

**ORDINANCE NO. 10612**

**AN ORDINANCE REPEALING BELLINGHAM MUNICIPAL CODE CHAPTER 8.04, GENERAL REGULATIONS IN TITLE 8 PARKS, CEMETERIES, AND PUBLIC PLACES, AND ENACTING A NEW CHAPTER 8.04 TO PROVIDE FOR THE GENERAL REGULATIONS FOR PARKS AND ALL OTHER PROPERTY UNDER THE MANAGEMENT OF THE PARKS AND RECREATION DEPARTMENT.**

**WHEREAS**, the current chapter 8.04 of the Bellingham Municipal Code was enacted in 1981 and since that date there have been changes in State law and other City ordinances that impact the Park code and its operation. The general regulations of the Parks department need revision to comply with these changes in State law and to conform with other City ordinances governing the same conduct City-wide; and

**WHEREAS**, the Parks Department has acquired other property to manage besides the traditional City parks and in the management of these properties it has become necessary to enact a new section in the Parks regulations to prohibit any encroachments on park property; and

**WHEREAS**, the new chapter is substantially different in content and organization of sections from the previous chapter, repealing the entire previous chapter and enacting the new chapter will provide clarity for both the public and the parks enforcement officers; and

**WHEREAS**, in order to promote the public health, safety, and welfare of the citizens of Bellingham and promote responsible use of park property, it is necessary to repeal chapter 8.04 and enact a new chapter 8.04;

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN** that the following changes be made to the Bellingham Municipal Code as follows:

**Section 1.** The current Chapter 8.04 of the Bellingham Municipal Code is hereby repealed.

**Section 2.** A new Chapter 8.04 is hereby enacted and incorporated into the Bellingham Municipal Code as follows:

## **Chapter 8.04**

### **GENERAL REGULATIONS**

#### **Sections:**

- 8.04.010 Applicability.
- 8.04.020 Regulations Issued by Parks Director.
- 8.04.030 Park Scheduling--Permits and Fees.
- 8.04.040 Park Hours.
- 8.04.050 Motor Vehicle Operation and Parking.
- 8.04.060 Bicycle Operation.
- 8.04.070 Restrictions on Animals in Parks.
- 8.04.080 Overnight camping.
- 8.04.090 Campfires.
- 8.04.100 Litter in Parks.
- 8.04.110 Sales\Rentals - Prohibited.
- 8.04.120 Signposting - Prohibited.
- 8.04.130 Restricted Areas - Generally.
- 8.04.140 Restricted Area - Whatcom Creek.
- 8.04.150 Alcoholic Beverages.
- 8.04.160 Fireworks - Prohibited.
- 8.04.170 Firearms - Prohibited.
- 8.04.180 Removal or Destruction of Park Property.
- 8.04.190 Encroachment on Park Property.
- 8.04.200 Appeal Procedure.
- 8.04.210 Infraction - Penalty.
- 8.04.220 Misdemeanor - Penalty.

#### **8.04.010 APPLICABILITY.**

This chapter constitutes the general regulations which will be in effect for all city parks and for all other property under the management of the park and recreation department; other property includes but is not limited to property commonly known as the "Greenways" or "open space". These general regulations are in addition to other applicable City, State, and Federal laws.

#### **8.04.020 REGULATIONS ISSUED BY PARKS DIRECTOR.**

The Director of Parks and Recreation is authorized to issue regulations for the use of park property, facilities, and equipment and, with the written agreement of the property owner,

regulations which shall apply to the use by the public of private property which is open to public access pursuant to a condition of an open space agreement with the City or the City-County Open Space Committee. To be effective, the regulations must be made part of the City's Policies and Procedures Manual, and copies must be made available to the general public through the offices of the Parks and Recreation Department and the Finance Department.

A violation of a park regulation adopted pursuant to this section shall be deemed a civil infraction punishable as provided in this chapter.

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.

The City assumes no liability for the condition of the property subject to the regulations, for the adequacy of the regulations, or for the failure to enforce them.

#### **8.04.030 PARK SCHEDULING--PERMITS AND FEES.**

A. Park and recreation facilities are available for public use whenever possible, without conflicting with city programs. Reservations or scheduling for use of facilities is required for any community special or private event involving more than routine use of a park and is done by contacting the Parks and Recreation Department office.

B. A written permit is required for campfires, overnight camping, wood cutting, removal of any natural resources on park property, or use outside of normal hours. A permit may be obtained by submitting a written application to the office of the Director of Parks and Recreation at least ten days in advance of the date of intended use. The application must specify the time, place, and nature of the intended use, and the person or organization responsible for the activity. Applications shall be approved or denied within five days of submission.

C. User fees are required for certain major park facilities such as athletic fields, park shelters, and indoor facilities. These fees are set, from time to time, by council resolution.

#### **8.04.040 PARK HOURS.**

A. City parks are open to the public from 6:00 a.m. to 10:00 p.m. The parks are closed to public use from 10:00 p.m. to 6:00 a.m., and no person shall enter a closed park without written permission from the Director of Parks and Recreation.

B. A violation of this section is a civil infraction.

**8.04.050 MOTOR VEHICLE OPERATION AND PARKING.**

- A. The general speed limit for all vehicles within city parks is twenty miles per hour unless otherwise posted by the Director of Parks and Recreation.
- B. Motor vehicles may be operated only on paved roadways and may be parked only in designated paved or graveled parking areas. "Paved roadways" as used in this subsection does not include paved ways marked by the Director of Parks and Recreation for the exclusive use of pedestrians, bicycles, or wheelchairs.
- C. All motor vehicles except authorized maintenance vehicles are prohibited in Sehome Hill Arboretum except on Arboretum Drive and its terminal parking area.
- D. Parking spaces within city parks are reserved for the use of park patrons during open park hours; parking during closed park hours, overnight parking, and residential parking on park property is prohibited.
- D. A violation of this section is a civil infraction.

**8.04.060 BICYCLE OPERATION.**

- A. Bicycles may be operated only on paved and graveled ways and established trails within city park property.
- B. Bicycle riding is not permitted on any Sehome Hill Arboretum trail.
- C. A violaton of this section is a civil infraction.

**8.04.070 RESTRICTIONS ON ANIMALS IN PARKS.**

- A. Dogs and other domestic animals are not allowed within those areas of City Parks designated in Bellingham Policies and Procedures Manual PAR 03.01.20.
- B. All dogs, where otherwise allowed on city park property as provided in the above referenced policy, must be under control by means of a leash, as required by Chapter 7.08 of this code; provided, that this requirement does not apply to areas of park property designated for dog exercise and training.
- C. Horses are only allowed on paved roads open to motor vehicles, and on bridle paths designated by the Director of Parks and Recreation as such in the following parks:

1. Arroyo Park
2. Cornwall Park

3. Lake Padden Park
4. Little Squalicum Park
5. Whatcom Falls Park

C. Domestic animals of all sorts are not allowed on the beach areas of Lake Padden and Bloedel Donovan Parks. "Beach" for purposes of this subsection means those areas designated by the Director of Parks and Recreation as reserved for public swimming, together with all park land within fifteen feet of the edge of Lake Whatcom and Lake Padden.

D. Owners or handlers are responsible for cleaning up their animals' waste deposits left on park property.

E. Owners and handlers are required to have in their possession the equipment necessary to remove their animals' fecal matter when accompanied by said animal on public property or public easement.

F. No person shall hunt, catch, or injure any wild animal or bird on park property.

G. A violation of this section is a civil infraction.

#### **8.04.080 OVERNIGHT CAMPING.**

A. Overnight camping is prohibited on park property except by written permission of the Director of Parks and Recreation.

B. A violation of this section is a civil infraction.

#### **8.04.090 CAMPFIRES.**

A. Campfires are prohibited on park property except by written permission of the Director of Parks and Recreation.

B. A violation of this section is a civil infraction.

#### **8.04.100 LITTER IN PARKS.**

A. No person shall throw or deposit litter on any park property, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park, or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away and properly disposed of.

B. No person shall use the Parks and Recreation department litter receptacles in the

following manner:

(1) No person shall damage, deface, abuse, or misuse any litter receptacle so as to interfere with its proper function or detract from its proper appearance.

(2) No person shall deposit leaves, clippings, prunings, or gardening refuse in any litter receptacle.

(3) No person shall deposit household garbage in any litter receptacle; provided that this subsection shall not be construed to mean that wastes of food consumed on park property may not be deposited in litter receptacles.

C. Whenever litter dumped in violation of this chapter contains three or more items bearing the name of one individual, there shall be a rebuttable presumption that the individual whose name appears on such items committed the unlawful act of littering.

D. For purposes of this section, "litter" means garbage, refuse, rubbish, or any other waste material which, if thrown or deposited as prohibited in this section tends to create a nuisance which annoys, injures, or endangers the health, safety, or comfort of the public.

E. A violation of this section is a civil infraction.

F. Any person littering in an amount less than or equal to one cubic foot the maximum penalty and the default amount shall be \$50.00, not including statutory assessments; any person littering in an amount greater than one cubic foot the maximum penalty and the default amount shall be \$250.00, not including statutory assessments. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of \$25.00 per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property.

#### **8.04.110 SALES/RENTALS - PROHIBITED.**

A. The sale of food, drink, other merchandise, or any services on park property is prohibited, unless the seller has either written permission from the Director of Parks and Recreation, or a concession sales contract with the city.

B. The rental of any merchandise or materials on park property is prohibited, unless the renter has written permission from the Director of Parks and Recreation or a concession contract with the city.

C. A violation of this section is a civil infraction.

**8.04.120 SIGNPOSTING PROHIBITED.**

A. It is unlawful to place or erect any signboard, sign, advertising, decoration, or similar structure on any park property, without the written permission of the Director of Parks and Recreation.

B. A violation of this section is a civil infraction.

**8.04.130 RESTRICTED AREAS - GENERALLY.**

A. It is unlawful for any person except a duly authorized Department of Parks and Recreation or other city employee in the performance of his or her duties, or other person authorized by law, to enter or go upon any area which has been designated and posted by the Director of Parks and Recreation as a "no admittance" or "closed to use" or "no trespassing" area for the purpose of protecting park property or for protecting the public from conditions which constitute a potential hazard.

B. It is unlawful for any person to engage in any activity that has been deemed potentially hazardous to public safety or park property, or incompatible with park property usage as designated and posted by the Director of Parks and Recreation.

C. A violation of this section is a misdemeanor.

**8.04.140 RESTRICTED AREAS- WHATCOM CREEK.**

A. It is unlawful to trespass, wade, swim, or fish in the area of Whatcom Creek known as Waterfront Falls and more specifically described as follows:

All that area between the Maritime Heritage Center pedestrian bridge and the Dupont Street bridge and between the northerly edge of the southerly adjacent pedestrian walkway and the southerly edge of the northerly adjacent pedestrian walkway.

B. A violation of this section is a misdemeanor.

**8.04.150 ALCOHOLIC BEVERAGES.**

A. The opening or consuming of any alcoholic beverage on park property is prohibited, except in those areas, or at those events that:

1. Have appropriate licensing from the State of Washington; and
2. Have explicit written permission of the Director of Parks and Recreation.

B. A violation of this section is a misdemeanor, and upon conviction a person shall be

fined not more than \$100.00.

**8.04.160 FIREWORKS PROHIBITED IN PARKS.**

A. Whether permitted by state law or not, the possession or discharge of any common fireworks, including, but not limited to, those denominated as safe and sane fireworks, firecrackers, salutes, chasers, sky rockets, and missile type rockets is prohibited in or upon all park property.

B. A violation of this section is a misdemeanor.

**8.04.170 FIREARMS PROHIBITED IN PARKS.**

A. The possession of firearms in or upon all park property is prohibited, except those in the possession of authorized law enforcement personnel.

B. A violation of this section is a misdemeanor.

**8.04.180 REMOVAL OR DESTRUCTION OF PARK PROPERTY**

A. It is unlawful for any person to remove, injure, deface, damage, or destroy park property. This prohibition applies to all aspects of the natural or landscaped environment and to any structure, object, equipment, improvement, or other park property.

B. It is unlawful to collect, gather, or harvest natural resources or other materials on park property except by written permission of the Director of Parks and Recreation.

C. A violation of this section is a misdemeanor.

**8.04.190 ENCROACHMENTS ON PARK PROPERTY**

A. It is unlawful for any person other than a duly authorized employee or agent of the Bellingham Parks and Recreation department to do any of the following acts without the written permission of the Director of the Bellingham Parks and Recreation department:

(1) place, erect, or maintain any structure or obstruction of any kind on park property;

(2) deposit or store any refuse, debris, vegetation, personal property, litter, or any other material on park property;

(3) mow, prune, cut, clear, plant on, or otherwise alter or disturb any park property.



B. A violation of this section is a misdemeanor.

**8.04.200 APPEAL PROCEDURE.**

Any person aggrieved by a decision of the Director of the Parks and Recreation department under this chapter may request a hearing by the Parks Committee of the City Council to appeal the decision. The appeal notice shall be in writing and submitted to the Director of the Parks department. The appeal shall be heard at the next regularly scheduled meeting of the City Council Parks Committee following receipt of the notice of appeal.

**8.04.200 INFRACTION-PENALTY**

A. Any violation of the provisions of this chapter that are designated civil infractions shall subject the violator to a maximum penalty of \$250.00.

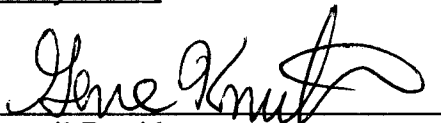
B. The court may also order a person found to have committed a civil infraction to make restitution.

**8.04.210 MISDEMEANOR-PENALTY**

A. Any violation of the provisions of this chapter that are designated misdemeanors shall be punishable by a fine not to exceed \$1000.00 and/or imprisonment for a period not to exceed 90 days.

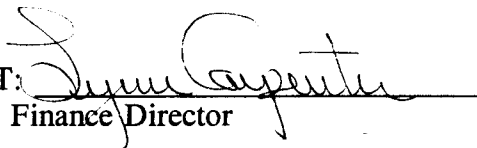
B. The court may also order a person found to have committed a misdemeanor under this chapter to make restitution.

PASSED by Council this 21st day of February, 1995.

  
Council President

APPROVED by me this 28th day of FEBRUARY, 1995.

  
Mayor

ATTEST:   
Finance Director

APPROVED AS TO FORM:

*Jean Hoisington*  
Office of the City Attorney

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CITY OF BELLINGHAM, WASHINGTON

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