

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2335

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING THE PARKS CODE, AS SET FORTH IN CHAPTER 13.04 OF THE SNOHOMISH MUNICIPAL CODE (“SMC”) BY AMENDING SMC SECTIONS 13.04.060 ENTITLED “ANIMALS PROHIBITED IN CITY PARKS”, 13.04.070 ENTITLED “FIREARMS – FIREWORKS – WEAPONS”, 13.04.090 ENTITLED “SOLICITORS – LOUDSPEAKERS”, 13.04.110 ENTITLED “USE OF WATERCRAFT”, 13.04.120 ENTITLED “VEHICLE, BIKE, HORSE, AND TRAIL USE”, 13.04.150 ENTITLED “SPORTS – LOCATION RESTRICTIONS”, 13.04.190 ENTITLED “FIRES”, 13.04.205 ENTITLED “PARK HOURS”, 13.04.210 ENTITLED “SWIMMING AND DIVING RESTRICTIONS”, AND 13.04.225 ENTITLED “TRESPASS IN PARKS”; AND BY ADDING NEW SMC SECTIONS 13.04.075 ENTITLED “OFF LEASH AREA FOR DOGS,” AND 13.04.075 ENTITLED “RADIO/REMOTE CONTROLLED, SELF-PROPELLED DEVICES - OPERATION;” PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has Parks Code regulations, which are set forth in Chapter 13.04 of Snohomish Municipal Code; and

WHEREAS, the City Parks staff proposed revisions of the Parks Code and the Parks and Recreation Board has reviewed and recommended that the City Council adopt the proposed revisions; and

WHEREAS, the City Council finds that protection of public health, safety, and welfare is supported by the adoption of the proposed revisions to the Parks Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC 13.04.060 entitled “Animals Prohibited in City Parks” is hereby amended by to read as follows:

13.04.060 Animals in City Parks.

- A. Leashed dogs or other pets are permitted in all parks with the exception of certain areas:
 - 1. Dogs or other pets are prohibited within the boundary of the Snohomish City Boat Launch and adjacent 20 acre park area located at 20 Lincoln Avenue.
 - 2. Dogs are prohibited in play structure boundary areas, picnic areas, tennis/basketball courts, or playfields of any park;

3. Dogs or other pets are prohibited from entering 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)

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

Section 2. A new section 13.04.065 entitled “Off-leash area for dogs” is hereby adopted which shall read as follows:

13.04.065 Off-Leash Area for Dogs.

A. The City Council, as it determines is in the best interest of the City, shall have the authority to designate areas at City parks as off-leash areas for dogs to run at large.

B. The Mayor, or his/her designee, shall have the authority to establish such rules and regulations as reasonably necessary for the operation of such designated off-leash areas. Rules and regulations shall be posted at the entrance to all designated off leash dog areas.

C. Owners or persons having charge, care, custody or control of dogs in designated off-leash areas must be present at all times within vocal control distance of their dogs, and ensure that their dogs do not cause public nuisance, safety hazard or harass people, other dogs or wildlife.

D. Except as specifically provided in this section, all other applicable provisions of Chapter 13.04 SMC shall also apply in designated off-leash areas.

Section 3. SMC 13.04.070 entitled “Firearms – Fireworks – Weapons” is hereby amended to read as follows:

13.04.070 Firearms – Fireworks – Weapons.

Except for law enforcement personnel, 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)

Section 4. A new section 13.04.075 entitled “Radio/remote controlled, self-propelled devices—Operation” is hereby adopted which shall read as follows:

13.04.075 Radio/remote controlled, self-propelled devices--Operation.

No person shall operate any radio/remote controlled unmanned aircraft, self-propelled model airplane, glider, car, boat or any model rocket within the boundaries of any park unless otherwise approved by Special Event Permit or in areas specifically designated by the Mayor or his/her designee and posted for such use.

Section 5. SMC 13.04.090 entitled “Solicitors – Loudspeakers” is hereby amended to read as follows:

13.04.090 Solicitors – Loudspeakers.

It is unlawful to take up collections for any purpose, to solicit for any services or products or to operate or use any loudspeaker without written permission from the Mayor or his/her designee. (Ord. 1132, 1971; Ord. 1166, 1972; Ord. 1387, 1978; Ord. 2132, 2007)

Section 6. SMC 13.04.110 entitled “Use of Watercraft” is hereby amended to read as follows:

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 Mayor or his/her designee and so designated by signs posted at or near the entrance to such parks.. (Ord. 1132, 1971; Ord. 1166, 1972; Ord. 1387, 1978; Ord. 2132, 2007)

B. 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. 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. (Ord. 2132, 2007)

Section 7. SMC 13.04.120 entitled “Vehicle, Bike, Horse, and Trail Use” is hereby amended to read as follows:

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 Mayor or his/her designee, or persons needing the use of a powered wheelchair or similar device 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 Mayor or his/her designee, or persons needing the use of a non-motorized wheelchair or similar device as defined in the Americans with Disabilities Act (ADA). (Ord. 2132, 2007)

C. Horses. Horses are prohibited from all parks with the exception of a Special Events Permit approved by the City of Snohomish. (Ord. 2132, 2007)

D. Non-motorized Travel Speeds.

1. Travel speeds shall be ten miles per 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)

Section 8. SMC 13.04.150 entitled “Sports – Location Restrictions” is hereby amended to read as follows:

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 designated for such purposes by the Mayor or his/her designee. (Ord. 1132, 1971; Ord. 1166, 1972; Ord. 1387, 1978; Ord. 2132, 2007)

Section 9. SMC 13.04.190 entitled “Fires” is hereby amended to read as follows:

13.04.190 Fires.

Except for permanently mounted City furnished Barbeques in designated areas, it is unlawful to build any fires or use any type of barbeque in any park.

Section 10. SMC 13.04.205 entitled “Park Hours” is hereby amended to read as follows:
13.04.205 Park Hours.

City parks are open to the public year-round from 6:00 a.m. to dusk 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)

Section 11. SMC 13.04.210 entitled “Swimming and Diving Restrictions” is hereby amended to read as follows:

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 designated for such purposes by the Mayor or his/her designee by posted signs. 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 Mayor or his/her designee, nor the City of Snohomish shall be responsible for any injury to any person. (Ord. 2132, 2007)

Section 12. SMC 13.04.225 entitled “Trespass in Parks” is hereby amended to read as follows:

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 an approved Special Event Permit issued by the City; or
3. Enters or remains in any area of a park which has been designated and posted by the Mayor or his/her designee 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)

Section 13. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 14. Effective Date. This ordinance shall take effect five days after the date of its publication by summary and passage.

ADOPTED by the City Council and **APPROVED** by the Mayor this 3rd day of April, 2018.

CITY OF SNOHOMISH

By John T. Kartak
John T. Kartak, Mayor

ATTEST:

By Pat Adams
Pat Adams, City Clerk

APPROVED AS TO FORM:

By Grant K. Weed
Grant K. Weed, City Attorney

Date of Publication: 4-7-18

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