

**ORDINANCE NO. 2021-06-026**

**AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE (BMC) CHAPTER 8.04 REGARDING PARKS AND TRAILS AND PROVIDING NEW RULES FOR ELECTRIC-ASSISTED BICYCLES, SMOKING, SPEED LIMITS AND OTHER UPDATES**

**WHEREAS**, BMC 8.04 provides general provisions, rules, and regulations regarding use of parks, trails, and open space; and

**WHEREAS**, Bellingham has experienced a surge of bicycle use in parks and trails, including electrical-assisted bicycles and other personal motorized devices; and

**WHEREAS**, new State law pertaining to electrical-assisted bicycles created a need to amend the local BMC regarding their use in the City of Bellingham to be consistent with State law; and

**WHEREAS**, reducing speed limits in parks and on trails will help regulate multi-mobile use of the City's trail system and improve safety; and

**WHEREAS**, studying high-conflict areas, installing speed limit signage and trail etiquette signage will help to implement and enforce the new rules; and

**WHEREAS**, other amendments were needed to update the chapter and to document new rules prohibiting smoking on park property; and

**WHEREAS**, the Parks & Recreation Advisory Board reviewed the changes at multiple public meetings and recommended approval of the draft amendments on November 9, 2020; and

**WHEREAS**, a public hearing on these code amendments was held on May 24, 2021.

**NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1. BMC Chapter 8.04 is hereby amended as follows:**

**8.04.010 General Provisions**

This chapter constitutes the general regulations which will be in effect for all city parks, trails and ~~for all~~ all other property under the management of the parks and recreation department; other property includes, but is not limited to, property easements, open space, buildings, and athletic facilities. 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 or other easements as applicable. 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. Parks and recreation facilities are available for public use during posted park hours 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 permission~~ it is required for special events or any other activities that are specifically prohibited by this chapter. campfires, overnight camping, wood cutting, removal of any natural resources on park property, or use outside of normal hours. A Permission permit may be obtained by submitting a written application to the office of the director of parks and recreation at least 30 40 days, but no more than 365 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. Complete a Applications shall be approved or denied within twenty five days of submission.

C. Reservations and 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., unless otherwise posted by the director of parks and recreation. ~~The parks are closed to public use from 10:00 p.m. to 6:00 a.m., and n~~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 v~~Vehicle operation and parking.**

A. The general speed limit for all vehicles ~~within city parks operating within park property on roads, trails, and parking lots~~ is 2015 miles per hour, unless otherwise posted by the director of parks and recreation. The term "vehicles" shall have the meaning ascribed to it in RCW 46.04 and includes, but is not limited to, motor vehicles, bicycles, electric-assisted bicycles, and motorized foot scooters. The Galbraith Mountain trail system is exempt from the speed limit contained herein.

B. Motor vehicles, except authorized maintenance vehicles and except as otherwise provided in this chapter, may only be operated ~~only~~ on paved roadways and may only be parked ~~only~~ in designated paved or graveled parking areas within park property. "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. The director of parks and recreation may approve vehicle access in designated areas for special events.

C. ~~All m~~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 park property 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.

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



#### **8.04.060 Bicycle, foot scooter, and electric personal assistive mobility device operation**

A. Bicycles, including electric-assisted bicycles, may be operated within park property only on paved and graveled roads ways and established trails, including paved and graveled trails and trails that have a natural surface tread that is made by clearing and grading the native soil with no added surfacing material, unless otherwise posted by the director of parks and recreation. ~~within city park property.~~

B. Motorized foot scooters and electric personal assistive mobility devices (EPAMDs) as defined in RCW 46.04 may be operated within park property only on roads and trails that have a paved or gravel surface and may not be operated on any trail that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials unless otherwise posted by the director of parks and recreation. The terms “electric-assisted bicycles”, “motorized foot scooters”, and EPAMDs” shall have the meaning ascribed to them in RCW 46.04. Electric wheelchairs are not EPAMDs and, therefore, are not subject to the restrictions contained in this section.

CB. Bicycle riding is not permitted on any Sehome Hill Arboretum Trail.

DE. A violation 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 restricted areas of city parks designated by the director of parks and recreation. Restricted areas will be posted and designated in associated policies 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 the control of their owners by means of a leash, as required by Chapter 7.08 BMC; ~~provided, that this requirement does not apply to~~ In areas of park property designated for off-leash dog exercise and training, non-aggressive, healthy dogs may be off-leash but must be within the owner's view and under voice control. The owner must always have a leash in hand and properly dispose of all dog waste.

C. Horses with rider are only allowed on paved roads open to motor vehicles, and on bridle trails or paths designated by the director of parks and recreation and posted as such. ~~as such in the following parks:~~

1. ~~Arroyo Park.~~

2. ~~Cornwall Park.~~

3. ~~Lake Padden Park.~~

4. ~~Little Squalicum Park.~~

5. ~~Whatecom Falls Park.~~

D. ~~No d~~Domestic animals ~~of all sorts~~ are ~~not~~ allowed within 15' of any waterway including Lake Padden, Lake Whatcom, Whatcom Creek, and Bellingham Bay, unless otherwise posted as an animal water exercise area. Domestic animals are not allowed in any areas designated by the director of parks and recreation as reserved for public swimming., 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 15 feet of the edge of Lake Whatcom and Lake Padden.

E. Owners or handlers are responsible for cleaning up their animals' waste deposits left on park property and disposing of the waste properly and 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. 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.

~~GF.~~ No person other than an authorized agent, shall hunt, catch, ~~or~~ injure, harass, or feed any wild animal or bird on park property.

~~HG.~~ 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.

#### **8.040.090 ~~Campfires~~Fires.**

A. ~~Campf~~Fires 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.

#### **8.040.110 – 8.04.150 [NO CHANGE.]**

#### **8.04.160 – Smoking.**

[Smoking, including carrying or smoking of any kind of lighted pipe, cigar, cigarette, any other lighted smoking equipment, or an operating electronic smoking device \(vaping\) is prohibited on park property except in areas that may be designated by the Mayor.](#)

#### **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.**

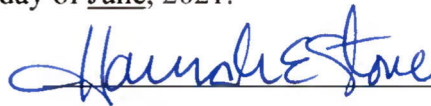
A. It is unlawful for any person other than a duly authorized employee or agent of the Bellingham parks and recreation department to do any of the following acts without the written permission of the director of the Bellingham parks and recreation department:

1. Place, erect, affix, or maintain any structure or obstruction of any kind on park property;
2. Deposit or store any refuse, debris, vegetation, personal property including recreational equipment, 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.

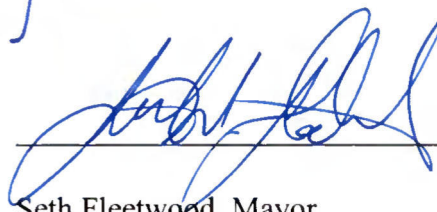
**8.04.200 – 8.04.220 [NO CHANGE.]**

**PASSED** by the Council this 21<sup>st</sup> day of June, 2021.



Hannah Stone, Council President

**APPROVED** by me this 8 day of July, 2021.



Seth Fleetwood, Mayor



**ATTEST:**

  
Andy Asbjornsen, Finance Director

**APPROVED AS TO FORM:**

  
Office of the City Attorney

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