property or facility, and that is not likely to cause a significant impact on the park, public property or facility or other property or facility users and the general public. Park permits are issued for events such as family reunions, birthday parties and other small group or organization meetings.
- (g) "Person" means all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.
- (h) "Smoking and tobacco use" means the carrying or smoking of any kind of lighted tobacco-containing pipe, cigarette, cigar, or the carrying or smoking of any other lighted smoking equipment using tobacco and any other chewing, tasting or ingesting of tobacco products. (Ord. 821, Sec. 2, 2009; Ord. 771, Sec. 2, 2008)

10.03.030 Construction of Provisions.

This chapter is declared to be an exercise of the police power of the City enacted for the public peace, health, safety and welfare. The provisions of this chapter shall be liberally construed to accomplish the purpose of this chapter. (Ord. 821, Sec. 2, 2009)

10.03.040 Purpose.

Parks may from time to time be set aside by the City for park and recreational purposes. The City may organize public recreation programs consisting primarily of activities planned and directed by the Planning and Community Development Department. The Director of the Planning and

Community Development Department is authorized to contract with community groups to organize recreation activities in City parks that are open to the general public and for which a fee may be charged. (Ord. 821, Sec. 2, 2009)

10.03.050 Hours.

Park hours shall be 7:00 a.m. till dusk unless posted otherwise. Park hours may be extended as part of a permitted event or with prior written permission from the Director. No person shall enter or be present at a Lake Stevens park area after closing time. (Ord. 821, Sec. 2, 2009)

10.03.060 Posting Signs, Posters, and Notices.

- (a) No person shall, without prior written permission of the Director, attach any notice, bill, poster, sign, wire, rod, or cord to any tree, shrub, railing, post or structure within any park; provided, that the Director may permit the erection of temporary directional signs or decorations on occasions of public celebration and picnics.
- (b) No person shall, without prior written permission of the Director, use, place, or erect any signboard, sign, billboard, bulletin board, post, pole, or device of any kind for advertising in any park, or place or erect in any park, a permanent or temporary structure of any kind; provided, that before granting permit, the Director shall establish general rules and regulations pertaining hereto, including provisions requiring removal, protecting City employees, the general public interest, and persons using City parks.
- (c) It is further unlawful for any person to distribute literature of any kind in any park within the City without first obtaining written permission to do so from the Director. The Director shall establish rules and regulations relating to the distribution of literature which may prohibit the distribution of literature of a purely commercial advertising nature and shall require the deposit with the City of a "litter" cleanup

deposit in an amount to be determined by the Director prior to the issuance of any such written permit. (Ord. 821, Sec. 2, 2009)

10.03.070 Damage to Park Property Unlawful.

No person shall remove, destroy, or mutilate, injure, cut, disturb, misuse, or mark or write upon any structure or building, or any part of any structure or any building, or any fixture therein, or attached thereto, or any monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, or pick, cut or remove any shrub, tree, fern, plant, flower, lighting system, or sprinkling system, or any other property lawfully located within a park area. (Ord. 821, Sec. 2, 2009)

10.03.080 Animals at Large Prohibited.

No person shall allow or permit any dog or other pet to run at large in any park or public property. Any person with a dog or other pet in his/her possession in any park or on public property shall be responsible for both the conduct of the animal, damage caused by the animal, and removal from the park or public property of feces deposited by such animal. Dogs or pets on park or public property must be on a leash of no more than eight feet in length, and under the control and direction of the owner or guardian, except;

- (a) Dogs used by public law enforcement agencies and under control of a law enforcement officer.
- (b) In areas specifically designated as “off-leash areas” by the Director and posted as such, for the exercising of pets. Dogs and pets must still be under the control and direction of the owner or guardian.
- (c) When exceptions or conditions are applied as part of a permitted event.
- (d) The Director may ban dogs and other pets from areas of any parks or public property where she or he determines the same may be a nuisance. The Director may ban dogs and other pets from areas of any park or public property during a permitted event or where

organized public recreation activities may be conducted. (Ord. 821, Sec. 2, 2009)

10.03.090 Horses Prohibited.

No person shall permit any horse, except horses used by and under the control of a public law enforcement agency, to be in any park, whether at large or under the direct control of its rider, except in areas specifically designated by the Director and posted as such or as part of a permitted event. (Ord. 821, Sec. 2, 2009)

10.03.100 Firearms and Explosives.

No person shall shoot, fire, or explode any fireworks, firecrackers, torpedoes, or explosives of any kind or throw any projectiles, or carry any firearm, or shoot or fire any firearm, air gun, bow and arrow, BB gun, or use any slingshot on any park properties except a law enforcement officer in the line of duty. The Director may issue a permit for the purpose of conducting a public fireworks display under RCW 70.77.260. The permit must meet the requirements of Section 9.64.030, Public Display of Fireworks. (Ord. 821, Sec. 2, 2009)

10.03.110 Teasing, Annoying, or Injuring Animals Prohibited.

No person shall tease, annoy, disturb, molest, catch, injure, kill, or throw any stone or missile of any kind at or strike with any stick or weapon any animal, bird, or fowl. No person shall fish on the park properties except at areas designated by the Director and posted as such. No person shall feed any fowl or other wildlife in the park except in designated areas. (Ord. 821, Sec. 2, 2009)

10.03.120 Restriction on Vehicles.

- (a) At all times and at all locations within any park, pedestrians shall enjoy the right-of-way over any motorized or unmotorized vehicle, bicycle, tricycle, animal, skates, or skateboard.
- (b) No person shall ride, drive, or operate any bicycle, skates, or skateboard in any area

within any park where such activity is prohibited by means of posted notice. The Director is authorized to place the appropriate notice or notices at such times, and/or within such areas of any park which shall make it unlawful to ride, drive, or operate any bicycle, skates, or skateboard within such designated areas, according to the posted notice.

- (c) No motorized or nonmotorized vehicle or trailer shall be parked in a City park overnight unless part of an event for which an event permit has been issued and for which the Director has specifically addressed and conditioned as part of the permit. (Ord. 821, Sec. 2, 2009)

10.03.130 Depositing Refuse and Litter.

No person shall throw any refuse, litter, cigarette butts, broken glass, crockery, nails, shrubbery, trimmings, junk or advertising matter in any park area or trail, or deposit any waste or abandoned material therein except in designated receptacles. No person shall deposit any refuse not generated in parks in any receptacle within any park or upon any park properties. (Ord. 821, Sec. 2, 2009)

10.03.140 Building Fires.

No person shall build a fire in any park. Charcoal barbecues are prohibited except in City-provided barbecue grills. (Ord. 821, Sec. 2, 2009)

10.03.150 Intoxicating Liquor and Drugs Prohibited.

No person shall bring into any park or consume by mouth, inhalation, or injection, or possess while in any park, any intoxicating liquor, narcotic, or dangerous drugs or consume by any method any material or substance (such as glue, for example) capable of producing a state of intoxication or euphoria; provided, however, that this section shall not be applied to any person consuming a drug obtained by such person by lawful prescription and taken pursuant to the medical direction of

a licensed health care practitioner; further provided, the City Council may permit the sale and consumption of alcoholic beverages within a confined licensed area pursuant to an event permit issued by the City and a permit issued by the Washington State Liquor Control Board. Any application to the City Council for such a permit shall include a site plan identifying the specific areas to be licensed. In granting such a permit, the Council may apply restriction reasonably calculated to comply with the purpose of the Public/Semi-Public Zone as set forth in the Lake Stevens Land Use Ordinance. (Ord. 821, Sec. 2, 2009)

10.03.155 Smoking and Tobacco Use Prohibited.

Smoking and tobacco use are prohibited in all City parks under the control and jurisdiction of the City. (Ord. 821, Sec. 2, 2009; Ord. 771, Sec. 1, 2008)

10.03.160 Camping.

It is unlawful for any person or group of persons to camp out in any park except at places set aside for such purposes by the Director and so designated by signs. (Ord. 821, Sec. 2, 2009)

10.03.170 Selling Refreshments or Merchandise.

No person shall sell refreshments or merchandise in any park without first entering into a concession contract with the City according to the rules and regulations established by the Director or unless sales are in conjunction with an event for which an event permit has been issued. (Ord. 821, Sec. 2, 2009)

10.03.180 Certain Vocations Prohibited.

- (a) No person shall take up collections for any purpose nor solicit for any services or products.
- (b) No person shall hold, operate or conduct a circus, carnival, or traveling exhibition on any

park property, except such activities as may be a regular part of the parks and recreation program, without first obtaining a written permit from the Director or except as part of an event for which an event permit has been issued.

- (c) Except as provided in Sections 10.03.040 and 10.03.170, it is unlawful for persons to conduct activities in a City of Lake Stevens park area for private voluntary gain (profit).
- (d) No person shall use a metal detector in any City park.
- (e) Except as part of an event for which an event permit has been issued:
 - (1) No person shall erect a canopy, tent, shelter or other temporary or permanent structure in a City park.
 - (2) No person shall operate an inflatable bouncy house, castle or similar type of apparatus in a City park or facility. (Ord. 821, Sec. 2, 2009; Ord. 797, Sec. 1, 2009)

10.03.190 Practicing and Playing Certain Games.

No person shall practice or play golf, baseball, horseshoes, cricket, polo, lacrosse, archery, or hockey except at park areas set apart or designated for such purposes by the Director so as not to conflict with normal park usage. (Ord. 821, Sec. 2, 2009)

10.03.200 Permit for Assemblies and Events Required.

- (a) Except as provided elsewhere in this chapter, no person, group or organization shall hold, host or sponsor any organized event, assembly, meeting or other organized activity in a park that would likely attract 50 or more persons except as part of an event or activity for which a park or event permit has been issued.
- (b) A park permit is required for any activity, assembly, gathering, meeting or other organized activity, of more than 50 but less than a

100 persons, held in a City park or public property.

- (1) A person or group desiring to hold, host, sponsor or organize such activity, as outlined above, shall apply for a park permit by filing a complete application with payment of all applicable fees (per the current City of Lake Stevens Fee Resolution) and all supporting and required documents with the City at least 14 days prior to the date on which the activity, assembly, gathering or meeting is to occur.
- (2) Additional permits and fees (per the current City of Lake Stevens Fee Resolution) may be required to rent or lease additional park or public facilities.
- (c) An event permit is required for any person, group or organization desiring to host, sponsor or organize an event in the City of Lake Stevens likely to attract participants and spectators of 100 persons or more pursuant to Chapter 14.44 LSMC.
- (d) When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe constitutional freedoms, and in a manner that respects the liberty of applicants and the public. (Ord. 821, Sec. 2, 2009)

10.03.210 Racing Regulations.

No person shall engage in, conduct, or hold any trials or competitions for speed, endurance, or hill climbing involving any vehicle, boat, aircraft, or animal in any park area, without first obtaining an event permit to do so. Said permit will outline specified places and times designated for such activities by the Director upon his/her determination that:

- (a) Adequate provision has been made to ensure that the health and safety of participants and spectators of any activities will not be subject to undue hazard; and
- (b) Such activities will be conducted in such a manner as to minimize potential damage to public or private property. (Ord. 821, Sec. 2, 2009)

10.03.220 Watercraft.

No person shall have, keep, or operate any boat, float, trailer, raft, or other watercraft in or upon any bay, lake, slough, river, or creek within the limits of any park, or land on the shore bordering any park, except at places set apart by the Planning Director and designated by signs. No boat, float, trailer, raft, watercraft, motorized or nonmotorized vehicle will be parked or left overnight in any park, except as part of an event for which an event permit has been issued. (Ord. 821, Sec. 2, 2009)

10.03.230 Emergency Aid by Watercraft.

No person shall land or dock a boat at any swimming dock or float, nor shall any boat be allowed within a swimming area except in an emergency involving rescue or lifesaving. The Director shall have the power to permit exceptions for special events. (Ord. 821, Sec. 2, 2009)

10.03.240 Testing Vehicles Prohibited.

No person shall operate any motor vehicle or motorcycle for the purpose of testing it, or ascertaining its fitness for service, along or upon any park drive, parkway, or park boulevard. (Ord. 821, Sec. 2, 2009; Ord. 491, 1995)

10.03.250 Amplified Music and Public Address Systems.

No person shall operate a powered public address system or amplified music speaker system or other means of amplifying sound at any park areas without a written permit from the Planning

Director; provided, that the Director shall establish general rules and regulations pertaining thereto. Vehicle-operated portable radios, music and other media players are permitted on City-owned, operated or maintained property, provided they shall only be operated at a volume that does not allow the sound to be heard by a person with normal hearing that is more than 25 feet from the sound device, nor in any manner which unreasonably disturbs the peace of others as provided for in Chapter 9.56, Noise Control. (Ord. 821, Sec. 2, 2009; Ord. 551, 1997; Ord. 491, 1995)

10.03.260 Adoption of Rules and Regulations by Director.

The Director shall have the power to promulgate and adopt reasonable rules and regulations pertaining to the operation, management, and use of the parks, and shall post the same in conspicuous places in the parks. Rules and regulations shall include a procedure for granting blanket permits encompassing any particulars of this chapter to locally and nationally recognized organizations or associations. Rules and regulations may include the establishment of hours during which any park or portion thereof as designated by signs located within the designated portion shall be closed to the general public; such closures may be for reasons of public safety, welfare and convenience, or for reasons of park maintenance. No person shall violate or fail to comply with any park rule or regulation duly adopted and posted by the Director. (Ord. 821, Sec. 2, 2009; Ord. 491, Sec. 3, 1995)

10.03.270 Violation and Penalty.

Failure to comply with any provision of this chapter or violation of any provision of this chapter is an infraction for the first offense and for a second offense within a 365-day period.

- (a) For the first offense the fee of such violation shall be set equivalent to the basic rule violation as set forth in the Justice Information System (JIS) Law Table as published by the Administrative Office of the Courts.

- (b) For the second offense, the fee of such violation shall be set equivalent to double the basic rule violation as set forth in the Justice Information System (JIS) Law Table as published by the Administrative Office of the Courts.
- (c) Third or subsequent offenses of this chapter in a 365-day period shall either be:
 - (1) A misdemeanor subject to a jail term of not more than 90 days, a fine of not more than \$1,000, or both such fine and imprisonment; or
 - (2) Subject to enforcement pursuant to Title 17 of the Lake Stevens Municipal Code.
- (d) Payment of a civil fine within three business days of the issuance of the notice of infraction issued under this chapter shall reduce the amount of the fine owing by 50 percent. (Ord. 821, Sec. 2, 2009; Ord. 771, Sec. 3, 2008; Ord. 604, Sec. 9, 1999; Ord. 491, Sec. 3, 1995)

ter and any other provisions of the Lake Stevens Municipal Code, this chapter shall control. (Ord. 821, Sec. 2, 2009; Ord. 491, Sec. 3, 1995)

10.03.280 Reward for Assisting in Enforcing Chapter.

The Director may offer, post, and pay a suitable reward not exceeding \$100.00 for information leading to the arrest and conviction of anyone violating the provisions of this chapter. (Ord. 821, Sec. 2, 2009)

10.03.290 Principal Offender Defined.

Anyone concerned in the violation of this chapter, whether directly committing the act of omitting to do the thing constituting the offense, or who aids or abets the same, whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit such offense is, and shall be, a principal under the terms of this chapter, and shall be proceeded against and prosecuted as such. (Ord. 821, Sec. 2, 2009)

10.03.300 Conflicts.

All City ordinances shall be in force in all City parks. In the event of a conflict between this chap-

