

Chapter 12.16 PARK AND CEMETERY REGULATIONS¹

Sections:

12.16.010 Sign posting and structures prohibited.

Without the prior written consent of the director of public works, hereinafter referred to in this chapter as the director, or his or her designee, the following acts are unlawful:

- A. To place or erect any sign, board, billboard, or similar device of any kind in any park or cemetery.
- B. To create, place, or erect any structure in any park or cemetery.

(Ord. No. 773, § 1, 8-24-2011)

12.16.020 Distribution of handbills.

It is unlawful to exhibit or distribute any handbills, circulars, or signs in any park or cemetery in any manner that interferes with or obstructs the normal use of the park or cemetery or the normal passage of people or vehicles within or through the park or cemetery.

(Ord. No. 773, § 2, 8-24-2011)

12.16.030 Storage of equipment.

Persons using parks should not expect storage space for equipment necessary for their activity. Any user desiring to store equipment, supplies, or material of any type or kind on a park site shall obtain the written approval of the director in advance. If temporary storage is allowed with the permission of the director, the city shall not be responsible for loss or damage to the equipment or property stored.

(Ord. No. 773, § 3, 8-24-2011)

12.16.040 Removal, alteration, or destruction of park or cemetery property prohibited.

1. It is unlawful to remove, destroy, mutilate, or deface any structure, monument, wall, fence, railing, bench, shrub, tree, lawn, grass, plant, flower, lighting system, or sprinkling system, or any other property or thing lawfully in any park or cemetery.
2. No physical alteration, whether in the form of additions, modifications, or removal, to the park or cemetery or other facility covered under the provisions of this chapter or any improvements located therein shall be done without the prior written approval of the city, acting by and through the director of public works or such other official as may be designated by the mayor.

¹Editor's note(s)—Ord. No. 773, §§ 1—24, adopted Aug. 24, 2011, repealed the former Ch. 12.16Editor's note(s)—, §§ 12.16.010Editor's note(s)—, 12.16.020Editor's note(s)—, and enacted a new Ch. 12.16Editor's note(s)— as set out herein. The former Ch. 12.16Editor's note(s)— pertained to park and cemetery regulations and derived from Ord. 521 §§ 1, 2Editor's note(s)—, 1987.

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3. No foreign matter of any sort (including without limitation such materials as sawdust or sand) may be added to any field for any reason without the prior written consent of the director.

(Ord. No. 773, § 4, 8-24-2011)

12.16.050 Animals in parks or cemeteries.

1. Dogs, pets, or domesticated animals are not permitted on any area covered by turf, whether natural or artificial, nor in or upon any picnic area, sport court, or inbounds play area in any park or cemetery nor in any park or cemetery structure unless specifically authorized by posting or by special permission given in writing by the director. This section shall apply neither to animal guides nor service animals.
2. Dogs and other pets or domesticated animals shall be kept on a leash and under control at all times unless otherwise posted.
3. Any person whose dog or other domesticated animal is in any park or cemetery shall be responsible for the conduct of the animal and shall promptly remove and properly dispose of all animal waste deposited by such animal.
4. No person shall allow his or her dog or other pet or domesticated animal to commit any of the following acts:
 - a. to bite, disturb, or harass any park or cemetery user, wildlife, or other animals.
 - b. to bark or make noise continuously or with such frequency or volume as to disturb the peace and tranquility of the park or cemetery.
 - c. to damage, destroy or remove park or cemetery vegetation.

(Ord. No. 773, § 5, 8-24-2011)

12.16.060 Horses and other quadrupeds prohibited.

Horses and other quadrupeds are not permitted in any park or cemetery at any time except with the written permission of the director or within areas specifically designated for such use.

(Ord. No. 773, § 6, 8-24-2011)

12.16.070 Selling refreshments or merchandise prohibited.

It is unlawful to sell refreshments, merchandise, or any other thing in any park or cemetery without the prior written consent of the director or without a valid concession contract with the city and being the holder of such other licenses and permits as are required by any applicable state law or city ordinance.

(Ord. No. 773, § 7, 8-24-2011)

12.16.080 Soliciting prohibited.

Except as may be specifically provided by law, no person shall solicit contributions for himself or others in any park or cemetery.

(Ord. No. 773, § 8, 8-24-2011)

12.16.090 Use by groups or assemblies.

Parks and associated facilities shall be available for any person, group, or assembly on a first come, first served basis, subject to priority use through a supplemental park permit issued by the director or for classes, special events, public forums, or athletic programs as determined by the director.

(Ord. No. 773, § 9, 8-24-2011)

12.16.100 Vehicle and animal use restricted.

1. It is unlawful to operate, ride, or drive any wheeled device, sled, vehicle, or animal over, across, or through any park or cemetery, except along designated paths, drives, or streets, provided however, motorized devices are restricted solely to streets, parking lots, and drives.
2. It is unlawful to operate, ride, or drive any wheeled device, vehicle, or animal at a speed in excess of five miles per hour in any park or cemetery unless a different speed limit is posted.
3. It is unlawful to stand or park any vehicle except where so designated and posted. It is unlawful to use or operate vehicles in any portion of a park devoted to skateboards.
4. No device, referred to generically as "toy wheels", shall be utilized in an area in which their use is specifically prohibited. For purposes of this section, a "toy wheel" shall include, but is not limited to, skateboards, roller blades, roller skates, scooters, bicycles, and similar wheeled devices.
5. The restrictions imposed pursuant this section shall not apply to such wheeled items as carriages for infants, children's wagons, and similar items nor, as to use in a park, to snow sleds intended for individual use so long as such utilization does not harm park property.

(Ord. No. 773, § 10, 8-24-2011)

12.16.110 Camping prohibited.

It is unlawful to camp in any cemetery nor shall any camping be allowed in any park except at places within a park so designated and posted and with the prior written approval of the director.

(Ord. No. 773, § 11, 8-24-2011)

12.16.120 Golf prohibited.

Golf activities shall not be permitted in any cemetery nor in any park unless a supplemental park permit or the written consent of the director is obtained prior to commencement of the activity.

(Ord. No. 773, § 12, 8-24-2011)

12.16.130 Endangering persons or property prohibited.

It is unlawful to knowingly hurl or propel any object or to take any physical action in any park or cemetery which endangers or is likely to endanger any persons or property or interfere with park or cemetery purposes: Provided that, this prohibition shall not apply if such action occurs as an anticipated element of any authorized event. This shall include baseball games, soccer games, and similar events.

(Ord. No. 773, § 13, 8-24-2011)

12.16.140 Fires prohibited.

It is unlawful to build or have any fire in any cemetery or in any park except where so designated and posted. Appliances such as portable grills, barbecues, or hibachis are permitted in parks so long as they do not otherwise violate any section of this chapter nor any chapter of this code. In recognition of the possible hazard resulting from such action, no ash or similar by-product resulting from the permitted use of such an appliance shall be deposited in any garbage receptacle maintained within a park or cemetery nor otherwise disposed of within a park or cemetery.

(Ord. No. 773, § 14, 8-24-2011)

12.16.150 Fireworks prohibited.

It is unlawful in any park or cemetery to use, exhibit, display, or possess any fireworks or common fireworks as those terms are defined in this code unless authorized by the director and so long as any necessary permit has been obtained from all governmental agencies having jurisdiction over such actions.

(Ord. No. 773, § 15, 8-24-2011)

12.16.160 Sound-amplifying devices.

1. Except as authorized by use agreement or by the prior written permission of the director, or except as necessary for the preservation of public peace or safety, it is unlawful to use any public address system, loudspeaker, or other sound amplifying device in any park or cemetery other than in compliance with subsection (2) of this section. This section shall not apply to such instruments utilized during the ordinary course of a funeral ceremony.
2. Unless operated by a user during the course of an activity of which the director has authorized such use, no person shall use, operate, or play in any park a radio, tape player, disc player, television, musical instrument, record player, or any other machine or device capable of producing sound (1) without the use of headphones or a similar personal listening device or (2) at a volume level where discernible noise can be heard more than ten feet from the device or (3) in such a manner as violates any other provision of this code.

(Ord. No. 773, § 16, 8-24-2011)

12.16.170 Intoxicating liquor prohibited.

It is unlawful to possess a container of any alcoholic beverage, whether opened or unopened, while in any park or cemetery or in any publicly owned parking area associated with a park or cemetery. For purposes of this section, possession means having a container within one's immediate reach or control and not secured in a location such as a vehicle's trunk or storage compartment.

(Ord. No. 773, § 17, 8-24-2011)

12.16.180 Littering—Trash deposit.

It is unlawful to commit any of the following acts:

- A. Throw or deposit any refuse or other material in any park or cemetery, including, but not limited to, any artificial surfaces, play fields, or picnic areas, except in designated receptacles; or

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- B. To take garbage or refuse to a park or cemetery for disposal; or
 - C. To deposit garbage or refuse generated outside a park or cemetery in a receptacle provided for deposit of trash by the public using the park or cemetery or in any publicly owned parking area associated with a park or cemetery.
 - D. To violate the provisions of Section 12.16.140 by the deposit of any ash or similar by-product in any receptacle.

(Ord. No. 773, § 18, 8-24-2011)

12.16.190 Park or cemetery hours, areas of restricted occupancy, & right to prohibit continued use.

1. Park or cemeteries are open to the public daily from six thirty a.m. to ten p.m. unless other hours are posted at the entrances to a park or cemetery.
2. The director shall have the following authority:
 - a. To make and enforce special park or cemetery closure hours for specific areas within them if the director determines that such special closure hours are necessary or appropriate to protect public property or public safety, to prevent public nuisances, or to prevent breaches of the peace.
 - b. In the director's sole discretion, to permit special hours of utilization by written authorization in the course of utilization for special events, sport leagues, and tournaments so long as the applicant submits a written request no less than one week prior to the intended date or dates of utilization. The request shall contain such information as may be required by the director. If the director authorizes the utilization, it shall be the responsibility of the applicant to provide written notice of such authorization to each residence which abuts the park or cemetery to be utilized. If the residence is an apartment building, notification to the manager of the building shall be deemed adequate notice.
3. It is unlawful for any person to enter or remain in a closed park or cemetery unless permitted and authorized in advance by the director.
4. No person except an authorized city employee or other person duly authorized pursuant to law shall enter or go upon or into any park or cemetery area which has been posted as a "no admittance" or "no trespassing" area, or at a time a park or cemetery is closed to the public.
5. The misuse of a park or cemetery facility, the failure to conform with any of the provisions of this chapter, or the failure or refusal to comply with the directions of city employees shall be good cause for requiring the individual to exit the park or cemetery and to prohibit the individual from reentering the park or cemetery in the future.
6. Any person violating this section is guilty of a misdemeanor and upon conviction shall be subject to punishment as provided in Section 12.16.210 of this chapter.

(Ord. No. 773, § 19, 8-24-2011)

12.16.200 Skateboard park areas.

To the extent that any area of a park is now or may hereafter be devoted to skateboards, its use shall be governed by rules promulgated by the director, and as may be posted at the entrance to the skateboard area. A violation of any such rules, whether or not posted, shall be a violation of this chapter.

(Ord. No. 773, § 20, 8-24-2011)

12.16.210 User's failure to follow park or cemetery rules—Penalties and prohibition from reentry.

1. Fiscal Penalties. Any violation of or any failure to comply with any of the provisions of this chapter which is not defined as a criminal law violation by the municipal code or state law and for which no penalty is otherwise specified by the municipal code or state law shall constitute a civil infraction as contemplated by RCW 7.80.120. Any person found to have committed such a violation may be punished by a civil fine or forfeiture in any sum not exceeding two hundred fifty dollars shall apply:
 - a. Initial Infraction within any twenty-four calendar month period: Monetary penalty of fifty dollars;
 - b. Second Infraction within any twenty-four calendar month period: Monetary penalty of one hundred dollars;
 - c. Third Infraction within any twenty-four calendar month period: Monetary penalty of one hundred fifty dollars;
 - d. Fourth and subsequent violation within any twenty-four calendar month period: Monetary penalty of two hundred fifty dollars.
2. Prohibition from Reentry.
 - a. Any person who is either sentenced pursuant to subsection (1)d. of this section or who, regardless of the violator's prior history, is found by the director to have committed an act or acts which created or resulted in an unreasonable risk to safety of persons or property may be forbidden from reentering the premises of a park or cemetery or its associated public parking areas. The written order prohibiting reentry shall set forth in reasonable detail the reasons for the prohibition and may be for such period as the director deems appropriate and shall be served upon the violator. In the event that attempts to serve the order are unsuccessful, a record of the efforts shall be maintained in the records of the city and the name of the individual may be posted at the entry of the city's parks or cemetery upon a document setting forth a listing of any individual subject to such order.
 - b. Any person who is the subject of an order issued pursuant to this subsection (2) shall have the right to appeal that order to the city council in writing within ten calendar days of the service of the order upon the person. The notice of appeal shall be filed in the office of the clerk-treasurer and set forth the name and contact information for the appellant, as well the grounds for the appeal. The council, after giving written notice to the individual at the address provided in the notice of appeal, shall set a date upon which the appeal shall be heard. The council may hear such testimony and accept such exhibits as it deems appropriate and issue a written decision with findings. That decision shall be final.

By written resolution, the council may delegate the duty and authority it possesses under this sub-paragraph to the hearing examiner.

(Ord. No. 773, § 21, 8-24-2011)

12.16.220. Authority to promulgate regulations.

The director shall be and is hereby authorized to promulgate such written rules and regulations as may be deemed reasonably necessary and appropriate to implement and administer the provisions of this chapter. Prior to its effectiveness, any proposed rule or regulation shall be submitted to the city council and mayor for review. To the extent not disapproved, such rule or regulation shall go into effect upon the thirtieth day following the first council meeting at which they are presented to the mayor and council in a written form: Provided that the council

specifically reserves to itself the right (a) to suspend such proposed rule or regulation, (b) authorize its immediate effectiveness, or (c) reject, modify, or supplement such proposed regulations.

(Ord. No. 773, § 22, 8-24-2011)

12.16.230. Definitions.

For purposes of this chapter, the following definitions shall apply:

- A. Park. Any land, whether with or without improvements, owned by the city and made available to the public for recreational uses.
- B. Cemetery. Any property owned by the city and meeting one, or a combination of more than one, of the following criteria, in a place used, or intended to be used for the placement of human remains and dedicated, for cemetery purposes:
 - 1. Burial park, for earth interments;
 - 2. Mausoleum, for crypt interments;
 - 3. Columbarium, for permanent niche interments; or
 - 4. Any burial site, burial grounds, or place where five or more human remains are buried.

Unless a cemetery is designated as a parcel of land identifiable and unique as a cemetery within the records of the county assessor, a cemetery's boundaries shall be a minimum of ten feet in any direction from any burials therein.

(Ord. No. 773, § 23, 8-24-2011)

12.16.240. Authorization and consent for activities—Procedure—Appeal of decision.

When consent or authorization is required prior to the undertaking of an activity specified under the provisions of this chapter, that consent or authorization shall be sought as follows:

- A. A request shall be directed in writing to the director of public works, detailing with adequate specificity the activity sought to be permitted. Upon receipt of such a request, the designated official shall undertake consideration as to the appropriateness of authorizing the activity. If in the designated official's opinion and discretion it is deemed necessary to obtain additional information, such request for information shall be responded to by the applicant. In making the determination, the designated official shall consider such factors as may be deemed necessary and appropriate, including but not limited to the impact of the requested utilization upon the use by the facility by other citizens; the demands that may be placed upon public services by the anticipated activity; prior experience or history of the applicant in undertaking similar activities; prior history or experience of the city in the allowance of such similar activities; and such other factors relating to public health, safety, and welfare as may be articulated. The decision of the designated official shall be in writing and rendered in a reasonably timely manner after application.
- B. If any person is aggrieved by the decision of the responsible official whether to grant or deny a request, that person may appeal the decision of the responsible official to the city council, which shall hear the matter at its next regular session or at such other time as it may deem appropriate. The council, after receiving such information as it deems necessary and appropriate, may either affirm, reverse, or modify the responsible official's decision. The decision of the council shall be final.

(Ord. No. 773, § 24, 8-24-2011)
