

## Chapter 9.60 PARK RULES

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### **9.60.010 Definitions.**

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Whenever used in this chapter, the following terms shall be defined as follows:

- (1) "Alcoholic beverages" or "liquor" 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. A liquor, semisolid, solid, or other substance that contains more than one percent alcohol by weight is conclusively deemed to be intoxicating.
- (2) "Boat" or "watercraft" means any floating vessel whether propelled or not.
- (3) "Camping" means erecting a tent or shelter or arranging bedding or both for the purpose of remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.
- (4) "Facility" or "facilities" means a park building, park structure, or park area operated by the city.
- (5) "Motor vehicle" means a self-propelled device capable of being moved upon a street and in which persons or property may be transported, and shall include, but shall not be limited to, automobiles, trucks, motorcycles, motor scooters, recreational vehicles, utility vehicles, vans, and jeeps or similar

type four-wheel drive vehicles, but shall exclude motorized wheelchairs.

(6) "Park" is a park, playground, beach, recreation center, or any other area in the city owned or used by the city and devoted to active or passive recreation for the general public.

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

(8) "Trail" means any path or track designed for use by pedestrians, bicycles, or equestrians; and which is not of sufficient width, nor graded or paved with concrete, asphalt, gravel, or similar substance, so designed as to permit its use by standard passenger automobiles, or other right-of-way specifically designated and posted for non-vehicular use. (Ord. 004-15 § 1).

#### **9.60.020 Purpose.**

The parks, playgrounds, activity centers, buildings, and other facilities of the city of Port Orchard are established for public recreation purposes. (Ord. 004-15 § 1).

#### **9.60.030 Hours.**

Unless otherwise posted, parks shall be open to the public every day of the year from dawn to dusk. Any section or part of any park may be declared closed to the public by the director of public works at any time and for any interval of time, either temporarily or at regular times and intervals (daily or otherwise) and either entirely or merely to certain uses, as the director of public works shall find reasonably necessary. (Ord. 004-15 § 1).

#### **9.60.040 Damage to park property.**

It is a violation of this chapter for any person to remove, damage, destroy, mutilate or deface any structure, or any part of any structure, or any fixture therein or attached thereto; or any monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, shrub, tree, fern, plant, flower, lighting system or sprinkling system, or any other property lawfully located within a city park. (Ord. 004-15 § 1).

#### **9.60.050 Soliciting.**

No person shall solicit alms or contributions for any purpose, whether public or private, nor expose or offer for sale any article or thing, nor shall any person station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing, except as authorized by the city council. (Ord. 004-15 § 1).

#### **9.60.060 Animals.**

(1) No animals shall be allowed in any city park other than dogs or cats. It is a violation of this chapter for any person to allow or permit any dog or cat to run at large at any park, or to permit any dog or cat

with or without a leash, except service animals or dogs used by public law enforcement agencies and under control of a law enforcement officer, to enter any public beach, swimming or wading area, pond, fountain, stream or organized athletic areas thereon, except in areas specifically designated by the public works director for the exercising of dogs and cats. Any person with a dog or cat in his possession in any park shall be responsible for both the conduct of the animal and to have removed from the park feces deposited by such animal.

(2) It is a violation of this chapter for any person in any park, in any manner, to tease, annoy, disturb, molest, catch, injure or kill, feed or throw any stone or missile of any kind at, or strike with any stick or weapon any animal, bird or fowl; or to catch any fish or feed any fowl except at those places as may be so designated for the catching of fish or the feeding of fowl by the public works director. (Ord. 004-15 § 1).

#### **9.60.070 Firearms and explosives.**

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It is a violation of this chapter to shoot, fire or explode any firearms, rockets, fireworks or explosive of any kind or to shoot or fire any air gun, bows and arrows, BB gun, or to use any slingshot or other propelling device wherein the applied human energy is artificially aided, directed or added to, in any park, except in recreational areas as may be designated for the activity in question by the public works director and/or law enforcement officials acting in an official capacity. (Ord. 004-15 § 1).

#### **9.60.080 Fires.**

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It is a violation of this chapter for any person to build any fire in any park except in authorized fire pits or park-installed cooking facilities. (Ord. 004-15 § 1).

#### **9.60.090 Signs and billboards.**

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It is a violation of this chapter for any person to use, place or erect any signboard, sign, billboard, bulletin board, post, pole or device of any kind for advertising in any park; or to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, railing, post or structure within any park; or, without the written consent of the director of public works, to place or erect in any park a structure of any kind; provided, that the director of public works may permit the erection of temporary directional signs or decorations on occasions of public celebration and picnics. (Ord. 004-15 § 1).

#### **9.60.100 Drugs, alcohol, and tobacco.**

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(1) It is a violation of this chapter for any person to have possession of or consume any type of intoxicants in a city park with the following exceptions: canned or bottled beer and wine may be consumed by persons 21 years of age or older during group functions authorized by the city of Port Orchard and with a Washington State Liquor Control Board banquet permit. A beer or wine garden, in conjunction with a special event, may be allowed by the city council through special exception only. Use of any controlled substance as defined by Chapter 69.50 RCW is prohibited at all times and

subject to enforcement as provided in Chapters 9.14 and 9.57 POMC.

(2) It is a violation of this chapter to smoke or light a cigar, cigarette, joint, pipe, or other smoking device in a park or in the adjacent parking area. (Ord. 004-15 § 1).

#### **9.60.110 Driving areas and speed limits.**

(1) It is a violation of this chapter for any person to ride or drive any vehicle over or through any park except along and upon roadways or drives open to public vehicular travel. No vehicle travel is allowed on trails, athletic fields or other park grounds.

(2) It is a violation of this chapter to drive any vehicle in a park at a speed in excess of the posted speed limit or in excess of five miles per hour where no speed limit is posted. (Ord. 004-15 § 1).

#### **9.60.120 Waste and garbage disposal.**

It is a violation of this chapter for any person in any manner to place or cause to be placed in the water of any fountain, pond, lake, bay, stream or other body of water in any park or into a storm sewer or drain flowing into such waters any substance, matter or thing which will or may result in pollution of the waters, nor shall any person bring into any park any rubbish, waste, garbage or refuse or leave such anywhere within the park. All waste and garbage generated within a park by picnic or other lawful means shall be placed in proper receptacles where such are provided; where receptacles are not provided, all such waste or garbage shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. (Ord. 004-15 § 1).

#### **9.60.130 Camping.**

It is a violation of this chapter to camp in any park except in places set aside for such purposes and so designated by signs. (Ord. 004-15 § 1).

#### **9.60.140 Watercraft restrictions.**

It is a violation of this chapter to have, keep, or operate any boat, float, raft or other watercraft in or upon any water body within the limits of any park or to launch the same at any point upon the shores thereof bordering upon any park, except at places set apart for such purposes by the city and so designated by signs. (Ord. 004-15 § 1).

#### **9.60.150 Noncompliance and ejection from park.**

It is unlawful to violate or fail to comply with any park rule or regulation duly posted by the director of public works, and the superintendent or any park attendant shall have the authority to eject from a park any person acting in violation of this chapter. (Ord. 004-15 § 1).

#### **9.60.160 Penalty for violations.**

The police department shall have the authority to enforce this chapter. Violations of POMC [9.60.040](#),

[9.60.050](#), [9.60.060](#), [9.60.070](#), [9.60.080](#), and [9.60.090](#); violations of POMC [9.60.100](#) relating to alcohol and tobacco; and POMC [9.60.110](#), [9.60.120](#), [9.60.130](#), [9.60.140](#) and [9.60.150](#) shall be subject to the civil infraction procedures in Chapter 7.80 RCW, and be subject to the monetary penalties for a class 3 civil infraction as provided in RCW 7.80.120(1)(c). Violations of POMC [9.60.100](#) relating any controlled substance as defined by Chapter 69.50 RCW is subject to enforcement as provided in Chapters 9.14 and 9.57 POMC. (Ord. 004-15 § 1).