

ORDINANCE NO. 345

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTING A FACILITIES CODE DEFINING RULES AND REGULATIONS FOR MUNICIPAL PROPERTIES, AMENDING CHAPTER 12.50 OF THE WOODINVILLE MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City wishes to enhance the quality of life of its citizens by providing parks and recreation, and public facilities for the public enjoyment, and

WHEREAS, a need to provide protection and security to persons using and participating in activities upon facilities owned or controlled by the City of Woodinville, including parks and recreation programs and facilities, has been identified, and

WHEREAS, it is necessary to provide consistency in regulations to assist public safety officers in ensuring that Woodinville's facilities are safe and secure for all users, **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 12.50 of the Woodinville Municipal Code is hereby amended to read as follows:

**CHAPTER 12.50
PUBLIC FACILITIES
RULES AND REGULATIONS**

Sections:	12.50.010	Police power.
	12.50.020	Definitions.
	12.50.030	Rulemaking.
	12.50.040	Applicability.
	12.50.050	Trail use.
	12.50.060	Practicing and playing games.
	12.50.070	Overnight camping.
	12.50.080	Fireworks.
	12.50.090	Firearms and explosives.
	12.50.100	Littering.
	12.50.110	Game refuge, sanctuary or reserve - disturbance of wildlife.
	12.50.120	Capturing or striking wildlife - Prohibited.
	12.50.130	Feeding of animals.

12.50.140	Trespassing.
12.50.150	Removal or destruction of property.
12.50.160	Dogs and pets - Prohibited areas.
12.50.170	Dogs and pets - Prohibited on shoreline.
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12.50.200	Motor vehicles.
12.50.210	Speed limit.
12.50.220	Parking of motor vehicles.
12.50.230	Riding vehicles and animals.
12.50.240	Commercial watercraft - Prohibited.
12.50.250	Landing, launching, docking and use of watercraft - Prohibited.
12.50.260	Overnight moorage - Prohibited.
12.50.270	Aircraft - Prohibited.
12.50.280	Fires.
12.50.290	Alcoholic beverages and/or illegal drugs - Prohibited.
12.50.295	Intoxication
12.50.300	Noise Regulation.
12.50.310	Posting signs, posters and notices.
12.50.320	Sale of merchandise, food or services - Permit required.
12.50.330	Endangering persons or property - Prohibited.
12.50.340	Operation of motorized models - Prohibited.
12.50.350	Use of nonmotorized vehicles - Prohibited in certain areas.
12.50.360	Expulsion from parks and public facilities.
12.50.370	Aiding and abetting violations.
12.50.380	Closing times.
12.50.390	Trees and vegetation – City property.
12.50.400	Disorderly conduct and profanity - Prohibited.
12.50.410	Loitering.
12.50.420	Washing.
12.50.430	Groups or assemblies – reservations.
12.50.440	Violation - Penalty.
12.50.450	Conflicts with criminal code, traffic code, and other ordinances.

Section 12.50.010 Police power. This chapter is declared to be an exercise of the police power of the city and its provisions shall be liberally construed for the preservation and protection of the natural environment, public peace, health, safety and welfare.

Section 12.50.020 Definitions. Unless clearly inconsistent with the context in which used, the following definitions shall apply under this chapter:

- A. "Department" means the Department of Parks and Recreation of the City.
- B. "Director" means the Director of the Department of Parks and Recreation and authorized agents of the Director.
- C. "Motorized watercraft" means those floating devices which are designed to be propelled by the use of internal combustion engines or electric motors. Inflatable,

motorized watercraft may be included in this definition if they are propelled by the use of internal combustion engines or electric motors.

- D. "Nonmotorized cycle or similar device" means any wheeled, operator-propelled equipment which transports the operator on land, except wheelchairs. Nonmotorized cycle or similar device includes, but is not limited to, unicycles, skates, skateboards, bicycles, tricycles, quadcycles and scooters.
- E. "Nonmotorized watercraft" means those nonmotorized watercraft which may have inflatable chambers, may or may not be propelled by oars or paddles, can be carried by one or two people and/or supports a person or persons.
- F. "Park" means all parks and bodies of water contained therein, squares, plazas, trails, beaches, playgrounds, playfields, gardens, greenbelts and other park, recreation and open space areas, buildings and facilities comprising the parks and recreation system of the City under the management and control of the Director of Parks and Recreation or his or her designee.
- G. "Park component" means any furniture, handrail, stairway, wall, retaining wall, planter box, sculpture or any other item installed in, located in, or made a part of one of the City's parks.
- H. "Public facility" means all properties and other facilities, including, but not limited to parks, which are owned, controlled, or managed by the City of Woodinville, regardless of whether said property or facility is held for governmental or proprietary purposes.
- I. "Recreation program" means any program or activity conducted, sponsored or assisted by the Department, whether or not it occurs in a park.
- J. "Trail" means any non-motorized multi-purpose trail owned, operated, or managed by the City of Woodinville; provided, however, that the term shall not include bike lanes or trails located within any public roadway, public highway, or arterial.
- K. "Loitering" means to remain in a place or linger for no apparent reason.
- L. "Large Group" means a group of more than 30 people.

Section 12.50.030 Rulemaking. The Director or his or her designee has the power to enforce the provisions of this chapter. The Director or his or her designee may adopt, amend and rescind rules and regulations consistent with the chapter in order to manage and control the parks and recreation system of the City and to manage other public facilities, including rules that:

- A. Clarify, interpret or apply to this chapter;
- B. Designate restricted areas in parks and public facilities;
- C. Regulate and administer recreational programs;
- D. Establish times for opening and closing of particular parks, park facilities, and public facilities to public use and/or for entry or use by motor vehicles.

Section 12.50.040 Applicability. The terms and provisions of this chapter shall apply to the conduct of all persons and the use of all parks and other public facilities of the City of Woodinville.

Section 12.50.050 Trail use.

A. No person shall travel on a trail at a speed greater than is posted or than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with others who are complying with the law and using reasonable care. Travel at speeds in excess of 15 miles per hour shall constitute in evidence a prima facie presumption that the person violated this section.

B. No person shall travel on a trail in a negligent manner. For the purposes of this section, "travel in a negligent manner" shall be construed to mean any form of travel on a trail in such a manner as to endanger or be likely to endanger any persons or property.

C. Every person traveling on a trail shall obey the instructions of any official traffic control device placed in accordance with applicable laws unless otherwise directed by a police officer.

D. It shall be unlawful for any person to place or deposit any structure, device, or natural or artificial thing that threatens or endangers any portion of a trail owned or maintained by the City of Woodinville, that tends to endanger persons traveling thereon, that obstructs or tends to obstruct a trail, or that constitutes a hazard to persons traveling thereon.

E. Model Trail User Code of Conduct

1. Using a Trail. Every person using a trail shall stay at or near to the right side of the trail as is safe, excepting those movements necessary to prepare to make or to make turning movements, or while overtaking and passing another user moving in the same direction.

2. Regard for Other Trail Users. Every user shall exercise due care and caution to avoid colliding with any other trail user. All users shall travel in a consistent and predictable manner.

3. Groups on Trail. No group of trail users, including their animal(s), shall occupy more than one half of the trail as measured from the right side, so as to impede the normal and reasonable movement of trail users.

4. Audible Signal When Passing. Every user shall give an audible warning signal before passing another trail user. The signal must be produced in such a manner as to allow adequate time for response. The signal may be given by voice, bell, or horn.

5. Overtaking Trail Users on the Left. Any trail user overtaking another trail user proceeding in the same direction shall pass to the left of such overtaken user at a safe distance, and shall stay to the left until safely clear of the overtaken user.

6. Entering and Crossing Trail. Trail users entering or crossing the trail at uncontrolled points shall yield to traffic on the trail.

Section 12.50.060 Practicing and playing games. No person shall practice or play golf, baseball, cricket, lacrosse, polo, archery, hockey, tennis, badminton, or other games of like character or hurl or propel any object or missile, except at places where such activities are not reasonably likely to imperil or endanger other users of a park or public facility, or at such places which are set apart and developed for such purposes by the Department and so designated by the Director.

Section 12.50.070 Overnight camping. It is unlawful to camp overnight in any park or park facility, except at places set aside and posted for such purposes by the Director or his or her designee, or by permit issued by the Director or his or her designee.

Section 12.50.080 Fireworks. It is unlawful to possess and/or use fireworks of any type in a park or public facility without having first obtained a lawfully issued permit. Chapter 8.03 WMC.

Section 12.50.090 Firearms and explosives. It is unlawful to shoot, fire or explode any firearms, torpedoes or explosive of any kind, or to shoot or fire any air gun, paint ball gun, bows and arrows, B.B. gun or use any slingshot or other propelling device wherein the applied human energy or force is artificially aided, directed or added to in any park or public facility, except in such designated recreational areas as may by the Department of Parks and Recreation be developed and provided for such activities. Violation of this section is a misdemeanor.

Section 12.50.100 Littering. It is unlawful to throw or deposit any refuse or other material in any park or public facility, except in designated receptacles, or to take garbage or refuse to a park or public facility for the disposal in said park or public facility, or to deposit garbage or refuse generated outside a park or public facility within said park or public facility.

Section 12.50.110 Game refuge, sanctuary or reserve - disturbance of wildlife. It is unlawful to enter any area in a park designated and posted by the Director or his or her designee as a game refuge, sanctuary or reserve; or to molest or disturb wildlife or the nest or breeding place of any wildlife located therein. Violation of this section is a misdemeanor.

Section 12.50.120 Capturing or striking wildlife - Prohibited. It is unlawful in any park or public facility in any manner to capture, strike, kill or harass, or to attempt to capture, strike, kill or harass, any wildlife, with any stick, weapon or other device or thing or to throw or otherwise propel a missile or object at or in the vicinity of any such wildlife, except that the Director or his or her designee may approve the capture of wildlife for research or relocation purposes, or for public safety. Violation of this section is a misdemeanor.

Section 12.50.130 Feeding of animals. It is unlawful for any person to leave, place or distribute foodstuffs of any kind or nature in any park or public facility, with an intent to feed farm animals or wildlife; provided, this section shall not apply to the feeding of farm animals or wildlife by Department of Parks and Recreation personnel.

Section 12.50.140 Trespassing. It is unlawful for any person except an authorized city employee in the performance of his or her duties, or other person duly authorized pursuant to law, to enter or go upon any area which has been designated and posted by the Director or his or her designee as a "No Admittance" or "No Trespassing" area, or at any time during which the park or public facility is posted as being closed to the public. Violation of this section is a misdemeanor.

Section 12.50.150 Removal or destruction of property. No person shall unlawfully remove, destroy, mutilate or deface any property, structure, facility or station within a park or public facility. Violation of this section is a misdemeanor.

Section 12.50.160 Dogs and pets - Prohibited areas. It is unlawful for any person to permit any dog or other pet in any area in a park or public facility designated and posted by the Director or his or her designee as a game refuge, sanctuary or reserve, or to permit such dog or other pet to molest or disturb wildlife therein or the nest or breeding place of any such wildlife, or to permit any dog or other pet to enter any other area which the Director or his or her designee has posted as a place prohibited to animals, except for dogs being used to assist the disabled or for official purposes such as search and rescue or law enforcement.

Section 12.50.170 Dogs and pets - Prohibited on shoreline. It is unlawful for any person to

permit any dog or pet to be in shoreline or beach recreation areas from June 1 through September 15, except for dogs being used to assist the disabled or for official purposes such as search and rescue or law enforcement.

Section 12.50.180 Removal of pet feces. Any person with a dog or pet in his or her possession in any park or public facility shall be responsible for the conduct of the animal, shall carry equipment for removing feces and shall collect and place any feces deposited by such dog or pet in an appropriate receptacle. It shall be unlawful for any person to fail to so collect and place any feces deposited by a dog or pet in his or her possession.

Section 12.50.190 Animals running at large - Prohibited. It is unlawful for any person to allow or permit any dog or other pet to run at large in any park or public facility, except dogs used by a public law enforcement officer; provided that, except in areas in which animals are prohibited, dogs or other pets are permitted in a park if on a leash not greater than six feet in length, or otherwise securely caged or securely restrained from running free.

Section 12.50.200 Motor vehicles. It is unlawful to ride, propel, drive or direct any unauthorized motorized vehicle over or through any park or public facility, or upon any street, drive or parkway which is designated as being closed to vehicular traffic. No person shall drain or dump refuse or waste from any trailer, camper, automobile, or other vehicle, except in designated disposal areas or receptacle in any park or public facility.

Section 12.50.210 Speed limit. It is unlawful to ride, propel, drive or direct any motorized vehicle over any street, drive or parkway in any park or public facility in excess of 10 miles per hour when no speed limit is posted, or in excess of any posted speed limit.

Section 12.50.220 Parking of motor vehicles. It is unlawful to park or leave a vehicle unattended in any park, public facility, or parking lot through which access is controlled by a gate from one half hour after sunset to one half hour before sunrise. It shall also be unlawful to park or leave a vehicle unattended in any park, public facility, or parking lot through which access is not controlled through a gate between the hours of 11:00 p.m. and 7:00 a.m., except in such areas as may be designated for such purpose by the Director and so posted by signs; provided, however, that this section shall not apply to persons attending events and activities scheduled at such park or facility or that have obtained a permit from the Director. Such unattended vehicles may be impounded by the City according to the applicable provisions of Title 10 of the Woodinville Municipal Code.

Section 12.50.230 Riding vehicles and animals. It is unlawful for any person to ride or drive any animal or vehicle over or through any park or public facility, except in areas designated for such purposes by the Director and so posted by signs.

Section 12.50.240 Commercial watercraft - Prohibited. It is unlawful to use aquatic areas and aquatic facilities within a park for commercial purposes or for commercial watercraft to use such areas or facilities, except when done pursuant to a permit issued by the Director or his or her designee. For purposes of this section, "commercial watercraft" means watercraft used for any commercial purpose but shall not include a watercraft operated under a concession lease with the city.

Section 12.50.250 Landing, launching, docking and use of watercraft - Prohibited. It is unlawful for any person to land, launch, dock or use any watercraft in or at any swimming area, float or shoreline within the limits of a park, except for such areas specifically designated for such use by watercraft; provided watercraft may use the following areas as indicated below:

- A. Nonmotorized watercraft may be launched and landed at Wilmot Gateway Park all year.

Section 12.50.260 Overnight moorage - Prohibited. It is unlawful for any person to moor a watercraft overnight in any park or public facility, except by permit of the Director or his or her designee.

Section 12.50.270 Aircraft - Prohibited. Except in an emergency, any person desiring to utilize a park or public facility for launching, take-off, or landing of any aircraft shall obtain a permit from the Director.

Section 12.50.280 Fires. It is unlawful for any person to set or maintain any fire in a park or public facility, except in facilities designed for such purposes and self-contained stoves.

Section 12.50.290 Alcoholic beverages and/or illegal drugs - Prohibited. It is unlawful for any person to use or possess any alcoholic beverages and/or illegal drugs in a park, including unopened alcoholic beverage containers within one's immediate reach or control, which shall be considered to be possession of the container by said person; provided this prohibition shall not apply to organized groups which have secured approval from the City Manager, a permit from the Director and, appropriate licensing from the State of Washington. Violation of this section is a misdemeanor.

Section 12.50.295 Intoxication. Being or remaining in any park or public facility while in a state of intoxication shall be prohibited. Any violation of this section is a misdemeanor.

Section 12.50.300 Noise Regulation. It is unlawful for sound from audio equipment to be operated at a volume so as to be audible greater than 50 feet from the source at a decibel level prohibited by Chapter 8.08 of the WMC.

Section 12.50.310 Posting signs, posters and notices. It is unlawful for any person to post or attach any sign, poster or notice or any other device of any kind for advertising in any park or public facility, except as authorized by the Director or his or her designee.

Section 12.50.320 Sale of merchandise, food or services - Permit required. It is unlawful for any person to solicit, sell or peddle any goods, services, wares, merchandise, liquids or edibles for human consumption to the general public in any park or public facility, except pursuant to a permit issued by the Director or his or her designee.

Section 12.50.330 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 public facility which endangers or is likely to endanger any persons or property or interfere with the operations or proposes of a park or public facility.

Section 12.50.340 Operation of motorized models - Prohibited. It is unlawful for any person to operate any motorized model car, aircraft, rocket or watercraft in any park, except as authorized by the Director or his or her designee.

Section 12.50.350 Use of nonmotorized vehicles - Prohibited in certain areas. It is unlawful for any person to ride a bicycle or other similar device in any area which is posted as closed to such vehicles.

Section 12.50.360 Expulsion from parks and public facilities.

A. The Director or his or her designee or his or her authorized agent may order the expulsion of any person from any park or public facility for a period of one to seven days if he or she observes

such person:

1. Using obscene language or engaging in obscene conduct;
2. Directing racially offensive remarks or other hate-speech at another person;
3. Using tobacco products in an unauthorized area or facility;
4. Causing injury or risk of injury to another person or persons;
5. Causing damage or risk of damage to City property including plants, flowers or other landscaping;
6. Skateboarding, roller-skating, or bicycling on anything other than a paved, concrete, or packed gravel surface;
7. Skateboarding, roller-skating, or bicycling on any Park Component except those specifically designated for skateboarding, roller-skating, or bicycling and located in the Rotary Community Park;
8. Launching flares, rockets, or other devices;
9. Using the climbing boulder in Rotary Community Park for anything other than climbing or bouldering;
10. Violating any provision of this chapter.

B. The Director or his or her designee or his or her authorized agent may order the expulsion of any persons from any park or public facility for a period of seven days to one year if such person:

1. Has been expelled from a park or public facility two or more times in any 30-day period;
2. Caused injury to another person;
3. Sells, possesses or uses illegal drugs or alcohol;
4. Unlawfully possesses or uses any weapon;
5. Commits more than one violation of this chapter in any 30-day period.

C. Any order of expulsion under this section shall be in writing and contain the following information: (1) a description of the reason(s) for the expulsion; (2) a description of the premises from which the person is expelled; (3) the duration of the expulsion; (4) a statement advising the person that failure to comply with the order may result in arrest and prosecution for criminal trespass; and (5) a statement that an order of expulsion with a duration greater than seven days may be appealed to the City Council within ten calendar days of the date the order is issued. Expulsion orders shall be sent by certified mail to the person expelled at his or her last known address unless personally served upon the expelled person by the Director, his or her designee, or his or her authorized agent.

D. Any person who enters a park or public facility during a period during which he or she has been expelled under subsection A or B of this section is guilty of a misdemeanor.

Section 12.50.370 Aiding and abetting violations. Any person participating in a violation of

any provision of this chapter whether directly committing the act or omitting to do the thing constituting the offense or who aids or abets the same, and whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit such offense, shall be proceeded against and prosecuted as such.

Section 12.50.380 Closing times. It is unlawful to be in a park or public facility after closing time. Unless another closing time has been established for a particular park or public facility by the Director or his or her designee, parks shall close one-half hour after sunset and reopen one-half hour before sunrise. This section does not apply to scheduled Department of Parks and Recreation events or to dedicated roads and sidewalks used for transportation which are not designated as closed.

Section 12.50.390 Trees and vegetation - City property. It shall be unlawful for any person to clear, cut, damage or remove any tree or vegetation located upon a public facility without the express written permission of the Director or his or her designee; provided, however, that this section shall not apply to the maintenance and grounds keeping activities of City employees and such other persons that provide such services to the City under contract.

Section 12.50.400 Disorderly conduct and profanity - Prohibited. It is unlawful to use profane or abusive language or to conduct oneself in a disorderly manner in any park or public facility. Profane or abusive language means obscenity or fighting words constituting unprotected speech.

Section 12.50.410 Loitering. Loitering is prohibited in restrooms at any park or public facility.

Section 12.50.420 Washing. It is unlawful to clean oneself, wash any clothing or other articles for personal or household use, or any dog or other animal in any park or public facility except in a restroom facility designed for such purpose.

Section 12.50.430 Groups or assemblies – park reservations. No park or portion of a park facility may be reserved by a group or assembly unless it is designated in this section as an area that may be reserved with an approved permit. Reservation applications for the following park facilities shall be taken on a first come, first served basis: Woodin Creek Park picnic shelter; the covered picnic area at Wilmot Gateway Park and the City sportsfields. No other City of Woodinville parks may be reserved except for City-sponsored events. No other City of Woodinville parks may be reserved for “special commercial events” as that term is defined in WMC 8.12.020(2). It shall be unlawful to refuse to leave an area reserved for another party after being asked to do so and being presented with a copy of the permit or reservation.

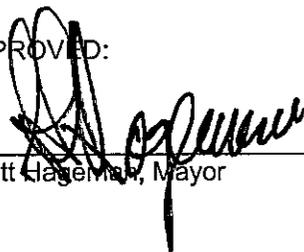
Section 12.50.440 Violation - Penalty. Violation of any of the rules or regulations in this chapter is a civil infraction, punishable by a fine unless otherwise noted. Any person violating any of the rules and regulations in this chapter identified as a misdemeanor shall be punished by a fine of not more than one thousand dollars (\$1,000.00) and/or imprisonment for not more than ninety (90) days, upon conviction.

Section 12.50.450 Conflicts with criminal code, traffic code, and other ordinances. In the event that any provision of this chapter should conflict with any provision of the Woodinville Criminal Code, WMC Chapter 9.03, or the Woodinville Traffic Code, WMC Chapter 10.03, the Criminal Code or Traffic Code provision, as the case may be, shall govern. In the event that any act, omission, behavior, or conduct is punishable under this chapter and the Woodinville Criminal Code, WMC Chapter 9.03, or the Woodinville Traffic Code, WMC Chapter 10.03, the provision with the more severe penalty shall apply, notwithstanding this chapter.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

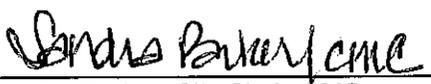
Section 3. Effective Date. This ordinance, or a summary thereof, consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED:



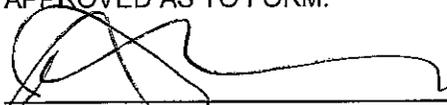
Scott Hageman, Mayor

ATTEST/AUTHENTICATED:



Sandra Parker, City Clerk, CMC

APPROVED AS TO FORM:



Office of the City Attorney
PASSED BY THE CITY COUNCIL: 9-2-2003
PUBLISHED: 9-8-2003
EFFECTIVE DATE: 9-13-2003
ORDINANCE NO. 345