

ORDINANCE NO. 507

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, REPEALING CHAPTER 15.05, UNIVERSITY PLACE MUNICIPAL CODE, IN ITS ENTIRETY; ADOPTING A NEW TITLE 15, PARK CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City has policies and procedures in place for the use of public facilities; and

WHEREAS, the City adopted the Pierce County Park Use Regulations by reference upon incorporation and since that time has acquired additional parks; and

WHEREAS, the City desires to adopt a new Park Code to update park use rules and to ensure consistency with City Policy; and

WHEREAS, the City desires to provide for comprehensive regulation of City parks;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Repealing Chapter 15.05, Park Code, of the University Place Municipal Code.
Chapter 15.05, Park Code, of the University Place Municipal Code is hereby repealed.

Section 2. New Chapter 15.05 Park Code, of the University Place Municipal Code Adopted. The University Place Municipal Code is hereby amended by adding a new Chapter 15.05, Park Code, to read as follows:

**Chapter 15.05
PARK CODE**

Sections:

- 15.05.010 Title.**
- 15.05.020 Police Power.**
- 15.05.030 Definitions.**
- 15.05.040 Hours of Operation.**
- 15.05.050 Closed Areas.**
- 15.05.060 Regulations and Prohibited Activities.**
- 15.05.070 Park Use—Additional Regulations.**
- 15.05.080 Park Facility Rental and Reservation.**
- 15.05.090 Permits.**
- 15.05.100 Decisions of Director Final.**
- 15.05.110 Park and Recreation – Rules and Regulations.**
- 15.05.120 Enforcement Authorized.**
- 15.05.120 Ejection of Persons.**
- 15.05.140 Trespass**
- 15.05.150 Seizure of Property.**
- 15.05.160 Violation – Penalty.**

15.05.010 Title.

These rules and this Chapter may be cited as the “Park Code” for the City of University Place.

15.05.020 Police Power.

This Chapter is hereby declared to be an exercise of the police power of the City for the public peace, health, safety, and welfare and its provisions are to be liberally construed.

15.05.030 Definitions.

For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this section:

A. "Director" means the Director of Parks and Public Works for the City of University Place, or such other Director or designee as the City Manager may designate.

B. "Motor vehicle" means any self-propelled device capable of being moved upon a road, and in, upon, or by which any Persons or property may be transported or drawn, and includes, but is not limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles, and snowmobiles, whether or not they can legally be operated upon the public highways.

C. "Park" means and includes all City parks, passive open space land, and bodies of water contained therein, trails, public squares, public drives, parkways, boulevards, or any parking areas associated therein, museums, pools, buildings, and playgrounds or play structures and/or any other City of University Place park or open space area designated by the City.

D. "Person" means all natural persons, firms, partnerships, corporations, clubs and all associations or combination of persons whatsoever, acting for themselves or by an agent, servant, or employee.

E. "Trail" means any path or track designed for use by pedestrians, bicycles, or other non-motorized modes of transportation, and which is not of sufficient width, nor graded or paved with concrete, asphalt, gravel, or similar substance, so designed as to permit its use by standard passenger automobiles, or other right-of-way specifically designated and posted for non-vehicular use.

F. "Trailer" means a towed vehicle, which contains any sleeping or housekeeping accommodations, boat, animal, apparatus, or is designed for the purpose of transporting any of the same by towing behind a Vehicle.

G. "Vehicle" is any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled. The term includes any trailer in tow of any size, kind or description. Exception is made for baby carriages, wheelchairs, and vehicles in the service of the City parks.

H. "Watercraft" means any floating device, powered by internal combustion engine, wind or human power, capable of traveling on or under water.

15.05.040 Hours of Operation.

Parks shall be open to the public every day of the year from dawn until dusk, unless otherwise posted. Use of any Park before or after posted hours of operation is prohibited, except by facility rental or reservation or by Special Event Permit issued under Chapter 5.05 UPMC.

15.05.050 Closed Areas.

Any section or part of any Park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director finds reasonably necessary for the public health, safety, welfare, or convenience or for park maintenance.

15.05.060 Regulations and Prohibited Activities.

A. Park Property.

1. Destruction and Removal. No Person shall vandalize, damage, destroy, mark, deface by graffiti, displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, signs, notices or placards, monuments, stakes, posts, stones, trees, shrubs, plants, public utilities, or other structures, equipment, facilities or Park property or appurtenances whatsoever, either real or personal.

2. Erection of Structures. No Person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across Park property, except by facility rental or reservation or Special Event Permit issued under Chapter 5.05 UPMC.

3. Climbing Trees, etc. No Person shall climb any tree or walk, stand or sit upon monuments, fountains, railing, fences or upon any other property not designated or customarily used for such purposes.

4. Pollution of Waters. No Person shall throw, discharge, or otherwise place or cause to be placed in the waters of any stream, or other body of water in or adjacent to any Park or any stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters.

5. Deposit Trash. No Person shall bring in, dump or deposit any trash, waste or garbage not generated during lawful use of the Park or City moorage facilities. All trash, waste and garbage generated during lawful use of the Park or City moorage facilities shall not be placed in any waters in or contiguous to the Park nor left anywhere on the grounds, but shall be placed in the proper receptacles where provided. Where receptacles are not so provided, all such trash, waste and garbage shall be carried away from the Park by the Person responsible for its presence and properly disposed of elsewhere.

B. Animals.

1. Hunting. No Person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles or objects at any animal, reptile or bird, nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

2. Feeding. No Person shall feed any bird or wild animal or give or offer, or attempt to give, to any animal or bird any tobacco, alcohol or other known noxious substances.

3. Hitching of Animals. No Person shall tie or hitch any animal to any tree, plant or fence, unless in a designated area or unless such action is not reasonably likely to cause damage to Park property.

4. Domestic Animals. No Person shall allow a dog or animal under that Person's care, custody or control to run at large. All animals in those areas where animals are permitted shall be restrained at all times on adequate leashes, unless dogs are in a designated off-leash dog area. A Person whose dog or other domestic animal is in a Park is responsible for removing feces deposited by such animal from the Park.

C. Traffic.

1. City Motor Vehicle Laws Apply. No Person shall fail to comply with all applicable provisions of the City motor vehicle traffic laws in regard to equipment and operation of Vehicles together with such regulations as are contained in this Chapter and other ordinances.

2. Enforcement of Traffic Regulations. No Person shall fail to obey all traffic officers and Park employees, such Persons being authorized and instructed to direct traffic whenever and wherever needed in the Parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director.

3. Obey Traffic Signs. No Person shall fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.

4. Speed of Vehicles. No Person shall drive a Vehicle at a rate of speed exceeding 10 miles an hour, except upon such roads as the Director may designate, by posted signs for speedier travel.

5. Vehicle Operation Confined to Roads. No Person shall drive any Vehicle on any area except designated Park roads or parking areas, or such other areas as may be specifically designated by the Director.

6. Vehicles in Designated Areas. No Person shall park a Vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions and with the instructions of any attendant who may be present.

7. Abandoned Vehicles. No Person shall leave any Vehicle in the Park that is or appears to be inoperable, immobile, disassembled or extensively damaged. Evidence of inoperability and damage includes, but is not limited to, a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a flat tire, a nonfunctional motor or transmission, missing bumpers, or missing license plates.

8. Immovable Vehicles. No Person shall leave any Vehicle in the Park with one or more wheels chained, or with motor set in gears and doors locked, or in any manner fixed or arranged so that such Vehicle cannot readily be moved by hand.

9. Double Parking. No Person shall double-park any Vehicle on any road or parkway unless directed by a Park official.

10. Vehicle Parking Hours. No Person shall park a Vehicle overnight on Park property.

11. Bicycle Operation. No Person shall ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Persons shall at all times operate their bicycles with reasonable regard for the safety of others, signal all turns, pass to the

right of any Vehicle they are overtaking, and pass to the right of any Vehicles they may be meeting.

12. Immobile Bicycles. No Person shall leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other Persons may trip over or be injured by them.

D. Picnic Areas and Use.

1. Regulated. No Person shall picnic or lunch in a place other than those designated or reasonably useful for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

2. Availability. No Person shall violate the regulation that use of the tables and benches and other park amenities follows, generally, the rule of "first come, first served," unless by facility rental or reservation or by Special Event Permit issued under Chapter 5.05 UPMC.

3. Nonexclusive. No Person shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other Persons, nor shall any Person use such area and facilities for an unreasonable time if the facilities are crowded, unless by a facility rental or reservation or by a Special Use Permit issued under Chapter 5.05 UPMC.

4. Barbeque. No Person shall operate a barbeque except in designated areas and unless he or she takes all necessary safety precautions to ensure the safety of others and of the Park property. All barbeques must be self-contained units that use coal or propane gas, and only be used outside. Coals, ashes, grease or other byproducts of said barbeques may not be disposed of on Park property.

E. Recreational Activities.

1. Bathing Areas. No Person shall erect, maintain, use or occupy on or in any beach, stream bank, or bathing area, any tent, shelter or structure of any kind.

2. Firearms. No Person shall use, carry, or possess firearms of any descriptions, or air rifles, spring guns, bow and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into Park areas from beyond Park boundaries is forbidden.

3. Camping. No Person shall camp in the open, or in tents, shacks, or any other temporary shelter, nor shall any Person leave any movable structure or special vehicle to be used or that could be used for such purpose, such as house trailer or camp trailer.

4. Games. No Person shall take part in or abet the playing of any games involving thrown or otherwise propelled objects, or the playing of rough or comparatively dangerous games such as football or baseball, except in areas set apart for such use, or otherwise reasonably useful for such use and not reasonably likely to cause injury or interfere with the use of Park facilities by the general public. Roller skating and skateboarding, golf and horseshoes shall be confined to those areas specifically designated for such use.

5. Model Aircraft. No Person shall fly or operate any gas or electric powered aircraft, model aircraft, model rockets or hot air balloons, except at specified places and times designated for such activities by the Director upon his determination that:

- a. Adequate provision has been made to ensure that the health and safety of participants in and spectators of any such activities will not be subject to undue hazard;
- b. Such activities will be conducted in such a manner as to minimize potential damage to public or private property;
- c. Such activities will not constitute a public nuisance; and
- d. Such activities will not unduly interfere with the use of Park facilities by the general public;
- e. User has provided to the City a certificate of insurance satisfactory to the Director naming the City as an additional insured.

6. Racing. 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, except at specified places and times designated for such activities by the Director upon his determination that:

- a. Adequate provision has been made to ensure that the health and safety of participants in and spectators of any such activities will not be subject to undue hazard;
- b. Such activities will be conducted in such a manner as to minimize potential damage to public or private property;
- c. Such activities will not constitute a public nuisance;
- d. Such activities will not unduly interfere with the use of Park facilities by the general public; and
- e. User has provided to the City a certificate of insurance satisfactory to the Director naming the City as an additional insured.

F. Behavior.

1. Alcoholic Beverages. No Person shall have or be under the influence of alcoholic beverage of any kind, except that alcohol may be served in conjunction with Special Event Permit or facility rental agreement.

2. Violence. No Person shall exhibit violence or possess a firearm or weapon.

3. Fireworks and Explosives. No Person shall bring, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or water adjacent thereto including any City Park or on the grounds of any City facilities, except in conjunction with a Special Event Permit. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

4. Fires. No Person shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the Director. No Person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any Park area or on any highway, road or street abutting or contiguous thereto.

5. Closed Areas. No Person shall enter an area posted as "Closed to the Public," nor shall any Person use, or abet the use of any area in violation of posted notices.

6. Games of Chance. No Person shall gamble, or participate in or abet any game of chance.

7. Loitering and Boisterousness. No Person shall sleep or protractedly lounge on the seat, or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

8. Signs. No Person shall attach, affix or otherwise post any sign, placard, advertisement, or inscription to any Park property, nor shall any Person erect or cause to be erected any sign whatsoever on any public lands or roads in or adjacent to a Park, except by facility rental or reservation or Special Event Permit issued under Chapter 5.05 UPMC, or by permission of the Director.

9. Noise. No Person shall operate a loudspeaker or mechanical amplifier, nor play a radio, stereo, television set, or similar device at volumes such that they may be heard from over 20 feet from the source, except by facility rental or reservation or Special Event Permit issued under Chapter 5.05 UPMC.

10. Exhibit Permits. No Person shall fail to produce and exhibit any permit from the Director he claims to have upon request of any Person who desires to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

11. Interference with Permittees. No Person shall disturb or interfere unreasonably with any Person or party occupying any area, or participating in any activity, under the authority of a permit, rental, or reservation.

G. Sales.

1. Vending and Peddling. No Person shall expose or offer for sale any article or thing, nor shall he station or place any stand, cart or Vehicle for the transportation, sale or display of any such article or thing, except by sales permit issued under this Chapter, or Special Event Permit issued under Chapter 5.50 UPMC.

2. Advertising. No Person shall announce, advertise, or call the public attention in any way to any article or service for sale or hire, except by sales permit issued under this Chapter.

15.05.070 Park Use – Additional Regulations.

A. City Skate Park within the Cirque/Bridgeport Park. The following rules apply to the fenced and concrete City Skate Park within the Cirque/Bridgeport Park; these rules apply in addition to the rules set forth in this Chapter:

1. Helmets are required.

2. Bicycles, in-line skates, and scooters are permitted only in the areas designated by signs in the Skate Park.

3. Motorized scooters are prohibited in the Park. A "motorized scooter" means a footboard mounted upon two or more wheels controlled by an upright handle and propelled by a motor.

4. Spectators are prohibited in skating areas.

5. No glass containers are permitted in skating areas.

6. No modifications to the ramps, handrails, bowls or other structures are permitted.

7. No pets permitted.

8. No bicycles permitted in the advanced skating area.

9. No skating or skateboarding in the parking area.

B. Curran Apple Orchard. The following rules apply to the Curran Apple Orchard Park; these rules apply in addition to the rules set forth in this Chapter:

1. No Person shall pick or throw apples.

2. Notwithstanding other provisions of this Chapter, fruit trees within the Orchard may be pruned, maintained, and harvested in accordance with policies and procedures approved by the Director.

3. No fires are permitted in the orchard.

4. Barbeques are permitted only in designated areas.

15.05.080 Park Facility Rental and Reservations.

The Director may designate certain Park areas that may be rented or reserved on a first come, first served basis. Any rental fees shall be adopted by City Council Resolution. The Director may adopt reasonable policies and procedures for the rental and reservation of Park areas and reasonable rules for the use of any rented or reserved facilities based on the particular uses of certain Parks. The Director may impose reasonable conditions upon any rental or reservation as are necessary to ensure adherence to the standards set forth for permits at UPMC 15.05.090.

15.05.090 Permits.

A. Special Event Permit. Any Person desiring to use Park facilities for a designated period of time or for a specific purpose or event shall obtain a Special Event Permit for such use if, based upon the type of event, number of participants, or other unusual conditions, such use may negatively impact other Park visitors or conflict with normal Park usage. Such Special Event Permit shall be issued by the City, in accordance with the provisions of UPMC 5.10. In addition to the standards set forth in UPMC 5.10, the Director may reasonably condition any Special Event Permit for Park use as necessary to ensure adherence to the following:

1. That the proposed activity or use of the Park will not unreasonably interfere with or

detract from the general public enjoyment of the Park;

2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

3. That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;

4. That the proposed activity will not entail unusual, extraordinary or burdensome expense of police operation by the City; the City may require the applicant to hire private security personnel; and

5. That the facilities desired have not been reserved for other use at the day and hour required in the application.

B. Sales Permit. Any Person desiring to engage in any of the activities described in Section 15.05.060(G), shall obtain a Sales permit before engaging in such activity, which shall be issued by the Director. The Director shall issue a sales permit upon a determination that:

1. The proposed sales activities will enhance public or private enjoyment of the Park facilities;

2. The proposed sales activities will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

3. That the facilities desired have not been reserved for other use at the day and hour required in the application; and

4. In those instances where proposed sales will include food or alcoholic beverages, the applicant has made a satisfactory showing that it has contacted the Health Department or the State Liquor Control Board and taken appropriate steps to secure that agency's approval of the proposed handling and sales.

C. Conditions of Issuance.

1. During all periods of use, Persons using a Park facility under permit or rental agreement shall be bound by all Park rules and regulations and all applicable ordinances fully as though the same were inserted in the permits or agreements.

2. During all periods of use, Persons using a Park facility under permit or rental agreement shall obtain and maintain public liability insurance acceptable to the City or other insurance necessary to protect the public and the City, unless waived by the Director. The Director may require a certificate evidencing such insurance and naming the City as an additional insured.

3. Persons using a Park facility under permit or rental agreement shall be required to protect, save, and hold the City and its elected and appointed officials and employees, while acting in the scope of their duties, harmless from and against all claims, demands, and causes of action, including attorney's fees, arising in any way out of the acts of omissions of the Person or its agents, employees, or members.

4. Persons using a Park facility under permit or rental agreement shall deposit with the City, unless waived by the Director, a sum set by City Council Resolution, which sum shall be refunded to the Person at the expiration of the permit or agreement upon a showing

by the Person of the following:

- a. All conditions placed on the permit or agreement and all applicable Park rules and regulations and all applicable ordinances have been complied with; and
 - b. The Park has been returned to the condition in which it existed prior to the effective date of the permit or agreement including removal of all temporary structures, litter, signs, advertising or other debris resulting from or associated with the activities engaged in pursuant to the permit or agreement.
5. The City may place such conditions on receipt of the permit as are necessary to ensure adherence to the standards set forth in UPMC 5.10 and this Chapter.
6. All permit applications and rental and reservation requests shall be submitted to the City on forms and within the time limits prescribed by the Director.

D. Appeal. Within ten (10) business days after the receipt of an application for a Special Event Permit or sales permit, the Director, or his designee, shall apprise an applicant in writing of the reasons for refusing a permit, and any aggrieved Person shall have the right to appeal in writing within ten days to the City's Hearings Examiner. Any such appeal shall be processed in accordance with Title 22, UPMC.

E. Liability of Permittee. The Person or Persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any Person whatsoever by reason of the negligence of the Person or Persons to whom such permit shall have been issued.

F. Permit Revocation. The Director shall have the authority to revoke all permits issued under this Chapter upon a finding of violation of any rule, condition, regulation or ordinance, or upon good cause shown.

15.05.100 Decisions of Director Final.

All decisions of the Director, or his designee, regarding compliance by the recipient of any permit with the conditions of the permit and the provisions of this Chapter shall be final.

15.05.110 Park and Recreation - Rules and Regulations.

The Director shall have the power to promulgate and adopt reasonable rules and regulations pertaining to the operation, management, use, rental and reservation of the Parks, and shall post the same in conspicuous places in the Parks.

15.05.120 Enforcement Authorized.

The Director and his or her designees shall, in connection with their duties imposed by law, diligently enforce the provisions of this Chapter.

15.05.130 Ejection of Persons.

The Director and any Park attendant shall have the authority to eject from the Park any Person acting in violation of this Chapter.

15.05.140 Trespass.

The City police are authorized to trespass any Person engaging in unlawful behavior on

Park property. Any police officer of the City who observes any Person engaging in unlawful behavior, in addition to or in lieu of additional enforcement action, may provide a written warning to the offender prohibiting the offender from returning to the Park for a period of seven (7) days, commencing upon receipt by the offender of the written warning. Any offender who willfully violates a written notice prohibiting entry into the Park shall be guilty of criminal trespass in the second degree.

15.05.150 Seizure of Property.

The Director and any Park attendant shall have the authority to seize and confiscate any property, thing or device in the Park, or used, in violation of this Chapter.

15.05.160 Violation – Penalty.

It is unlawful for any person to violate or fail to comply with any Park rule or regulation adopted herein or duly adopted and posted by the Director. A violation of any posted rule or provision of this Chapter shall be a misdemeanor subject to the penalties set forth in UPMC 1:15.020.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON AUGUST 13, 2007.


Gerald Gehring, Mayor

ATTEST:


Emelita Genetia, Interim City Clerk

APPROVED AS TO FORM:


Jamean Parker, City Attorney

Date of Publication: 08/15/07
Effective Date: 08/20/07