Ordinance No. 2567

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Sec. 2.30 Amended by Ord. 3512 (Now Sec. 2.26)
Sec. 4.01.170 (old Sec. 2.30) amended by Ord. 3587
Sec. 4.01.180 (old Sec. 2.30) repealed by Ord. 3587
AN ORDINANCE of the City of Kent, Washington relating to the Department of Parks and Recreation; repealing Chapter 4.10 Kent City Code concerning the Kent Comprehensive Park and Recreation System Plan; amending Chapter 4.12 Kent City Code concerning street trees and the Department of Parks and Recreation's responsibility for street tree regulation and maintenance; amending and renumbering sections within Chapter 2.30 Kent City Code; adding a new Section 2.30.200 Kent City Code regulating and prohibiting activities in City parks; providing for criminal penalties for violation of ordinance.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 4.10 Kent City Code entitled "Adoption of the Kent Comprehensive Park and Recreation System Plan" is hereby repealed. Comprehensive Park and Recreation Plans are currently in force and in effect pursuant to resolution of the City Council of the City of Kent, Washington.

Section 2. Chapter 4.12 Kent City Code is amended as follows:

4.12.010. Definitions. The following words and phrases used in this Chapter, unless a different meaning is clearly required by the context, shall have the following meanings:

A. "Planting Strip" shall mean the area available for planting between the street curb, (or place where the curb should be,) edge of traveled portion of roadway, and the property line.

B. "Planting" shall mean planting and replacement in planting strips.

C. "Maintain" or "Maintenance" shall mean the entire care of trees in planting strips, as well as the preparation of ground, fertilizing, mulching, planting, spraying, trimming, pruning, topping and root control, but not watering, unless specifically so stated.
D. "Director" shall mean the Parks and Recreation Director of the City.

((E. "Board" shall mean the Park Board of the City.))

4.12.((tT87)020. STREET TREE ((BOARD)) AND PLANTING LIST.

A. The ((Board)) Director shall have full advisory authority as to the selection, planting and maintenance of all trees, plants and shrubs now planted and growing or hereafter to be planted and grown upon any and all of the public streets and planting areas of the City.

B. The ((Board)) Director shall approve the Official Tree Planting List and street tree planting plans. The Board, in evaluating such plans prior to approval, shall call upon the resources of the ((Parks and Recreation)) Public Works Department to furnish it with facts concerning trees and planting strips in the City.

C. The ((Board)) Director shall ((consider the recommendations of the Director, and shall)) approve or disapprove the adding or removal of trees to the Official Tree Planting List. The list as so approved shall be submitted to the Council for its adoption, by resolution, as the "Official Tree Planting List of the City of Kent."

D. All new plantings on the streets of the City shall be confined to trees from the latest adopted Official Tree Planting List; replacement planting may conform to existing trees in the planting strip by approval of the ((Board)) Director.

4.12.((tT))030. STREET TREE PLANTING PLANS AND STANDARDS.

A. The planting of street trees in the City shall be governed by general and specific tree planting plans approved by the ((Board)) Director. The plans shall be based upon the policies indicated in this Chapter and upon the following standards:
1. The Director shall evaluate types and varieties of trees on the tree planting list and nature of the particular area to be planted and shall determine in his opinion the best tree planting for the area.

((2. He shall report his findings and opinion in writing to the Board.))

((3.)) 2. The ((Board)) Director shall approve the general or specific plan. The ((Board)) Director, in evaluating the plan prior to approval, may call upon the resources of the ((Parks and Recreation)) Public Works Department to furnish it with facts concerning the matter.

B. The Director ((and the Board)) shall be guided by and apply the following standards in formulating and approving a street tree plan.

1. Trees listed on the official tree planting list are to be used, except that other trees may be planted on an experimental basis in selected areas with specific approval of the ((Board)) Director.

2. The prime purpose of beauty shall always be observed.

3. The location of specific trees shall be at suitable intervals with consideration given to avoiding or minimizing interference by the trees with existing or planned utilities, driveway approaches, street intersections and building exposures.

4. Selection of a particular species of tree for a specific block, street or section of the City shall be based upon the nature of the species and the width of the planting strip, soil conditions, zoning regulations, street patterns, building setbacks, utilities, future underground wiring proposals, and availability of the particular species.
4.12.((±)).040. PROPERTY OWNER REQUESTS.

A. A majority of the abutting property owners in a given block, street or area of the City where tree planting is required may petition for the uniform planting of a tree variety of their own choice. Such petition shall be approved by the Director, provided the tree selection is made from the official street tree list and the selection does not conflict with the standards above.

B. A petition to the ((Board)) Director bearing the signatures of not less than ninety percent of the property owners of any block may be filed with the ((Board)) Director requesting a change in the variety of trees in the planting strip adjacent to their properties. Such petition shall be approved by the ((Board)) Director, provided the tree selection is made from the official street tree list and the selection does not conflict with the standards above. All expenses of such change will be borne by the property owners requesting the change, the work to be done under the supervision of the Director.

4.12.((26)).050. STREET TREE MAINTENANCE, INSPECTION AND REMOVAL.

A. It shall be the consistent purpose of the City to provide proper maintenance according to good municipal forestry practices for all trees growing along the City arterials, and in business and industrial districts.

B. It shall be the responsibility of the City to provide preparation of ground, planting, trimming, pruning, topping, root control, and removal of dead or dying trees in residential districts.

C. The Director shall conduct a continual inspection program of the trees along the streets of the City. All trees found by the Director to be dead, dying or in a dangerous condition likely to cause damage shall be removed. The City at its own cost and expense, and in accordance with the provision of this Chapter, will replace all trees so removed. (0.1703, §5)
4.12.060. PROTECTION OF STREET TREES.

A. No person shall plant, install or maintain shrubs, low growing trees, vines, fences, signs or stakes or any other object, except temporary protection for newly planted lawns, or cause or create conditions or uneven ground, holes or hazards in planting strips along the streets of the City. When determined by the Director that any such plantings or installations are a hazard to the public or detrimental to the approved tree planting plan, the Director shall have full authority to cause such hazard or detriment to be removed or eliminated.

B. No person shall, without a written permit from the Director, plant, remove, trim, prune or cut any tree between the property line and the curb. Upon permission being granted to any person, the work shall be done under the supervision of the Director.

C. No person shall interfere or cause or permit any person to interfere with employees of the City who are engaged in the planting or maintaining, treating or removing of any tree or plant in the planting strips or in the removing of any stone, cement or any substance in any such street, sidewalk, planting strip, alley or other public place.

D. No person shall wilfully injure or destroy any tree on the street or public planting areas of the City by any means.

4.12.070. NONLIABILITY OF CITY. Nothing in this Chapter shall be deemed to impose any liability upon the City, or upon any of its officers or employees, nor to relieve the owner and occupant of any private property from the duty to maintain sidewalks and to keep trees and shrubs upon private property, or under his control, or upon sidewalks and parking strips in front of such private property, in a safe condition.

4.12.080. VIOLATIONS AND PENALTIES. Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand
dollars or by imprisonment for a period of not more than ((thirty days)) one year in the City jail, or by both such fine and imprisonment.

Section 3. Chapter 2.30 Kent City Code is amended as follows:

2.30.((04)).010. PARK AND RECREATION DEPARTMENT - CREATION OF. For the purpose of providing for the proper maintenance and operation of public parks, playgrounds and other recreational facilities belonging to the City of Kent, and to provide for the acquisition of land, structures and other facilities for the park and recreational program of the City, there is established and created a department of the City, to be known as "The Municipal Park and Recreation Department," hereinafter called "The Department."

((2.30.12. RULES AND REGULATIONS. The Department shall have power to make rules and regulations for the government and management thereof, including the power to fix charges for the use of any municipally owned or controlled park or recreation facility. All rules and regulations and use charges and amendments and changes adopted by the Department shall be promulgated by one publication in the official newspaper of the City, and a copy thereof shall be filed in the office of the City Clerk. These rules and regulations shall have full force and effect from and after the date of said publication. This chapter and rules and regulations adopted pursuant thereto, shall be enforced by the police department of the City. Violations of rules and regulations so adopted shall be a violation of this Chapter.

A. No person shall use, place, or erect any signboard, billboard, bulletin board, post, pole or device of any kind for advertising on any park properties, or to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, railing, post or structure within any park properties, or without the written consent of the Director of Parks and Recreation to place or erect on any park property a structure of any kind.
B. No person shall remove, destroy, mutilate or deface any structure, monument, statue, vase, fountain, wall, fence railing, vehicle bench, shrub, tree, fern, plant, flower, lighting system, or sprinkling system or other property lawfully on any park property.

C. No person shall allow or permit any animal under that person's exclusive control to run at large on any park properties, or enter any lake, pond, fountain or stream therein.

D. No person shall shoot, fire or explode any fireworks, firecrackers, torpedo or explosive of any kind or carry any firearm or noot or fire any firearm, air gun, bows and arrows, B.B. guns or use any slingshot on any park properties.

E. No person shall, in any manner, tease, annoy, disturb, molest, eaten, injure or kill or throw any stone or missile of any kind at or strike with any stick or weapon any animal, bird, fowl or fish; or feed any fowl on the park properties except at areas designated by the Director.

F. No person shall take up collections, or act as or play the vocation of solicitor, agent, peddler, fakir, mendicant, beggar, strolling musician, organ grinder, exhorter, Barker, snowman or bootblack; or operate or use any loudspeaker or other mechanical means of amplifying sound on any park properties without a written permit from the Director of Parks and Recreation, except for public address systems at sporting events.

G. 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 conducted by the Department of Parks and Recreation.

H. No person shall hold any religious or political meeting or other assembly, or to distribute literature on any park properties without first obtaining the written permission of the Director of Parks and Recreation.

I. No person shall hold any religious or political meeting or other assembly, or to distribute literature on any park
properties without first obtaining the written permission of the Director of Parks and Recreation.

J. No person shall have, keep or operate any boat, float, raft or other water craft in or upon any bay, lake, slough, river, or creek, within the limits of any park property, or launch the same at any point upon the shores thereof bordering upon any park property, except at places set apart for such purposes by the Department and so designated by signs.

K. No person shall ride or drive any bicycle, tricycle, motorcycle, motor vehicle, horse or pony over or through any park except along and upon the park drives, parkways, park boulevards; or at a speed in excess of fifteen miles per hour; or stand or park any vehicle, except in designated areas or in accordance with signs, striping, or other methods which make clear the appropriate method or manner of parking. Improperly parked vehicles are subject to tow away.

L. No person shall camp on any park property except at places set aside for such purposes by the Department and so designated by signs.

M. Permits and schedules, officially issued or distributed by the Department of Parks and Recreation, shall have priority over other activities. Participants shall yield to the holder of such permits or schedules. Participants with/without a permit or schedule shall abide by rules and regulations when posted at a facility.

N. No person shall throw any refuse, litter, broken glass, crockery, nails, shrubbery, trimmings, junk or advertising matter in or on any park properties or deposit any such material therein, except in designated receptacles.

O. No person shall deposit any refuse, not generated in parks, in any receptacle within any park or upon any park properties.
P. No person shall engage in conduct or hold any trials or competitions for speed, endurance of hill climbing involving any vehicle, boat, aircraft or animal in any park.

Q. No person shall build any fires in any park except in areas designated by the Department of Parks and Recreation.

R. No person shall bring into or consume in or on any park property or facility any alcoholic beverages unless application has first been made to and approved by the Director.

S. It is unlawful to remain in any park after the posted closing time.

T. Violation of or failure to comply with these rules and regulations shall subject the offender to a fine in any sum not to exceed $100,000 pursuant to Ordinance No. 1569, City of Kent.

U. Exception to any of the above sections is permissible only with the written consent of the Director of Parks and Recreation this 14th day of March 1978.)

2.30.020. APPOINTMENT AND DUTIES OF DIRECTOR AND OTHER EMPLOYEES. The City Administrator shall appoint a Director of Parks and Recreation who is the best trained and qualified person available therefor and who shall be the head of the Department. The Department shall have charge of the management of the park and playground system and of the appointment and supervision of qualified employees therefor for the effective administration, construction and development of the public park and recreation system. The Director shall have such other powers and duties as may from time to time be imposed and conferred upon him by law or by ordinance.

2.30.200. REGULATIONS AND PROHIBITED ACTIVITIES. A. No person shall use, place, or erect any signboard,
billboard, bulletin board, post, pole or device of any kind for advertising on any park properties, or to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, railing, post or structure within any park properties, or without the written consent of the Director of Parks and Recreation to place or erect on any park property a structure of any kind.

B. No person shall remove, destroy, mutilate or deface any structure, monument, statue, vase, fountain, wall, fence railing, vehicle, bench, shrub, tree, fern, plant, flower, lighting system, or sprinkling system or other property lawfully on any park property.

C. No person shall allow or permit any animal under that person's exclusive control to run at large on any park properties, or enter any lake, pond, fountain or stream therein.

D. No person shall shoot, fire or explode any fireworks, firecrackers, torpedo or explosive of any kind or carry any firearm or shoot or fire any firearm, air gun, bows and arrows, B.B. guns or use any slingshot on any park properties.

E. No person shall, in any manner, tease, annoy, disturb, molest, catch, injure or kill or throw any stone or missile of any kind at or strike with any stick or weapon any animal, bird, fowl or fish; or feed any fowl on the park properties except at areas designated by the Director.

F. No person shall take up collections, or act as or play the vocation of solicitor, agent, peddler, fakir, mendicant, beggar, strolling musician, organ grinder, exhorter, barker, showman or bootlicker; or operate or use any loudspeaker or other mechanical means of amplifying sound on any park properties without a written permit from the Director of Parks and Recreation, except for public address systems at sporting events.

G. 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 conducted by the Department of Parks and Recreation.
H. No person shall sell refreshments or merchandise without the written permission of, or a concession contract with, the Department of Parks and Recreation.

I. No person shall hold any religious or political meeting or other assembly, or to distribute literature on any park properties without first obtaining the written permission of the Director of Parks and Recreation.

J. No person shall have, keep or operate any boat, float, raft or other water craft in or upon any bay, lake, slough, river, or creek, within the limits of any park property, or launch the same at any point upon the shores thereof bordering upon any park property, except at places set apart for such purposes by the Department and so designated by signs.

K. No person shall ride or drive any bicycle, tricycle, motorcycle, motor vehicle, horse or pony over or through any park except along and upon the park drives, parkways, park boulevards; or at a speed in excess of fifteen miles per hour; or stand or park any vehicle, except in designated areas or in accordance with signs, striping, or other methods which make clear the appropriate method or manner of park. Improperly parked vehicles are subject to tow away.

L. No person shall camp on any park property except at places set aside for such purposes by the Department and so designated by signs.

M. Permits and schedules, officially issued or distributed by the Department of Parks and Recreation, shall have priority over other activities. Participants shall yield to the holder of such permits or schedules. Participants with/without a permit or schedule shall abide by rules and regulations when posted at a facility.

N. No person shall throw any refuse, litter, broken glass, crockery, nails, shrubbery, trimmings, junk or advertising matter in or on any park properties or deposit any such material therein, except in designated receptacles.
O. No person shall deposit any refuse, not generated in parks, in any receptacle within any park or upon any park properties.

P. No person shall engage in, conduct or hold any trials or competitions for speed, endurance of hill climbing involving any vehicle, boat, aircraft or animal in any park.

Q. No person shall build any fires in any park except in areas designated by the Department of Parks and Recreation.

R. No person shall bring into or consume in or on any park property or facility any alcoholic beverages unless application has first been made to and approved by the Director.

S. No person shall play golf except in areas designated by the Department of Parks and Recreation.

T. Park facilities shall be used for their designed or intended purposes, and it shall be a violation of this Chapter for any person to interfere with or prevent any person from using a park facility for its designed purposes.

1. It is a violation of this subsection for a person, not playing tennis, to interfere with or prevent tennis players from using tennis courts.

U. It is unlawful to remain in any park after the posted closing time.

((2.30.24. PENALTIES. Any violation of this Chapter shall be punished by a fine not to exceed one hundred dollars.)

NEW SECTION:

2.30.300. PENALTIES. Violation of any of the provisions of this Chapter is a misdemeanor punishable by not more than one year in jail and/or a fine of not more than five thousand dollars or both.

Section 4. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.
Section 5. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivisions, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the ordinance, or the validity or its application to other persons or circumstances.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

[Signature]
ISABEL HOGAN, MAYOR

ATTEST:

[Signature]
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

[Signature]
P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the ___ day of ________, 1985.
APPROVED the ___ day of ________, 1985.
PUBLISHED the ___ day of ________, 1985.

I hereby certify that this is a true copy of Ordinance No. ________, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature] (SEAL)
MARIE JENSEN, CITY CLERK

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