

ORDINANCE NO. 52

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, ADOPTING BY REFERENCE CHAPTERS 14.08,
PARK CODE, AND CHAPTER 14.12, VANDALISM, OF THE
PIERCE COUNTY CODE AS REGULATIONS OF THE CITY**

WHEREAS, the City of University Place will incorporate on August 31, 1995;
and

WHEREAS, the City will be contracting with Pierce County to provide police services to residents of the City at least on an interim basis during the post incorporation period; and

WHEREAS, Pierce County deputy sheriffs are familiar with the Pierce County Code; and

WHEREAS, allowing Pierce County deputy sheriffs to continue to enforce certain Pierce County Code provisions within the City after incorporation both promotes the public welfare and allows police officers to make an orderly transition to the enforcement of criminal codes which the City of University Place will enact after incorporation; and

WHEREAS, the City wishes to enforce park regulations within the City; NOW,
THEREFORE,

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

Section 1. Authority to adopt Pierce County Code. Pursuant to RCW 35A.12.140 and 35A.13.180, the City adopts by reference Chapters 14.08 and 14.12 of the Pierce County code, as presently constituted or hereinafter amended, as regulations of the City.

Section 2. Adoption of Administrative Rules. There are hereby further adopted by reference any and all implementing and administrative rules and enforcement's remedies now in effect regarding the Park Code that have been adopted pursuant to Pierce County code Chapters 2.06 and 14 except that, unless the context requires otherwise, any reference to the "County" or to "Pierce County" shall refer to the City of University Place, and any reference to County staff shall refer to the City Manager or designee.


Section 3. Adoption of Certain Other Laws. To the extent that any provision of the Pierce County Code, or any other law, rule or regulation referenced in the Park Code is necessary or convenient to establish the validity, enforceable or interpretation of

the Code Section, then such provision of the Pierce County Code and Chapter, or other law, rule or regulation, is hereby adopted by reference..

Section 4. 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force on the date of incorporation.

PASSED BY THE CITY COUNCIL ON AUGUST 21, 1995


Stanley L.K. Flemming, Mayor

ATTEST:


Susan Matthew, Interim City Clerk

APPROVED AS TO FORM:


Robert J. Backstein, Inteirm City Attorney

Date of Publication: August 24, 1995

Effective Date: August 31, 1995

Chapter 14.08

PARK CODE

Sections:

- 14.08.010 Title.
- 14.08.020 Liberal Construction.
- 14.08.030 Definitions.
- 14.08.040 Permits Required for Certain Activities.
- 14.08.050 Permit Administration.
- 14.08.060 Prohibited Activities.
- 14.08.070 Animal Control.
- 14.08.080 Regulation of Campgrounds and Picnic Areas.
- 14.08.090 Regulation of Motor Vehicles, Bicycles, Boats and Aircraft.
- 14.08.100 Park Hours.
- 14.08.110 Enforcement.
- 14.08.120 Violations.
- 14.08.130 Severability.

Cross-reference: Chapter 36.68 RCW

14.08.010 Title.

This Chapter shall constitute the Park Code of Pierce County and may be cited as such. Conduct in all public parks shall be subject to all the general police regulations of this Code and not exclusively to the provisions of this Chapter. (Res. 18122 § 1; prior Code § 12.04.010)

14.08.020 Liberal Construction.

This Chapter is an exercise of the police power of the State of Washington, and of Pierce County, for the public peace, health, safety and welfare, and its provisions shall be liberally construed. (Res. 18122 § 1; prior Code § 12.04.020)

14.08.030 Definitions.

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

- A. "Caretaker" means the person primarily responsible for overseeing and administering the particular park to which he is assigned.
- B. "Director" means the Director of Pierce County Parks, Recreation and Community Services.
- C. "Motor vehicle" means any self-propelled device capable of being moved upon a road and in, upon, or by which any person or property may be transported or drawn and shall include, but not be limited to, automobiles, trucks, motorcycles, motorscooters, jeeps or similar type four-wheel drive vehicles and snowmobiles, whether or not they can be legally operated upon the public highways.
- D. "Park" means and includes all parks, squares, drives, parkways, boulevards, golf courses, boat-launching ramps, zoos, beaches, playgrounds and recreation areas and

facilities comprising the parks and recreation system of the County and under the management and control of the Pierce County Executive, and shall include all parks, squares, drives, parkways, boulevards, golf courses, zoos, beaches, playgrounds and recreation areas and facilities comprising the parks and recreation system of the Metropolitan Park District of Tacoma located within the unincorporated portions of Pierce County and under the ownership, management and control of the Board of Commissioners of the Metropolitan Park District of Tacoma.

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

F. "Sheriff" means and includes the Pierce County Sheriff and his deputies and all members of the Metropolitan Park District of Tacoma who are from time to time commissioned by the Pierce County Sheriff.

(Ord. 86-78 § 1 (part), 1986; Ord. 84-131 § 1 (part), 1984; Res. 18122 § 1; prior Code § 12.04.030)

14.08.040 Permits Required for Certain Activities.

It shall be unlawful in any park, without first securing a permit from the Director, for any person to:

A. Use a public address system or other sound amplifying device;

B. Use, place or erect any signboard, sign, billboard, bulletin board, post, pole or device of any kind for advertising in any park or to attach any notice, bill, poster, sign, wire, rod or card to any tree, shrub, railing, post or structure, or erect a structure of any kind;

C. Sell refreshments or merchandise or engage in any business or occupation;

D. Keep any boat for hire upon any waters in any park. Launching of waterborne craft from any shoreline is prohibited except from specifically designated areas or with specific permit. The launching of waterborne craft as provided in this Section shall be unlawful if the required fee as determined by the County Council has not been paid;

E. Take up collections or to act as or apply the vocation of a solicitor, agent, peddler, beggar, strolling musician, organ grinder, exhorter, barker or showman within a park.

(Ord. 84-131 § 1 (part), 1984; Res. 18122 § 1; prior Code § 12.04.040)

14.08.050 Permit Administration.

A. Any person claiming to have a permit from the Director must produce and exhibit such permit upon the request of any authorized person who may desire to inspect the same.

B. The Director reserves the right to cancel a permittee's activity on any day that the Director wishes to make use of the facility and when there is a need of the facility which transcends the need of the permittee or for cause. Such notice shall be given at least twenty-four hours in advance.

C. All permittees must leave the facility in a condition

considered satisfactory to the caretaker or his designee who will supervise cleanup activities. No group shall conduct activities causing extra custodial work unless previous agreement has been made to pay for such work.

D. At all assemblies of minors under eighteen years of age, responsible adults must be present throughout the entire function.

(Res. 18122 § 1; prior Code § 2.04.050)

14.08.060 Prohibited Activities.

It is unlawful for any person to:

- A. Cut, remove, destroy, mutilate or deface any turf, tree, plant, shrub, flower, structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, lighting system, sprinkling system or other property in any park;
- B. Leave, deposit, drop or scatter bottles, broken glass, ashes, wastepaper, cans or other rubbish in a park except in a garbage can or other receptacle designated for such purposes;
- C. Deposit any household or commercial garbage, refuse, waste or rubbish which is brought as such from any private property in any garbage can or other receptacle designated for such purpose located within a park;
- D. Drain or dump refuse or waste from any trailer, camper or automobile or other vehicle except in designated disposal areas or receptacles;
- E. Pollute or in any way contaminate by dumping or otherwise depositing therein any waste or refuse of any nature, kind or description including human waste or bodily waste in any stream, river, lake or other body of water running in, through or adjacent to any park;
- F. Clean fish or other food or wash any clothing or other articles for personal or household use or any dog or other animal except at designated areas in the park;
- G. Clean or wash any automobile or any other vehicle in any park except in areas specifically designated for that use;
- H. Possess, discharge, set off or cause to be discharged in or into any park, any firecracker, torpedo, rocket, firework, explosive or other substance harmful to the life or safety of persons or property,;
- I. Possess a firearm with a cartridge in any portion of the mechanism, or discharge across, in or into any park a firearm, bow and arrow or air or gas weapon, or any device capable of injuring or killing any person or animal or damaging destroying any public or private property;
- J. Annoy, bother, molest, insult or offer an affront to any other person within a park;
- K. Play games and conduct general horseplay on crowded swimming beaches. At times, large uncrowded beach areas can safely permit some games. Such games will be permitted only with the consent of a caretaker, custodian, lifeguard or other park employee;
- L. Practice or play golf, baseball, cricket, lacrosse, polo, archery, hockey, tennis or other games of like character or to hurl or propel any missile except at places set apart for

such purposes by the Director;

M. Possess, display or open and/or consume alcoholic beverages in a park, except that such beverages may be opened, served and consumed at designated indoor locations within the Pierce County Park System by social groups that have obtained a park permit and a banquet permit from the Washington Liquor Control Board; provided, however, that such serving and consumption is confined to the designated indoor location.

(Ord. 86-78 § 1 (part), 1986; Res. 19394 § 1; Res. 18122 § 1; prior Code § 12.04.060)

14.08.070 Animal Control.

A. All dogs or other pets or domestic animals must be kept on leash no greater than eight feet in length and under control at all times while in a park.

B. Dogs, pets or domestic animals are not permitted on any designated swimming beach in any park nor in any public building unless so posted; provided, that this Section shall not apply to Seeing Eye dogs.

C. No person shall allow his dog or other pet or domestic animal to bite or in any way molest or annoy other park visitors. No person shall permit his dog or other pet or domestic animal to bark continuously or otherwise disturb the peace or tranquility of the park.

D. No horses shall be permitted in any park except where designated and posted to specifically permit such activity. Horses shall not be permitted on any designated swimming area, campground or picnic area.

E. No person shall ride any horse or other animal in such a manner that might endanger life or limb of any person or animal, and no person shall allow a horse or other animal to stand unattended or insecurely tied.

F. 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 or fowl; or catch any fish or feed any fowl or animal except at places and times designated for such purposes by the Director and so posted by signs. No person shall give, offer or attempt to give to any animal or bird within the park any tobacco, drink or other article known to be noxious to animals or birds.

G. Owners of dogs or other animals damaging or destroying park property will be held liable for the full value of the property damaged or destroyed in addition to impounding fees and the penalty imposed for violation of these provisions.

H. All laws, rules and regulations of the State Game Commission relating to season limits and methods of fishing are applicable to fishing or gamefish in all Pierce County parks. No person may fish for or possess any fish taken from any dam, dike, bridge, dock, boat landing or beach which is posted with a sign prohibiting fishing.

I. All laws, rules and regulations of the State Department of Fisheries relating to season limits and methods of taking are applicable to the taking of shellfish or food fish in

parks except that in addition to such laws, the Director may, upon finding good cause, close certain park areas for specific periods of time to the taking of shell fish. Such closed areas shall be posted with appropriate signs.

J. Any person who owns or is in control of any pet or animal shall immediately remove from the park any and all feces deposited by such animal while in the park unless otherwise authorized by the Director or his designee.

(Ord. 86-78 § 1 (part), 1986; Res. 18122 § 1; prior Code § 12.04.070)

14.08.080 Regulation of Campgrounds and Picnic Areas.

A. Picnicking is permitted only in designated and marked picnicking areas or in such other places within a park as may from time to time be designated by a caretaker.

B. No person shall camp in any park except in areas specifically designated and/or marked for that purpose.

C. In order to afford the general public the greatest possible use of the parks on a fair and equal basis, continuous occupancy of camping facilities shall be limited to seven days. Shorter limitation of occupancy may be established and posted by the Director at any individual facility or area.

D. The number of vehicles occupying camping facilities shall be limited to one car or one camper or one vehicle with trailer per camp or trailer site. A greater number may be authorized in specific areas when constructed facilities so warrant.

E. Fees for the use of camp or trailer sites are due and payable daily. The daily fee covers use of facilities until the vacating time of three p.m. of the following day.

F. Occupants shall vacate camping facilities by removing their personal property therefrom prior to three p.m. if the applicable use fee has not been paid or if time limit for occupancy of the campsite has expired. The occupants may, however, remain in other areas of the park for purposes other than camping until normal closing time of the park. Remaining overtime shall subject the occupant to the payment of additional use fees.

G. A trailer site, picnic area or campsite is considered occupied when it is being used for appropriate purposes by a person or persons who have paid the daily use fee when applicable. No person shall take or attempt to take possession of a campsite, trailer site, picnic area or other park facility when it is being occupied by another party or when informed by a caretaker that such campsite, picnic area, trailer site or other facility is occupied.

H. It is unlawful to build fires in any park except in areas designated by the Director.

(Res. 18122 § 1; prior Code § 12.04.080)

14.08.090 Regulation of Motor Vehicles, Bicycles, Boats and Aircraft.

A. No operator of any automobile, trailer, camper, boat trailer or other vehicle shall park such vehicle in any park

except where the operator is using the area for a designated recreational purpose and the vehicle is parked either in a designated parking area or in another area with the permission of a caretaker; and after required parking fees as established by the Pierce County Council have been paid. No person shall park, leave standing or abandon a vehicle in any park after closing time except when camping in a designated area or with permission from the caretaker. Any vehicle found parked in violation of this Section may be towed away at the owner's or operator's expense.

B. No person shall operate any motor vehicle on a trail in any park unless such trail has been specifically designated and posted for such use. Subject to the provisions of this code, no person shall operate a motor vehicle within the boundaries of a park except on roads, streets, highways, parking lots or parking areas; provided, that traveling upon such roads, streets, highways, parking lots or parking areas has not been prohibited by proper posting.

C. No person shall drive a motor vehicle within any park at a speed greater than is reasonable and prudent, having due regard for the traffic and the surface and width of the road and in no event at a speed which endangers the safety of persons, property or wildlife; provided, however, that in no event shall a vehicle be driven at a speed greater than twenty miles per hour in camp, picnic, utility or headquarters areas or in areas of general public assemblage; and provide further, that in no event shall a vehicle be driven at a speed greater than twenty miles per hour in any other area. The County Council, however upon finding that the safety of persons and the condition of the road and the traffic thereon so warrant, may establish lower speed limits and shall post the same in the area where so established.

D. It is unlawful to enter or leave a park by other than established entrances and exits. The parking of vehicles in any park is prohibited except in established parking areas. It is unlawful to park along roadways if the normal flow of traffic is impeded or if parking causes conditions that are hazardous to public safety. The servicing of vehicles within a park is prohibited, including oil changes and other than emergency repairs. It is unlawful to engage in, conduct or hold any trials or competitions for speed, endurance or hill climbing involving any motor vehicle.

E. No riding of bicycles shall be permitted in any park except on roadways and other areas where designated and posted to specifically permit such activity.

F. No aircraft shall land or take off from any body of water or land area in a park not specifically designated for landing aircraft.

G. Model aircraft and rockets:

1. No one shall fly rockets or model aircraft in any park except in areas specifically designated and/or posted for that purpose.
2. All engines over .25 CI used in model aircraft being flown in designated park areas shall be muffled.
3. All persons flying model aircraft in designated park

areas shall abide by the official AMA safety code.

H. Except where specifically amended by this Chapter, all motor vehicle regulations contained in the Pierce County Code or the Revised Code of Washington shall apply to all roads, highways, parking lots, or parking areas within Pierce County parks.

(Ord. 84-131 § 1 (part), 1984; Res. 19948 § 1, Res. 18122 § 1; prior Code § 12.04.090)

14.08.100 Park Hours.

In parks which are controlled by gates or other devices, normal park hours are as posted except in the case of prearranged, special group activities or regularly established concessions. In other areas no person will be permitted to trespass nor cars be allowed to remain parked after the hours of darkness. (Res. 18122 § 1; prior Code § 12.04.100)

14.08.110 Enforcement.

The Sheriff, officer of the Metropolitan Park District of Tacoma, Director or caretaker or other park employees are authorized and directed to enforce the provisions of this Chapter. Any Sheriff, officer of the Metropolitan Park District of Tacoma, Director or caretaker having reasonable cause to believe that any person has violated one of the provisions of this Chapter may, in addition to invoking other sanctions, direct said persons to leave the park. Any person failing to leave the park when so directed shall be guilty of a misdemeanor. (Ord. 86-78 § 1 (part), 1986; Res. 18122 § 1; prior Code § 12.04.110)

14.08.120 Violations.

A. Violation of or failure to comply with the provisions of this Chapter shall subject the offender to a fine in any sum not exceeding three hundred dollars or to imprisonment in the County Jail not exceeding ninety days or to both such fine and imprisonment.

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

(Res. 18122 § 1; prior Code § 12.04.120)

14.08.130 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 22, 1989)

Chapter 14.12

VANDALISM

Sections:

- 14.12.010 Reward - Arrest and Conviction.
- 14.12.020 Reward - Compensatory Damages.
- 14.12.030 No Reward Under Both Sections 14.12.010 and 14.12.020.
- 14.12.040 No reward to participants.
- 14.12.050 Apportioning Shares - More Than One Claimant.
- 14.12.060 Posting Notice.

Cross-reference: Chapter 9.61 RCW

14.12.010 Reward - Arrest and Conviction.

A reward of three hundred dollars shall be paid to any person who gives information leading to the arrest and conviction of another for willfully or maliciously destroying or injuring real or personal property belonging to Pierce County and situated within any Pierce County park or playfield. (Prior Code § 12.08.010)

14.12.020 Reward - Compensatory Damages.

A reward of three hundred dollars shall be paid to any person who gives information leading to the recovery by Pierce County of compensatory damages for the destruction or injury of real or personal property belonging to Pierce County and situated within any Pierce County park or playfield. (Prior Code § 12.08.020)

14.12.030 No Reward Under Both Sections 14.12.010 and 14.12.020.

A person entitled to receive a reward pursuant to Section 14.12.010 shall not be entitled to receive a reward arising from the same incident pursuant to Section 14.12.020. (Prior code § 12.08.030)

14.12.040 No Reward to Participants.

No person who has participated with, aided or encouraged another to commit an act which injures or destroys County property shall be entitled to a reward for providing information of the act. (Prior Code § 12.08.040)

14.12.050 Apportioning Shares - More Than One Claimant.

In the event more than one claimant applies for payment of any reward, or a dispute exists about the sharing of a reward, the Pierce County Executive shall determine to whom the same shall be paid, or the proportions which each shall receive, and the Executive's determination shall be final and conclusive. (Ord. 84-131 § 1 (part), 1984; prior Code § 12.08.050)

14.12.060 Posting Notice.

The Pierce County Park Director is authorized to post notice of rewards in conspicuous places throughout the County parks and playgrounds. (Prior Code § 12.08.060)