

ORDINANCE NO. 08-10

**AN ORDINANCE AMENDING CERTAIN PARK RULES BY AMENDING BATTLE
GROUND MUNICIPAL CODE 8.18 AND ORDINANCE NO. 07-031 AND ORDINANCE
NO. 99-028**

WHEREAS, The City Council, the Parks Advisory Board and Staff of the City of Battle Ground, Washington have reviewed a draft update to the current Park Rules and Regulations; and

WHEREAS, The City Council has identified modifications and additions that need to be made to current sections of the Ordinance in order to provide a comprehensive park and recreation program; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, AS FOLLOWS:

Battle Ground Municipal Code 8.18 and Ordinances 99-028 (1999) and 07-031 (2007) shall be and is hereby amended to read as follows:

8.18.020 Definitions.

The terms used in this chapter of the Battle Ground Municipal Code shall be defined as follows:

“Camp” means to erect a tent or other shelter or to use a sleeping bag, a vehicle or a trailer camper for the purpose of or in such a way as will permit remaining overnight.

“Campsite” means designated camping sites which are designated for the use of tent campers, and at which no water, sewer or electrical facilities are available for hookup to a trailer or a camper.

“City” means the city of Battle Ground.

“City council” means the elected members of the Battle Ground city council.

“City manager” means the city manager of the city of Battle Ground or his or her designee.

“Motor vehicle” means any self-propelled device capable of being moved upon a road or other surface by which any persons or property may be transported, and shall include but not be limited to automobiles, boats, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles and snowmobiles.

“Park” means all public parks, plazas, public squares, playgrounds, activity centers and associated buildings, designated open spaces, designated sensitive lands and other facilities of the city of Battle Ground specified in the “City of Battle Ground Comprehensive Parks, Recreation and Open Space Plan” and/or acquired by the city

which are identified as park and recreation facilities owned and operated by the city and/or jointly owned and operated by the city and other designated entities.

"Parks Director" means the employee of the city charged with the responsibility of administering the city's parks and recreation programs and enforcing park rules and regulations.

"Person" means all persons, firms, partnerships, corporations, clubs and all associations or combinations of persons whenever acting for themselves or by an agent, employee or member.

"Planning director" means the employee of the city charged with the responsibility of administering and enforcing the land development regulations of the city.

"Public works director" means the employee of the city charged with the responsibility of administering the city's public works department and enforcing public works rules and regulations.

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

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

"Trail" means any path or track designed for use by pedestrians or bicycles and which use is not permitted by standard passenger automobiles, or other rights-of-way specifically designated and posted for nonvehicular use.

"Trailer" means a towed vehicle which contains any sleeping or housekeeping accommodation, boat, animal, apparatus or is designed for the purpose of transporting any of the same by towing behind a vehicle.

"Type I application" means an application procedure that involves none or little discretionary decision-making on the part of the regulating agency and has no or little significant impact to abutting property owners and/or the public in general. (Ord. 07-14 § 1, 2007; Ord. 99-028 § 1 (part), 1999)

8.18.030 Allowable hours of operation.

Parks shall be open to the public between the hours of 5:00 a.m. and 10:00 p.m.; provided, that skateboard park hours are from 5:00 a.m. to 11:00 p.m. Activities on park property or in park facilities that exceed normal hours of operation may be authorized in association with a lease agreement or park use permit or a facility rental reservation. (Ord. 07-11 § 1 (part), 2007; Ord. 99-028 § 1 (part), 1999)

8.18.040 Nonpermitted activities.

- A. All activities that constitute civil or criminal violations under local, state or federal statutes are not permitted within park property and/or park facilities.
- B. The following activities are not permitted in city parks and park facilities unless expressly authorized by the ~~planning~~ parks director or his or her designee or city council as part of the park use permit process, facility rental reservation or a lease agreement.
1. Activities That Are Hazardous to Others.
 - a. Practicing or playing of games or activities in a manner that could knowingly harm other persons, animals and/or real or personal property;
 - b. Building and operating fires except in authorized fire or barbeque pits;
 - c. Negligent operation of a motor vehicle including operating in an area not specifically designated for motor vehicle usage and/or exceeding a vehicle speed of fifteen miles per hour.
 2. Activities Interfering with Other Citizens' Use and Enjoyment of Park Property and Facilities.
 - a. Activities conducted for private gain and profit without prior authorization from the city;
 - b. Operation of a powered public address system or amplified music speaker system or other means of amplifying sound, unless permitted through city-sponsored events or through a special events permitting process; provided, however, that no language or musical lyrics shall be used which are offensive to the public;
 - c. Knowingly operating a nonmotorized vehicle in a manner that causes harm or destruction to the natural plants, trees and/or animals of a park;
 - d. Overnight parking of recreational vehicles or trailers except as authorized by a park use permit or lease agreement and in association with a recognized and sanctioned community or special event;
 - e. Posting signs, posters and notices of a private nature not authorized by a park use permit and not in conformance with the sign ordinance in effect at the time;
 - f. Interfering with the use of a reserved area of any park obtained through an approved park use permit process;
 - g. Solicitation of donations or collections, such as for entertainment by strolling musicians or other performers, or peddling or hawking any goods or services within-are not allowed without an approved city permit or a contract for service;

h. The possession or consumption of alcoholic beverages except in designated areas or facilities which have prior approval through a rental reservation or a park permit;

i. The shooting or firing or exploding of any firearms, fireworks, explosives, bow and arrow, sling shot or other weapon, toy or real, which discharges a pellet or other object with harmful force.

3. Activities Not in Conformance with General Rules of Behavior.

a. Failure to use designated existing trail systems to protect the ecosystem of a park property and/or intrusion into environmentally sensitive areas with manual or mechanical equipment when posted or otherwise designated as an area to remain undisturbed;

b. Failure to keep pets on a leash except seeing eye dogs, or dogs used for law enforcement or in a designated "off-leash" area.

c. Failure to clean up animal discharges;

d. Swimming, bathing or wading in any park lake, river or pools except at such times and places as may be provided or designated for such purposes, such as parks with water features;

e. The riding, driving or parking of any motorized vehicle in a city park outside of designated areas. (Ord. 07-031 § 1, 2007; Ord. 07-11 § 1 (part), 2007; Ord. 99-028 § 1 (part), 1999)

8.18.060 Park maintenance and operations.

A. Parks maintenance and operations shall be conducted by the ~~public-works~~ parks department of the city of Battle Ground or its authorized agent under the supervision of the ~~public-works~~ parks director or his or her designee.

B. Volunteer groups or organizations are encouraged to assist the city in the improvement and/or maintenance of its park property and/or park facilities. Such assistance may be on a one-time, annual or on-going basis. Volunteer organizations that wish to assist the city with parks maintenance and operation shall fill out an information form indicating the location, time and extent of proposed volunteer activity and specifying a contact person provided by the city prior to the commencement of any work.

C. Volunteer activities for temporary park improvements including but not limited to seasonal plantings shall be authorized administratively. Volunteer activities for permanent and durable park improvements including but not limited to buildings, lighting, trees and shrubs and benches shall be reviewed by the parks advisory board. The board shall determine if the proposed permanent improvement is in conformance with any adopted master plan and any other applicable policies. The board shall then make a recommendation to city council, which shall make the final decision on the installation of the permanent improvement. (Ord. 99-028 § 1 (part), 1999)

A. The purpose of this section is to assure equal access to and enjoyment of park properties and facilities. Any person or organization desiring to utilize city park property and/or park facilities and/or streets and right-of-ways for an exhibition, performance, assembly, display, community event, special event or other similar activity that would substantially preclude normal public use and enjoyment of park property and/or facilities will be required to have an approved special events permit pursuant to Chapter 8.36 BGMC. Examples of activities that would require a special events permit are exclusive use of a park property or facility, in it's entirety or a portion thereof, ~~use of more than fifty percent of the area of a park property~~, organized fairs, or carnivals, concerts, performances, festivals or large gatherings of people in excess of fifty persons, events occurring after allowable hours of operation and events or activities that would cause noise regulated by Ordinance No. 98-010 (Chapter 9.42 BGMC, Public Disturbance Noise). Examples of activities that would not require a special events permit are nonorganized sport usage of park properties or facilities, family picnics, and nonaffiliated social events.

B. If a lease agreement contains provisions and conditions for an activity occurring on park property or in a park facility, a separate special events permit shall not be required. (Ord. 07-030 § 1, 2007; Ord. 99-028 § 1 (part), 1999)

ADOPTED AT THE REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON ON THE 2 DAY OF June, 2008.

CITY OF BATTLE GROUND, WASHINGTON



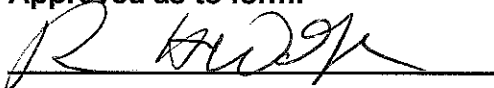
Michael Ciraulo, Mayor

Attest:



Alisha Smith, Acting City Clerk

Approved as to form:



Brian H. Wolfe, City Attorney