

ORDINANCE NO. O-19-664

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY,
WASHINGTON, AMENDING CHAPTER 7.05 OF THE
MAPLE VALLEY MUNICIPAL CODE ENTITLED “RULES
GOVERNING USE OF CITY PARKS – CIVIL
INFRACTIONS,” PROVIDING FOR SEVERABILITY, AN
EFFECTIVE DATE AND CORRECTIONS**

WHEREAS, the Maple Valley Municipal Code (MVMC) includes a chapter, Chapter 7.05, entitled “Rules Governing Use of City Parks – Civil Infractions,” that sets forth policies governing use of city parks; and

WHEREAS, the City Council was presented with draft park rules amending Chapter 7.05 at the April 15, 2019 City Council work session; and

WHEREAS, the parks rules codified in Chapter 7.05 necessitated amendment in light of the recent addition of certain park elements at Summit Park which were not currently in the park system, the City Council’s desire to prohibit smoking in city parks, and the City Council’s desire to update the City Code with procedures currently in place at the City Parks and Recreation Department; and

WHEREAS, input and feedback was provided by the City Council at the April 15, 2019 City Council work session which the City staff has incorporated into the subject amended ordinance; and

WHEREAS, it is the City Council’s desire to adopt amended Chapter 7.05 of the Maple Valley Municipal Code;

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

Section 1. Amendment. Chapter 7.05 of the Maple Valley Municipal Code, entitled “Rules Governing Use of City Parks – Civil Infractions,” is hereby amended to read as follows (new text in underline; deleted text in ~~strikethrough~~):

Chapter 7.05
RULES GOVERNING USE OF CITY PARKS – CIVIL INFRACTIONS

Sections:

- 7.05.010 Purpose.**
- 7.05.020 Definitions.**
- 7.05.030 Hours of operation.**
- 7.05.035 Adhering to rules.**
- 7.05.040 No alcohol.**
- 7.05.050 *Repealed.***
- 7.05.060 Animal control.**
- 7.05.070 No fires.**
- 7.05.080 No camping.**
- 7.05.085 No Smoking.**
- 7.05.087 Sales of refreshments.**
- 7.05.090 Penalties – Civil infractions.**
- 7.05.100 Enforcement.**

7.05.010 Purpose.

A. This chapter is enacted as an exercise of the authority of the City of Maple Valley to establish rules governing the use of City parks. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is the express purpose of this chapter to provide for and promote rules governing the use of City parks and not to create or otherwise establish rules that would extend beyond the purpose of this chapter.

C. It is the specific intent of this chapter to place the obligation of complying with its requirements upon any and all persons using park facilities. This chapter is not intended to impose any duty whatsoever upon the City of Maple Valley, its officers, employees, or agents. The implementation or enforcement of this chapter by the City shall be discretionary and not mandatory.

D. Nothing contained in this chapter is intended to be, nor shall be, construed to create or to form the basis for any liability on the part of the City of Maple Valley, its officers, employees, or agents. (Ord. O-03-242 § 1; Ord. O-03-232 § 1).

7.05.020 Definitions.

As used in this chapter, the following terms shall have the meanings indicated, unless every context clearly requires otherwise:

A. “Alcoholic beverage” includes the four varieties of liquor defined as alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all other intoxicating beverages, and every liquor, solid, or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and all

preparations or mixtures capable of being consumed by humans. Any liquor, semisolid, solid or other substance that contains more than one percent alcohol by weight shall be conclusively deemed intoxicating.

B. "Camping" means the use of park land or other publicly owned property for living accommodation purposes including but not limited to any of the following:

1. Sleeping activities;
2. Making preparations to sleep;
3. Laying down of bedding for the purpose of sleeping;
4. Storing personal belongings;
5. Erecting any tent, tarpaulin, shelter, or other structure that would permit one to sleep overnight;
6. Using a motor vehicle for the purposes of sleeping.

C. "City park" means all City-owned or operated any parks and any improved or unimproved trails or open spaces, golf courses, beaches, playgrounds, shelters, restrooms, indoor facilities, athletic fields and parking lots, within the boundary of a City-owned or operated park..that is owned and maintained by the City of Maple Valley.

D. "Firearm" means ~~firearm in its many forms, and as that term is defined in RCW 9.41.010.~~ "Electronic cigarette" or "e-cigarette" means an electronic device usually composed of a mouthpiece, a heating element or atomizer, a battery, and electronic circuits that provide a gas derived from liquid nicotine and/or other substances which is inhaled by the user simulating smoking. The term includes such devices, regardless of the details of the product appearance or marketed name, generally manufactured to resemble cigarettes, cigars, pipes, or other smoking devices.

E. ~~"Fireworks" means any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and which meets the definition of articles pyrotechnic or consumer fireworks or display fireworks, and as those terms are defined in RCW 70.77.126.~~ "Liquid nicotine" means any liquid product composed either in whole or in part of nicotine, propylene glycol and/or other similar substances and manufactured for use with e-cigarettes or other devices to be converted into a gas for inhaling.

F. ~~"Guardian" means a parent, legal guardian, an adult with custody, or temporary guardian who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of 18 years. "Person" means all persons, groups, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or as an agent, servant, or employee.~~

G. ~~"Person" means all persons, groups, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or as an agent, servant, or employee. "Smoke" or "smoking" means the carrying or smoking of any kind of:~~

1. Lighted pipe, cigar, cigarette, or other lighted smoking equipment.

2. An electronic cigarette or e-cigarette, or other device that results in the discharge of a gas derived from liquid nicotine

H. ~~“Special Use Permit” means a City authorization for the use of City parks that impose conditions on the permittee in addition to those conditions imposed on the general public.~~ “Special Event Application” means an application processed by the City’s Parks and Recreation Department authorizing the use of City parks that impose conditions on the applicant in addition to those conditions imposed on the general public.

7.05.030 Hours of operation.

City parks shall be open daily from dawn to one hour after dusk, unless posted otherwise. Signs indicating the hours of operation shall be posted in each park. It is unlawful to remain in a City park after the posted closing time, except when in designated areas at Lake Wilderness Park in conjunction with the rental of the park facility, or a portion thereof, when engaged in activities described in the Lake Wilderness Annual Calendar of Events and/or approved by a Special Use Permit Event Application. (Ord. O-03-242 § 1; Ord. O-03-232 § 1).

7.05.035 Adhering to Rules.

All persons using designated park areas shall obey all posted rules and/or the instructions of lifeguards, facility managers, or other City staff.

7.05.040 No alcohol.

It is unlawful to possess or consume alcoholic beverages in City parks except:

A. In designated areas at Lake Wilderness Park and Summit Park, in conjunction with the rental of the park facility, or a portion thereof. Designated areas, however, shall not include picnic shelters. Such requests shall be processed through the Parks Department through the submission of a Special Event Application and shall require the purchase of a Banquet Permit from the Washington State Liquor and Cannabis Board and event insurance, as well as the execution of a hold harmless/indemnification agreement. (Ord. O-19-663 § 1; Ord. O-03-242 § 1; Ord. O-03-232 § 1).

B. At Lake Wilderness Golf Course when such beverages are purchased and consumed within the concessionaires’ licensed premises. All activities shall comply with the Washington State Liquor and Cannabis Board requirements.

7.05.050 No firearms or fireworks.

Repealed by Ord. O-09-384. (Ord. O-03-242 § 1; Ord. O-03-232 § 1). See MVMC Chapter 8.10.

7.05.060 Animal control.

A. Pursuant to Title 11 of the King County Code it is unlawful to allow or permit any domestic animal to run at large in any City park, or to enter into any swimming area, pond or fountain therein. Any animal brought into or kept in a park area shall be on a leash not more than fifteen (15) eight feet in length, except in off leash areas as

designated by the City. All other elements of King County Code Title 11 shall be enforced.

B. Any person with a dog or other pet in his/her possession in a City park shall be responsible for both the conduct of the animal and for the disposal or removal of feces deposited by such animal. The person with the dog or other pet must use the pet mitts provided at the City park to dispose of animal feces or, when pet mitts are not available, must have in his/her possession the equipment for feces removal. (Ord. O-03-242 § 1; Ord. O-03-232 § 1).

7.05.070 No fires.

It is unlawful to build any fires in any City park except in areas designated and set aside for such purpose, unless specifically approved by ~~Special Use Permit~~ Event Application. It is unlawful to use any portable barbecue over 36 inches in length or less than 30 inches in height over a combustible surface unless said surface is protected by a heat shield or fireproof device placed under the barbecue. (Ord. O-03-242 § 1; Ord. O-03-232 § 1).

7.05.080 No camping.

No camping shall be allowed in any City park, except by approval of a Special Event Application ~~permit~~ for a City-sanctioned event or activity. (Ord. O-03-242 § 1; Ord. O-03-232 § 1).

7.05.085 No smoking.

Smoking, as defined by MVMC 7.05.020(G), is prohibited within the boundaries of any City park, except Lake Wilderness Golf Course.

7.05.087 Sales of refreshments.

No person, group, or organization shall sell refreshments or merchandise in a City park except upon approval of a Special Event Application or a concession contract with the City's Parks and Recreation Department.

7.05.090 Penalties – Civil infractions.

A. Civil Infraction. Any person, ~~including a parent or guardian,~~ found ~~guilty of violating any of the provisions of this chapter shall~~ to have committed a civil infraction and shall be assessed a monetary penalty of not to exceed \$250.00.

B. Each violation of this chapter shall be a separate violation. (Ord. O-03-242 § 1; Ord. O-03-232 § 1).

7.05.100 Enforcement.

The City of Maple Valley Police Department shall be responsible for enforcing the provisions of this chapter excepting those violations covered by Title 11 of the King County Code related to animal control. (Ord. O-03-242 § 1; Ord. O-03-232 § 1). The initial method of enforcement shall be a request for voluntary compliance.

7.05.110 Trespass.

Any person who is found guilty of committing a crime on City park property may be trespassed from the City park at which the crime was committed. The crimes to which this provision applies are found in MVMC Title 9.

Section 3. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or section/subsection numbering.

ADOPTED ON MAY 13, 2019 AT A REGULAR BUSINESS MEETING BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY:

MAYOR SEAN P. KELLY

ATTEST/AUTHENTICATED:

CITY CLERK, SHAUNNA LEE-RICE

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY _____

PATRICIA TARADAY

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

Date of Publication: May 17, 2019

Effective Date: May 21, 2019

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