

Chapter 13.04

PARK CODE

Sections:

- 13.04.010 Short Title
- 13.04.020 Exercise of Police Power
- 13.04.030 Definitions
- 13.04.040 Erection of Signs or Structures
- 13.04.050 Defacing Park Property
- 13.04.060 Animals Prohibited in City Parks
- 13.04.070 Firearms – Fireworks – Weapons
- 13.04.080 Annoying or Feeding Animals
- 13.04.090 Solicitors – Loudspeakers
- 13.04.100 Sale of Refreshments or Merchandise – Distribution of Literature
- 13.04.110 Use of Watercraft
- 13.04.120 Vehicle, Bike, Horse, and Trail Use
- 13.04.130 Public Assembly
- 13.04.140 Camping
- 13.04.150 Sports – Location Restrictions
- 13.04.155 Scheduling Park Spaces and Facilities
- 13.04.160 Litter, Illegal Dumping, Abandonment of Animals
- 13.04.170 Testing of Motor Vehicles
- 13.04.175 Parking
- 13.04.180 Speed or Endurance Competitions Prohibited
- 13.04.190 Fires
- 13.04.200 Alcoholic Beverages Prohibited
- 13.04.205 Park Hours
- 13.04.210 Swimming and Diving Restrictions
- 13.04.220 Compliance with Park Rules and Regulations
- 13.04.222 Park Exclusion
- 13.04.225 Trespass in Parks
- 13.04.230 Violation – Reward for Information
- 13.04.240 Violation – Principal Defined
- 13.04.250 Violation – Penalty
- 13.04.260 Severability

13.04.010 Short Title. This chapter shall constitute the Park Code of the City of

Snohomish and may be cited as such. (Ord. 1132, 1971; Ord. 1387, 1978)

13.04.020 Exercise of Police Power. This chapter is an exercise of the police power of the state of Washington and the City of Snohomish for the public peace, health, safety, and welfare, and this provision shall be liberally construed. (Ord. 1132, 1971; Ord. 1387, 1978)

- A. A violation of a park regulation adopted pursuant to this section shall be deemed a civil infraction punishable as provided in this chapter. (Ord. 2132, 2007)
- B. All agreements between the City and private owners of open space and public access lands for the adoption of regulations shall authorize entry upon the land by police officers and other City employees to enforce such regulations. (Ord. 2132, 2007)

13.04.030 Definitions. The terms used in this chapter, unless clearly contrary to or inconsistent with the context in which used, shall be considered to mean as follows:

“Boat” is any floating vessel whether propelled or not.

“Community event” means an event or activity which is open to all members of the public, regardless of race, religion, sex, or national origin. (Ord. 1132, 1971; Ord. 1166, 1972; Ord. 1387, 1978)

“Community nonprofit” means any group with the Internal Revenue Service tax designation 501(c) that provides some measure of service to the community as a whole.

“Leashed” means a physical restraint of not more than fifteen (15) feet, firmly attached

to the collar of an animal and held in hand by a human being. (Ord. 2191, 2010)

“Held under control” means the ability of a human being, through either leashing or verbal commands, to control a dog’s behavior to ensure it does not bother, molest, or attack other park users.

“Manager” is the person immediately in charge of all park areas and their activities, and to whom all park attendants of any area are responsible.

“Park” means and includes all City parks, trails, public squares, public drives, parkways, public walkways, boulevards, museums, zoos, bathing beaches, public gazebos, public restrooms, and play and recreation grounds devoted to active or passive recreation under the jurisdictions of the City Council. A current map of said City parks shall be kept on file and available for public inspection in the office of the City Clerk. (Ord. 2191, 2010)

“Person” is any person, firm, partnership, association, corporation, company, or organization of any kind.

“Organized youth sports team” means any group that organizes youth teams and schedules competitive sports events between other organized teams, in which the majority of members are under the age of eighteen (18).

“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 and vehicles in the service of City parks. (Ord. 2132, 2007; Ord. 2168, 2009)

13.04.040 Erection of Signs or Structures. It is unlawful to use, place, or erect any sign board, 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 within any park; or to place or erect in any park a structure of any kind. (Ord. 1132, 1971; Ord. 1387, 1978)

13.04.050 Defacing Park Property. It is unlawful for any person, except an authorized employee or agent of the City or an authorized volunteer, to remove, destroy, mutilate, or deface any park property, structure, facility, or station. This prohibition applies to all aspects of the natural or landscaped environment and to any structure, object, equipment, improvement, or other park property. (Ord. 2132, 2007)

13.04.060 Animals Prohibited in City Parks. It is unlawful to allow or permit any animal within the boundary of any City park with the exception of A and B of this section. (Ord. 2132, 2007; Ord. 2191, 2010)

- A. Dogs/animals which function as a service animal as an accommodation to a disability, however said service animals must be on a leash; (Ord. 2132, 2007)
- B. The only dogs allowed are leashed dogs within the boundaries of Ferguson Park, Kla Ha Ya Park, Cady Park, the Riverfront Trail, the City of Snohomish section of the Centennial Trail, the Interurban Trail, Morgantown Park, and the Casino Royale Open Space; however:
 - 1. Dogs are not permitted in play structure boundary areas, picnic areas, tennis/basketball courts, or playfields of any park;

2. Dogs are not permitted to enter any lake, pond, fountain, or stream therein, regardless whether such animal is running at large or on a leash.

(Ord. 2132, 2007; Ord. 2191, 2010)

C. Dog/animal handlers and their dog/animals are required to comply with any posted Park rules, including:

1. Any person with an animal in his or her possession in any park shall be responsible for the conduct of the animal and shall not allow the animal to bite or otherwise molest or annoy other animals or park visitors.
2. Any person with an animal in his or her possession in any park shall carry equipment for removing fecal matter, and shall collect and place fecal matter deposited by such animal in an appropriate receptacle pursuant to and in accordance with SMC Section 7.04.070 (A) (2) and (3) with a fine penalty in the amount of \$100 pursuant to and in accordance with SMC Section 7.04.080 Penalties.

(Ord. 2132, 2007; Ord. 2191, 2010)

13.04.070 Firearms – Fireworks – Weapons. It is unlawful to shoot, fire, or explode any firearm, fireworks, firecracker, torpedo, or explosive of any kind or to shoot or fire any air gun, paint ball guns, bows and arrows, BB gun, or use any slingshot in any park. (Ord. 1387, 1978; Ord. 2221, 2011)

Provided, this section should not apply to law enforcement personnel or to department of parks and recreation employees acting pursuant to or in accordance with rules and

regulations of the Park Director. (Ord. 2132, 2007)

13.04.080 Annoying or Feeding Animals.

- A. It is unlawful in any manner to tease, annoy, disturb, molest, catch, injure, or kill or to throw any stone or missile of any kind at or strike with any stick or weapon, any animal, bird, fowl, water fowl, fish, farm animal, or wildlife. (Ord. 2132, 2007)
- B. It is unlawful to feed any animal, bird, fowl, water fowl, fish, farm animal, or wildlife. (Ord. 1132, 1971; Ord. 1166, 1972; Ord. 1387, 1978; Ord. 2132, 2007)

13.04.090 Solicitors – Loudspeakers. It is unlawful to take up collections, or to act as or ply the vocation of solicitor, agent, peddler or fakir, mendicant, beggar, strolling musician, organ grinder, exhorter, barker, showman, or bootblack, or to operate or use any loudspeaker without written permission from the Park Director. (Ord. 1132, 1971; Ord. 1166, 1972; Ord. 1387, 1978; Ord. 2132, 2007)

13.04.100 Sale of Refreshments or Merchandise – Distribution of Literature.

- A. It is unlawful to sell refreshments or merchandise in any park except pursuant to a valid concession contract with the City or a Special Event Permit. (Ord. 2132, 2007)
- B. It is unlawful to distribute literature in any park except when authorized by a Special Event Permit. (Ord. 2132, 2007)
- C. It is unlawful to rent any merchandise, material, sporting equipment, or other items in any park except pursuant to a valid concession contract with the City or a Special Event Permit. (Ord. 2132, 2007)

13.04.110 Use of Watercraft.

A. It is unlawful to have, keep, or operate any boat, float, raft, or other watercraft in or upon any bay, lake, slough, river, or creek within the limits of any park, or to land or launch the same at any point upon the shores thereof bordering upon any park, except at places set apart for such purposes by the Park Director and so designated by signs. (Ord. 1132, 1971; Ord. 1166, 1972; Ord. 1387, 1978; Ord. 2132, 2007)

B. The City Council shall have the right to designate areas where it shall be lawful to operate any boat, float, raft, or other watercraft in or upon any bank, lake, slough, river, or creek within the limits of any park. (Ord. 2132, 2007)

C. Blackmans Lake

1. No gas-powered motors of any size and no electric motors in excess of one and three-quarters horsepower, including model boats, shall be allowed on Blackmans Lake unless otherwise approved by Special Event Permit.
2. Launching of boats of any type from beach area in Blackmans Lake is prohibited.
3. For Blackmans Lake, boats shall be launched within the designated boat launch area only. Vehicles shall not be left or parked in the boat launch area after launching; vehicles must be moved to a designated parking area and not left at the boat launch area.

(Ord. 2132, 2007)

13.04.120 Vehicle, Bike, Horse, and Trail Use.

A. Motor/motorized vehicles:

1. It is unlawful to ride or drive any motorcycle or motor vehicle over or through any park except along and upon the park roadways, driveways, and parking lots.
2. It is unlawful to park or stand any motorcycle or motor vehicle in any area except designated parking places.
3. Exceptions: Law enforcement personnel or the department of parks and recreation employees acting pursuant to or in accordance with the direction of the Park Director, or persons needing the use of a powered wheelchair as defined in the Americans with Disabilities Act (ADA).
(Ord. 2132, 2007)

B. Bicycle, tricycle, and non-motorized vehicles:

1. It is unlawful to ride or drive any bicycle, tricycle, and non-motorized vehicle over or through any park except along designated trails and bike paths, park roadways, driveways, and parking lots.
2. Exceptions: Law enforcement personnel or the department of parks and recreation employees acting pursuant to or in accordance with the direction of the Park Director, or persons needing the use of a non-motorized wheelchair as defined in the Americans with Disabilities Act (ADA).
(Ord. 2132, 2007)

C. Horses: Under section 13.04.060 of this chapter, horses are prohibited from all parks except with a Special Events Permit. (Ord. 2132, 2007)

D. Travel Speeds

1. Travel speeds shall be ten miles an hour or less.
2. Travel at speeds in excess of ten miles per hour on a walking/non motorized trail, unless otherwise posted, shall constitute in evidence a prima facie presumption that the person violated this section.
3. Travel at speeds ten miles per hour or less shall not relieve the rider from maintaining control of themselves and their equipment, and from the duty to ride with due regard for the safety of all persons.

(Ord. 2132, 2007)

- E. Violation of any of the provisions of this section constitutes an infraction, and may be punished by a penalty of not more than two hundred fifty dollars.
(Ord. 2132, 2007)

13.04.130 Public Assembly. It is unlawful to hold or participate in any assembly of any nature of more than one hundred people in any park without the written permission of the City Manager or an approved Special Event Permit pursuant to SMC Chapter 5.10 to do so. (Ord. 1132, 1971; Ord. 1166, 1972; Ord. 1387, 1978; Ord. 2132, 2007)

13.04.140 Camping. No person or group of persons shall be permitted to camp in a City park, except camping may be allowed in conjunction with a Special Event Permit approved by the City of Snohomish. (Ord. 2132, 2007)

13.04.150 Sports – Location Restrictions. It is unlawful to practice or play golf, baseball, cricket, lacrosse, polo, archery, hockey, tennis, badminton, or other games of like character or to hurl or propel any airborne or other missile except at places set

aside for such purposes by the Park Director. (Ord. 1132, 1971; Ord. 1166, 1972; Ord. 1387, 1978; Ord. 2132, 2007)

13.04.155 Scheduling Park Spaces and Facilities. The City Manager, or designee, shall be authorized to schedule the use of sports fields at City parks and the main structure at Hill Park. The following process shall be used:

- A. Scheduling sports fields: By March 31st of each year, the Snohomish Parks and Recreation Board will review and approve a yearly field schedule for organized youth sports teams. The Parks and Recreation Board will adopt rules, forms, and deadlines for the determination of field scheduling. The City Manager, or designee, shall be responsible to ensure that sufficient time is available for general or non-scheduled public use of sports fields consistent with state and federal grants. (Ord. 2018, 2002; Ord. 2132, 2007)

- B. Scheduling the main Hill Park structure: Starting January 1st of each year, community nonprofit organizations, using the Special Event Permit process defined in Chapter 5.10 SMC, can schedule the use of the main Hill Park structure for community events open to the general public.

Starting February 1st of each year, private citizens, groups, or organizations can schedule the use of the main Hill Park structure for private functions. Groups, organizations, or private citizens, other than community nonprofit organizations who schedule use that is open to the general public, shall be limited to two (2) reservations per

year. (Ord. 2018, 2002; Ord. 2132, 2007)

C. The City Manager, or designee, consulting with the Snohomish Parks and Recreation Board, shall have the authority to develop rules to administer scheduling or reserving City facilities. (Ord. 2018, 2002; Ord. 2132, 2007)

D. All other park spaces and facilities shall be provided to the general public on a first-come, first-served basis under the provisions provided by the Snohomish Municipal Code. (Ord. 1989, 2001; Ord. 2018, 2002)

13.04.160 Litter, Illegal Dumping, Abandonment of Animals.

A. It is unlawful to throw any refuse, litter, broken glass, crockery, nails, shrubbery, trimmings, junk, or advertising matter in any park or to deposit any such material therein, except in designated receptacles. (Ord. 1132, 1971; Ord. 1387, 1978; Ord. 2132, 2007)

B. No person shall deposit household or commercial garbage, trash, refuse, waste, debris, rubbish, or organic matter which is brought as such from any private property, in any park garbage receptacle or upon any park property. (Ord. 2132, 2007)

C. No person shall abandon an animal by intentionally, knowingly, recklessly, or with criminal negligence leaving a domesticated animal in a park. (Ord. 2132, 2007)

D. Violation of any of the provisions of this section constitutes a misdemeanor, and may be punished by a fine of not more than one thousand dollars or by imprisonment not to exceed ninety days,

or by both such fine and imprisonment. (Ord. 2132, 2007)

13.04.170 Testing of Motor Vehicles. It is unlawful to operate any motor vehicle or motorcycle for the purpose of testing it, or ascertaining its fitness for service, along or upon any park drive, parkway, boulevard, or other park property. (Ord. 1132, 1971; Ord. 1387, 1978)

13.04.175 Parking.

A. Parking shall be in designated parking places only. (Ord. 2132, 2007)

B. No person shall park any vehicle in any park for the principal purpose of:

1. Displaying of commercial or noncommercial signs;
2. Displaying such vehicle for sale;
3. Other events not held in the park; parking is for current park users only;
4. Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

(Ord. 2132, 2007)

13.04.180 Speed or Endurance Competitions Prohibited.

It is unlawful to engage in, conduct, or hold any trials or competitions for speed, endurance, or hill climbing involving any vehicle, boat, aircraft, or animal in any park. (Ord. 1132, 1971; Ord. 1387, 1978)

13.04.190 Fires. It is unlawful to build any fires in any park except:

A. In areas designated by the Parks Director;

B. In areas designated with a permanently mounted City furnished barbecue.

(Ord. 2132, 2007)

13.04.200 Alcoholic Beverages Prohibited.

It shall be unlawful to sell, possess, or consume alcoholic beverages of any kind in the City parks. Possession and/or consumption of alcoholic beverages shall be grounds for loss of the right to use the parks in addition to the penalties otherwise imposed. (Ord. 1369, 1977; Ord. 1387, 1978; Ord. 1479, 1981)

13.04.205 Park Hours. City parks are open to the public year-round from 6:00 a.m. to thirty minutes after sunset every day except for: any section or part of any park may be declared closed to the public under City of Snohomish authorization at any time and for any interval of time necessary to complete maintenance tasks, construction projects, storm clean-up, and any safety related issues that may arise. (Ord. 2132, 2007)

13.04.210 Swimming and Diving Restrictions. It is unlawful to swim or dive within the limits of any park or at any point beyond the shores thereof, bordering upon any park, except at places set apart for such purposes by the Park Director and so designated by signs; and any persons swimming or diving whether in designated or non-designated areas do so at their own risk and with the knowledge that there is no lifeguard on duty and neither the Park Director nor the City of Snohomish shall be responsible for any injury to any person. (Ord. 2132, 2007)

13.04.220 Compliance with Park Rules and Regulations. It is unlawful to violate or fail to comply with any park rule or regulation duly adopted and posted by the City Council. (Ord. 1132, 1971; Ord. 1166, 1972; Ord. 1387, 1978)

13.04.222 Park Exclusion.

A. Any City Police Officer may, by delivering an exclusion notice in person to the offender, or by First Class Mail and Certified Mail to the offender at the

offender's last known address, exclude from a City park, anyone who within a City park:

1. Violates any provision of this chapter; or
2. Violates any park rule; or
3. Violates any provision of the Snohomish Municipal Code or Revised Code of Washington.

The offender need not be charged, tried, or convicted of any crime or infraction in order for an exclusion notice to be issued or be effective. The exclusion may be based upon observation by the Police Officer or upon civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause. The exclusion shall not take effect until seven days after delivery of the exclusion notice to the offender; provided that, if the offender files a request for a hearing as provided in Subsection E, the exclusion shall not take effect until directed by the hearing examiner.

B. If the offender:

1. Has not been excluded from any City park by an exclusion notice issued within one year prior to the violation and the current violation is not a weapon violation, then the exclusion notice may exclude the offender from the City park in which the current violation occurred for a period not exceeding seven days from the date of the exclusion notice.
2. Has been the subject of only one prior exclusion notice issued within one year prior to the current violation and neither the current nor the past violation was a weapon violation,

then the exclusion notice may exclude the offender from any or all City parks for a period of ninety days from the date of the exclusion notice.

3. Has been the subject of two or more prior exclusion notices issued within one year prior to the current violation, or if the current violation is a weapon violation, then the exclusion notice may exclude the offender from any or all City parks for a period of one year from the date of the exclusion notice.
- C. The exclusion notice shall be in writing and shall contain the date of issuance. The exclusion notice shall specify the length and places of exclusion. It shall be signed by the issuing Police Officer. Warning of the consequences for failure to comply shall be prominently displayed on the notice.
- D. Only the hearing examiner after a hearing may rescind, shorten, or modify an exclusion notice.
- E. An offender receiving an exclusion notice may seek a hearing to have the exclusion notice rescinded, the period of exclusion shortened, or the areas of exclusion reduced. The request for a hearing shall be delivered to the Police Department or postmarked no later than seven days after the issuance date of the exclusion notice. The request for hearing shall be in writing and shall be accompanied by a copy of the exclusion notice on which the hearing is sought. The Police Department shall take reasonable steps to notify the offender of the date, time, and place of the hearing.
- F. At the hearing, the violation must be proved by a preponderance of the evidence in order to uphold the exclusion notice. If the exclusion notice

was issued because of the alleged violation of any criminal law, the offender need not be charged, tried, or convicted for the exclusion notice to be upheld. The exclusion notice establishes a prima facie case that the offender committed the violation as described. The hearing examiner shall consider a sworn report or a declaration made under penalty of perjury, written by the individual who issued the exclusion notice, without further evidentiary foundation. The certifications authorized in Rule 6.13 of the Criminal Rules for Courts of Limited Jurisdiction shall be considered without further evidentiary foundation. The hearing examiner may consider information that would not be admissible under the evidence rules in a court of law but which the hearing examiner considers relevant and trustworthy.

- G. If the violation is proved, the exclusion notice shall be upheld; but upon good cause shown, the hearing examiner may shorten the duration of the exclusion or reduce the areas covered by the exclusion. If the violation is not proved by a preponderance of the evidence, the hearing examiner shall rescind the exclusion. If the hearing examiner rescinds an exclusion, the exclusion shall not be considered a prior exclusion for the purposes of subsection B of this section.
- H. The decision of the hearing examiner is final. An offender seeking judicial review of hearing examiner's decision must file an application for a writ of review in the Snohomish County superior court within fifteen days of the date of that decision.
- I. The exclusion shall remain in effect during the pendency of any administrative or judicial proceeding.

J. No determination of facts made by a person conducting a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and shall not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.

K. This section shall be enforced so as to emphasize voluntary compliance with laws and park rules, and so that inadvertent minor violations that would fall under subsection B.1 can be corrected without resort to an exclusion notice.

(Ord. 2168, 2009)

13.04.225 Trespass in Parks.

A. Any person shall be guilty of trespass in parks who knowingly:

1. Enters or remains in a park from which he or she has been excluded during the period covered by an exclusion notice pursuant to Section 13.04.222 of this chapter;
2. Enters, remains in, or is otherwise present within the premises of a park during hours which the park or portion of the park is not open to the public, unless the person is present within the park to participate in an activity either conducted by the City or conducted pursuant to the terms of a permit issued by the City; or
3. Enters or remains in any area of a park which has been designated and posted by the Public Works Director as a closed area, using such postings as “no admittance” or “closed to use” or “no trespassing.”

B. The provisions of this section do not apply to any duly authorized City employee in the performance of his or

her duties, or other person authorized by law.

C. It is not a defense to the crime of trespass in parks:

1. That the underlying exclusion issued pursuant to this chapter is on appeal when the excluded person is apprehended, charged, or tried under this section; nor
2. That the excluded person entered or remained in the park pursuant to a permit that was issued in the name of another person either before or after the date of the exclusion notice.

(Ord. 2168, 2009)

13.04.230 Violation – Reward for Information.

The City Council may offer, post, and pay a suitable reward for information leading to the arrest and conviction of anyone violating the rules and provisions of this chapter; this reward is not to exceed twenty-five dollars. (Ord. 1132, 1971; Ord. 1166, 1972; Ord. 1387, 1978)

13.04.240 Violation – Principal Defined.

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, and whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, or commands, is and shall be a principal under the terms of this chapter shall be proceeded against and prosecuted as such. (Ord. 1132, 1971; Ord. 1387, 1978)

13.04.250 Violation – Penalty.

Violation of this chapter of the Snohomish Municipal Code shall be a civil infraction pursuant to SMC 1.01.080, and Chapter 1.14 SMC, except as otherwise provided therein, and except that violation of SMC 13.04.140 “Camping,” violation of SMC 13.04.200 and violation of SMC 13.04.225 shall be a

misdemeanor and punishable by a fine of not more than one thousand dollars or by imprisonment not to exceed ninety days or by both such fine and imprisonment. (Ord. 1132, 1971; Ord. 1387, 1978; Ord. 1927, 1999; Ord. 2155, 2008; Ord. 2168. 2009; Ord. 2219, 2011)

13.04.260 Severability. The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter to any person or circumstance shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 1926, 1999)