

SULTAN COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: D-2

DATE: November 11, 2008

SUBJECT: Park Regulations

CONTACT PERSON: Deborah Knight, City Administrator

ISSUE:

The issue before the Council is to review the proposed park regulations (Attachment A) and provide direction to staff on preparing final park regulations.

Attachment B is a draft set of proposed regulations for the skateboard park and sample regulations from other jurisdictions.

STAFF RECOMMENDATION:

Review the proposed draft park regulations and provide direction to staff in order to finalize park regulations.

SUMMARY:

This was a discussion item at the Council's October 23, 2008 meeting. Due to time constraints at the October 23 meeting, discussion of park regulations was rescheduled for the November 11, 2008 meeting.

The City Council discussed establishing regulations for park hours of operation at its June 25, 2008 meeting. The Council Subcommittee briefly reviewed the regulations at its July 17, 2008 meeting. The Council Subcommittee directed staff to return with draft regulations for Council consideration.

On August 28, 2008, City staff provided an overview of park regulations from the cities of Kirkland, Mill Creek, and Sammamish as a starting point for discussion and direction. The Council directed staff to prepare draft park regulations for the Council's consideration. The draft park regulations are modeled after the Mill Creek regulations which were adopted in 2003.

For the most part, park regulations limit activities such as posting signs, use of firearms, operating motor vehicles, camping, building fires, alcohol and drug use, and park hours. Penalties for violation are included in some but not all regulations. However, park regulations can be as simple as a declaration of park hours with clear penalties for violations.

Staff is seeking direction from Council before finalizing the park regulations.

DISCUSSION:

The City of Sultan owns several park properties including Osprey Park, Reese Park and the recently opened skate park. The Sultan Municipal Code is silent on park regulations. The Sultan Police Department is limited in its ability to regulate behavior in Sultan's parks without clear rules and penalties.

If the Council chooses to establish park regulations there are a number of policy issues the Council will need to discuss and decide including:

- prohibited activities
- park hours of operation
- use by groups and potential fees
- penalties for violations.

The focus of this effort is to provide the Sultan Police Department with the tools necessary to manage use and behavior in City parks. The Council may want to spend some time discussing civil infractions versus misdemeanors to establish meaningful penalties for violating park regulations.

FISCAL IMPACT:

Discussing and establishing park rules can be addressed using in-house staff with review and oversight of the City Attorney.

RECOMMENDED ACTION:

Review draft park regulations and provide direction to staff in preparing final park regulations for Council discussion.

ATTACHMENTS:

A –Draft park regulations

COUNCIL ACTION:

DATE:

Chapter 09.09

PARK REGULATIONS

Sections:

- 09.09.010 Police power.
- 09.09.020 Definitions.
- 09.09.025 Use Permit authorized.
- 09.09.026 Terms and conditions for supplemental park permits.
- 09.09.027 Deposits and fees for supplemental park permits.
- 09.09.030 Sign posting and structures prohibited.
- 09.09.033 Distribution of handbills.
- 09.09.035 Equipment regulations.
- 09.09.037 Storage of equipment.
- 09.09.040 Removal or destruction of park property prohibited.
- 09.09.050 Molesting wild animals prohibited.
- 09.09.055 Pets in parks.
- 09.09.057 Horses prohibited.
- 09.09.060 Selling refreshments or merchandise prohibited.
- 09.09.065 Soliciting prohibited.
- 09.09.070 Use by groups or assemblies.
- 09.09.080 Vehicles and animals restricted.
- 09.09.085 Skateboard park areas.
- 09.09.090 Camping prohibited.
- 09.09.095 Golf prohibited.
- 09.09.100 Endangering persons or property prohibited.
- 09.09.110 Firearms prohibited.
- 09.09.115 Weapons prohibited.
- 09.09.120 Fires prohibited.
- 09.09.125 Fireworks prohibited.
- 09.09.127 Sound-amplifying devices.
- 09.09.130 Intoxicating liquor prohibited.
- 09.09.135 Littering – Trash deposit.
- 09.09.140 Park hours.
- 09.09.150 Trespassing.
- 09.09.160 Disorderly conduct and profanity prohibited.

09.09.165 Smoking and tobacco use prohibited.

09.09.170 Violation – Penalty.

09.09.010 Police power.

This chapter constitutes the park use regulations of the city of Sultan and is an exercise of the police power of the city, necessary for the public health, safety and welfare.

09.09.020 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. "City" means the city of Sultan.

B. "Mayor" means the Mayor of the city of Sultan or his/her designee.

C. "Park" means and includes all parks, trails, squares, greenways, parkways, grounds or other areas maintained by the city of Sultan and devoted to purposes of play, recreation and pleasure of the general public.

D. "Structure" means any piece of work artificially built up or composed of parts jointed together in some definite manner.

E. "Use Permit" means a permit issued under **special events? Sports field users?.**

F. "Smoking and tobacco use" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment and any other use of tobacco products.

09.09.025 Use Permit Authorized.

The Mayor may issue a Use Permit and require a permit for any actions occurring in any park, including but not limited to the following:

A. Reserving any room or part of any community center, athletic field, picnic facility, stage, or other defined area of a park for a certain time or series of times; and granting the exclusive use thereof during the time reserved.

B. Posting any signs, posters or notices; placing or erecting any structure or obstruction of any kind, whether temporary or permanent; cutting or removing any tree or plant material.

C. Making any improvement to or constructing a public work in a park.

D. Conducting a commercial activity; using any outdoor electrical power outlet; laying cables or extending wires in, under or over a park land; using any park or facility during the hours it is closed to the public.

E. Making any use for an event that differs in kind from the use and enjoyment of the park for recreational facilities purposes by the general public.

No permit is required under this section for city activities, including those by employees or authorized city contractors acting in the scope and course of their duties. Exemptions may be made at the discretion of the Mayor for governmental officials acting under authority of law. Issuance of a permit under this section shall be subject to payment of such fees or charges as

required by resolution of the city council, or as authorized by the Mayor under this section, and shall be subject to such conditions as deemed advisable by the Mayor.

All permits issued under this section shall be wholly of a temporary nature, shall vest no permanent right, and may be immediately revoked at the discretion of the Mayor unless the permit expressly states otherwise. Any permit issued under this section shall not preempt or modify any conditional use or other permit issued or required by the city. The Mayor may issue supplemental park permits directly under the authority of this chapter or may adopt administrative rules for doing so.

09.09.026 Terms and conditions for park use permits.

The Mayor may condition any Use Permit or impose such terms and conditions as appropriate to protect the health, safety and welfare of the public and/or the park; to avoid or limit unnecessary interference with other uses or users of the park; to minimize disturbance of the surrounding neighborhood; and to require the user to leave the area under permit in the same condition after the activity or event as it was beforehand. For this purpose, the Mayor may require the user to furnish and pay for public liability and property damage insurance, naming the city as an additional insured, in such amounts as reasonably necessary to provide full coverage for personal injury, death, and property damage arising from or as a result of the event or activity; execute an indemnity and/or hold harmless agreement; and/or make a reasonable security deposit or provide a bond.

The terms and conditions of a Use Permit (including providing insurance and/or security deposit) shall not infringe upon rights of petition, assembly, or free expression protected by the First Amendment of the United States Constitution and/or Article I, Sections 3, 4, and 5 of the Washington Constitution. If an applicant asserts that a term or condition proposed by the Mayor infringes upon a constitutional right, the Mayor shall have the burden of showing that the proposed term or condition is a reasonable restriction on the time, place and manner of exercising the right.

09.09.027 Deposits and fees for park use permits.

No refund of fees, charges or expenses shall be made except upon timely cancellation of an event or activity authorized by a supplemental park permit. The Mayor is authorized to make refunds of fees and to return all or any portion of any security deposit when no longer needed and after all costs that may be charged against the Use Permit have been paid. If costs exceed the amount of any deposit or financial security, the Mayor is authorized to bill the Use Permit holder, who shall remit such charges within 30 days. Delinquent accounts may be sent to collection. No Use Permit shall be issued to any entity having a delinquent account.

09.09.030 Sign posting and structures prohibited.

It is unlawful to place or erect any sign, board, billboard or similar device of any kind in any park without the prior written consent of the Mayor. It is unlawful to create, place or erect any structure in any park without obtaining a supplemental park permit.

09.09.033 Distribution of handbills.

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

09.09.035 Equipment regulations.

The misuse of a park facility or the failure to conform with any of the regulations of this chapter, the instructions of city employees, the conditions of a park use permit, or other permit shall be sufficient reason for revoking said permit and/or denying any future permits.

09.09.037 Storage of equipment.

Persons using parks should not expect storage space for equipment necessary for their activity. If temporary storage is provided, the city shall not be responsible for loss or damage to the equipment or property stored.

09.09.040 Removal or destruction of park property prohibited.

It is unlawful to remove, destroy, mutilate or deface any structure, monument, statue, fountain, wall, fence, railing, vehicle, bench, shrub, tree, lawn, grass, plant, flower, lighting system or sprinkling system or any other property or thing lawfully in any park. No foreign matter of any sort (including without limitation sawdust or sand) may be added to any field for any reason without the prior written consent of the Mayor.

09.09.050 Molesting wild animals prohibited.

It is unlawful to tease, feed, annoy, disturb, molest, catch, injure, threaten, kill, throw any stone or missile of any kind at, strike with any stick or weapon, or to fetter any animal, bird, fowl or fish in any park.

09.09.055 Pets in parks.

A. Dogs, pets or domestic animals are not permitted on any artificial turf, picnic area, tennis courts or play area in any park or in any park structure unless specifically permitted by posting. This section shall not apply to animal guides or service dogs.

B. Dogs and other pets or domestic animals shall be kept on a leash no greater than 15 feet in length, and under control at all times.

C. Any person whose dog or other pet is in any park shall be responsible for the conduct of the animal and shall promptly remove and dispose of properly all animal waste deposited by such animal.

D. No person shall allow his or her dog or other pet to bite, disturb, or harass any park user, wildlife, or other pets. No person shall allow his or her dog or other pet to bark or make noise continuously or otherwise disturb the peace and tranquillity of the park. No person shall permit his or her dog or other pet to damage, destroy or remove park vegetation.

E. This section is in addition to the provisions of Chapter _____ SMC, Animal Control, and shall be supplemental to such chapter.

09.09.057 Horses prohibited.

Horses are not permitted in any park at any time.

09.09.060 Selling refreshments or merchandise prohibited.

It is unlawful to sell refreshments, merchandise or any other thing in any park without the prior written consent of the Mayor or a valid Park Use Permit with the city.

09.09.065 Soliciting prohibited.

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

09.09.070 Use by groups or assemblies.

Parks and/or picnic shelters shall be available for any person, group or assembly on a first-come, first-served basis, subject to priority use through a Park Use Permit or for classes, special events, public forums, or athletic programs as determined by the Mayor.

09.09.080 Vehicles and animals restricted.

It is unlawful to operate, ride or drive any wheeled device, sled, vehicle, or animal over, across or through any park, except along designated paths, drives or streets; provided, however, motorized devices are restricted solely to streets and drives. It is unlawful to operate, ride or drive any wheeled device, vehicle or animal at a speed in excess of 10 miles per hour in any park. It is unlawful to stand or park any vehicle except where so designated and posted. It is unlawful to operate, ride or drive any vehicle for the purpose of testing or ascertaining its fitness or service. It is unlawful to use or operate vehicles in any portion of a park devoted to skateboards.

09.09.085 Skateboard park areas.

Any area of a park devoted to skateboards shall be governed by rules promulgated by the Mayor, 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.

09.09.090 Camping prohibited.

It is unlawful to camp in any park except at places so designated and posted.

09.09.095 Golf prohibited.

Golf activities shall not be permitted in any park unless a Use Permits obtained prior to commencement of the activity.

09.09.100 Endangering persons or property prohibited.

It is unlawful to knowingly hurl or propel any object or to take any physical action in any park which endangers or is likely to endanger any persons or property or interfere with park purposes.

09.09.110 Firearms prohibited.

It is unlawful to carry a firearm in any park. This section shall not apply to police officers or to city employees acting pursuant to and in accordance with their authority and applicable law. This section shall not apply in designated and posted shooting, trap-shooting and skeet-shooting ranges in any park.

09.09.115 Weapons prohibited.

It is unlawful in any park to carry, discharge or use any airgun, bow and arrow, crossbow, slingshot, or other device the purpose of which is to propel an object from the person using it. It is unlawful in any park to use or brandish any knife or any other device in a manner which threatens or endangers any person or property.

09.09.120 Fires prohibited.

It is unlawful to build or have any fire in any park except where so designated and posted. Portable grills, barbecues or hibachis are permitted so long as they do not otherwise violate this chapter or the Sultan Municipal Code.

09.09.125 Fireworks prohibited.

It is unlawful in any park to use, exhibit, display or possess any fireworks or common fireworks as those terms are defined in SMC _____.

09.09.127 Sound-amplifying devices.

Except as authorized by a park use permit, or a conditional use permit, or except as necessary for the preservation of public peace or safety, it is unlawful to use any public address system, loudspeaker, "boombox radio," or other sound amplifying device in any park. 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 without the use of headphones or a similar personal listening device or at a volume level where discernible noise can be heard more than 10 feet from the device so long as they do not otherwise violate any section of this chapter or Chapter _____ SMC.

09.09.130 Intoxicating liquor prohibited.

It is unlawful to possess a container of any alcoholic beverage, whether opened or unopened, while in any park. In addition to any other applicable penalty, any person violating this section is guilty of a **misdemeanor and upon conviction** shall be punished by a fine of not more than \$250.00. For purposes of this section, "possession" means having a container within one's immediate reach or control.

09.09.135 Littering – Trash deposit.

It is unlawful to throw or deposit any refuse or other material in any park, including but not limited to any artificial surfaces, play fields or picnic areas, except in designated receptacles; or to take garbage or refuse to a park for disposal; or to deposit garbage or refuse generated outside a park in a receptacle within the park designated for deposit of trash by the public.

09.09.140 Park hours.

Parks are open to the public daily from dawn until dusk. It is unlawful for any person to enter a closed park except as authorized by a park use permit, or a special event permit. Additionally, the Mayor may make and enforce special park closure hours for specific parks or areas within parks if the Mayor determines that such special park closure hours are necessary or appropriate to protect public property or public safety, to prevent nuisances, or to prevent breaches of the peace. The Mayor may immediately close any park or area within a park at any time for emergencies, temporary cleaning and repair, public safety, or any other similar reason.

09.09.150 Trespassing.

No person except an authorized city employee or other person duly authorized pursuant to law shall enter or go upon any park area which has been posted as a "No Admittance" or "No Trespassing" area, or at a time a park is closed to the public.

09.09.160 Disorderly conduct and profanity prohibited.

It is unlawful to use profane or abusive language or to conduct oneself in a disorderly manner, including but not limited to a state of intoxication or being noticeably under the influence of drugs, in any park. "Profane or abusive language" means obscenity or fighting words constituting unprotected speech.

09.09.165 Smoking and tobacco use prohibited.

Smoking and tobacco use are prohibited in the Sultan Sports Park.

09.09.170 Violation – Penalty.

Any violation of or any failure to comply with any of the A. provisions of this chapter in which no penalty is otherwise specified shall constitute a civil infraction as contemplated by RCW 7.80.120 and any person convicted thereof may be punished by a civil fine or forfeiture in the sum of \$100.00.

Payment of the civil fine within 24 hours of the issuance of the B. notice of infraction issued under this chapter shall reduce the amount of the fine owing by 50 percent.

Proposed Skate Park Rules and Regulations

1. Skate or bike at your own risk. The City of Sultan does not assume any responsibility for loss or injury. This is a non-supervised facility. Please skate wisely at all times. Skateboarding, skating and free style biking can be hazardous recreational activities.
2. Protective equipment should be used at all times. Use of this facility may expose the user to serious injury including broken bones, paralysis, or heat exhaustion. Helmets, elbow pads, kneepads, and wrist pads are strongly recommended and encouraged.
3. This facility will be open from dawn to dusk. Park hours are enforced.
4. Surfaces of this park can be extremely dangerous when wet. Any use of the Skate Park is at your own risk.
5. The skate park is self-policing. Recklessness will not be tolerated. All skaters must use this facility responsibly to avoid injury to themselves or others. Please be respectful and courteous to all other users and all other park patrons. The use of proper skater etiquette is expected at all times.
6. This park is a drug free recreation area.
7. The following are not permitted in the Skate Park area:
 - Alcoholic beverages
 - Smoking and /or tobacco products
 - Fighting
 - Profanity
 - Graffiti/tagging
 - Excessively Loud music
 - Glass containers
 - Motorized vehicles
 - Scooters
 - Food and beverages
 - Pets and animals
8. Obstacles, ramps, other equipment or materials are not permitted to be used or added to the facility.
9. Competitive or demonstration events require special approval. Contact the City of Sultan at 360-793-2231.
10. The City of Sultan, at its discretion, reserves the right to restrict entry to the facility and ask persons to leave the facility as a result of disorderly conduct, disturbance of the peace,

violations or unsafe behavior. Any person not complying with these rules will not be permitted to use the facility.

11 Please report any damage, hazardous conditions, concerns, comments or suggestions to the City of Sultan, 319 Main Street, Sultan WA, or call 360-793-2231.

12. For emergencies call 911. For non-emergencies call the City of Sultan at 360-793-2231

Sample Skate Park Regulations

Skate At Your Own Risk

1. Park open during posted hours. No loitering after facility is closed.
2. Skating/skateboarding at your own risk.
3. All skaters/skateboarders must have a [registration card](#) and provide their own skating equipment.
4. Any member caught using another member' s registration card to gain access to the Skate Park will be subject to immediate termination from skating privileges.
5. Safety equipment must be worn at all times. This includes a helmet, knee and elbow pads. Closed toed hightop non-slick shoes, gloves, wrist braces and hip pads are encouraged, but not required.
6. Any and all types of bikes and scooters prohibited in the fenced area.
7. In the event of an emergency or injury, all skaters/skateboarders must discontinue skating until further directed by County staff.
8. No food, beverages or smoking allowed in the fenced area.
9. No destroying or defacing public property.
10. Skaters/skateboarders must follow the direction of the County staff at all times. County staff' s decision is final.
11. Recklessness, horseplay, foul language, not listening to County staff or any inappropriate behavior will not be tolerated, and will subject you to removal from the park.
12. County staff reserves the right to limit the number of skaters/skateboarders using the facility to prevent overcrowding.
13. Infractions of the above rules may result in the loss of Skate Park Card and all skating/skateboarding privileges.

1. All skaters will be required to wear appropriate safety equipment which includes: helmet, elbow and knee pads. Skaters without safety equipment will not be allowed to enter the park.
2. All safety equipment must be in good condition. Skate Park staff retain the right to inspect and determine the condition of skaters' safety equipment.
3. Due to safety issues, only skaters will be allowed to enter the park. Spectators must remain outside the fenced area while activity is in progress.
4. Report any damage of skate surfaces to Skate Park staff.
5. Only skateboards and inline skates are allowed in the park. No bikes of any kind will be allowed at any time.
6. Alcohol, smoking, tobacco products and drugs are strictly prohibited . Violators will be required to leave the facility indefinitely.
7. Food and beverages are allowed in designated picnic areas only.
8. Horseplay, violence and profanity are prohibited. Violators will be required to leave the facility indefinitely.
9. Graffiti, tagging and other means of defacing property is prohibited and against the law.
10. This park has been designed to accommodate all skill levels. Be courteous to other skaters using the facility and other park patrons.
11. The park may close due to inclement weather or when at capacity (300 people).
12. Children 9 years of age or younger must be supervised by an adult while in the skate park.
13. The City of South Bend assumes no liability and/or responsibility for loss, death, damage or any injury sustained by users of the skate park or damage or loss of users' personal property while utilizing the skate park.

Skate Park Rules

- Helmets are strongly recommended.
- Pads and other protective gear are recommended.
- Age limit- 8 years and up.
- Observers and others not skating are to stay off skate pad.
- Do not crowd ramps.
- No bikes or motorized vehicles.
- No food, beverage, or gum on skate pad.
- No profanity, graffiti, vandalism, or littering.
- No alcohol, tobacco of any kind, or illegal drug use.
- The City is not responsible for lost, stolen, or damaged items.

Compliance with the rules will make the Skate Park a success.