

ORDINANCE NO. 2120

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CARE, CONTROL SUPERVISION AND OPERATION OF CITY PARKS, PUBLIC SQUARES, PARK DRIVES, PARKWAYS, BOULEVARDS, (PARK) GOLF COURSES, PLAY AND RECREATION GROUNDS, SWIMMING POOLS AND BATHING BEACHES; REGULATING THE USE THEREOF, DEFINING OFFENSES AND PROVIDING PENALTIES.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. This Ordinance may be cited as the park code of conduct for the City of Kirkland.

Section 2. This Ordinance is hereby declared to be an exercise of the Police power of the City of Kirkland for the public peace, health, safety and welfare and its provisions are to be liberally construed.

Section 3. If any part, provision or section of this Ordinance is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

Section 4. DEFINITIONS: The terms herein used unless clearly contrary to or inconsistent with the context in which used shall be construed as follows:

A. PARK BOARD means the board of park commissioners as established and created by Ordinance No. 1007.

B. DIRECTOR means the Director of the Parks and Recreation Department of the City of Kirkland as established by Ordinance No. 1006.

C. PARK means and includes all city parks, public squares, public drives, parkways, boulevards, golf courses, park museums, zoos, pools, bathing beaches and play and recreation grounds under the management and control of the Park and Recreation Department.

D. Wherever consistent with the context of this Ordinance, words in the present, past or future tenses shall be construed to be interchangeable with each other and words in the singular number shall be construed to include the plural.

Section 5. POSTING SIGNS, POSTERS AND NOTICES:

It shall be unlawful for any person, without prior written permission of the director, to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, railing, post or structure within any park; provided that the director may permit the erection of temporary directional signs or decorations on occasions of public celebration and picnics.

It shall be unlawful for any person, without prior written permission of the director, 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 place or erect in any park a permanent or temporary structure of any kind; provided, that before granting any such permit, the director shall establish general rules and regulations pertaining hereto, including provisions pertaining to removal, protection of the City Park Department and its employees, protection of the interests of the general public, and of persons using said park.

Section 6. INJURY TO PARK PROPERTY UNLAWFUL:

It shall be unlawful for any person to remove, 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 any park.

Section 7. ANIMALS AT LARGE PROHIBITED:

It shall be unlawful for any person to allow or permit any animal owned by him or within his possession or under his control, to run at large in any park or enter any lake, pond, pool, fountain or stream located therein.

Section 8. FIREARMS AND EXPLOSIVES:

It shall be unlawful to shoot, fire or explode any firearms, fire works, firecracker, torpedo or explosive of any kind or to carry any firearm or to shoot or fire any air gun, bows and arrows, B.B. gun, or use any slingshot or other propelling device wherein the applied human energy or force is artificially aided, directed or added to in any park, except in such designated recreational areas as may by the Department of Park and Recreation be developed and provided for such activities.

Section 9. TEASING, ANNOYING OR INJURING ANIMALS PROHIBITED:

It shall be unlawful for any person in any park, in any manner to tease, annoy, disturb, molest, catch, injure or kill or to 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 director.

Section 10. CERTAIN VOCATIONS PROHIBITED:

It is unlawful to take up collections, or to act as or ply the vocation of a solicitor, agent, peddler, fakir, mendicant, beggar, strolling musician, organ grinder, exhorter, barker, showman, or boot-blacks; or without first obtaining a written permit from the Director thereto to operate or use any metal detectors or loudspeaker in any park.

Section 11. SELLING REFRESHMENTS OR MERCHANDISE OR DISTRIBUTING LITERATURE

It shall be unlawful to sell refreshments or merchandise in any park without first entering into a concession contract according to the rules and regulations of the Park and Recreation Department therefor with the City of Kirkland. It shall further be unlawful for any person to distribute literature of any kind in any park within the City of Kirkland without first obtaining a written permit to do so from the Director. The Director shall establish pursuant to Ordinance No. 1006 and Section 23 of this Ordinance, rules and regulations relating to the issuance of such permit which may prohibit the distribution of literature of a purely "commercial advertising nature" and shall require the deposit with the City of Kirkland of a "litter" clean-up deposit in an amount to be determined by the Director prior to the issuance of any such written permit.

Section 12. WATER CRAFT:

It shall be unlawful for any person to have, keep or operate any boat, float, raft or other water craft in or upon any bay, lake, slough, river, or creek, within the limits of any park, or to land the same at any point upon the shores thereof bordering upon any park, except at such places as shall be set apart for such purposes by the Director and so designated by signs.

Section 13. EMERGENCY AID BY WATER CRAFT:

It shall be unlawful for any person to land or dock a boat at any swimming dock or float, nor shall any boat be allowed within a swimming area except in an emergency involving rescue or life saving.

Section 14. RIDING VEHICLES AND ANIMALS IN PARKS

It shall be unlawful for any person to ride or drive any vehicle or animal over or through any park except along and upon the park drive parkways, park boulevards, and bicycle paths, or at a speed in excess of the posted speed limit or in excess of 15 miles per hour where no speed limit is so posted or to stand or park any vehicle in any park except in areas designated for such purpose by the Director and so posted by signs, or to stand or park any vehicle between the hours of 11:00 P.M. and 7:00 A.M. of the following day except in such areas as may be designated for such purpose by the Director and so posted by signs.

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Section 15. CAMPING AREAS:

It shall be unlawful for any person or group of persons to "camp out" in any park except at places set aside for such purposes by the Director and so designated by signs.

Section 16. PRACTICING AND PLAYING GAMES IN PARKS

It shall be unlawful for any person 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 missile except at places set apart and developed for such purposes by the Department of Park and Recreation and so designated by the Director.

Section 17. DEPOSITING REFUSE AND LITTER:

It shall be unlawful for any person to throw any refuse, litter, broken glass, crockery, nails, shrubbery, trimmings, junk or advertising matter in any park or to deposit any waste or abandoned material therein except in designated receptacles.

Section 18. TESTING VEHICLES IN PARKS PROHIBITED:

It is unlawful to operate any motor vehicle or motorcycle for the purpose of testing it, or ascertaining its fitness for service, along or upon any park drive, parkway or park boulevard.

Section 19. PERMIT FOR ASSEMBLIES REQUIRED:

It shall be unlawful for any person to hold, sponsor, or participate in any organized assembly without first giving to the Director, notice thereof and obtaining therefrom, his written permit to do so. Such notice shall be given at least 72 hours prior to the date established for such assembly. Pursuant to Ordinance No. 1006 and Section 23 of this Ordinance, the Director is hereby ordered to establish forthwith such rules and regulations pertaining to the issuance of assembly permits as shall permit the fullest peaceful utilization of the parks by all of the general public (including such persons attending such assemblies and such other persons utilizing said park, but not in attendance at such assembly) as shall be reasonably possible and consistent with the health, safety, and general welfare. In this connection, and in addition to the conduct requirements of this ordinance, such rules and regulations may require the deposit of "cleanup" undertakings, the furnishing of waste and sanitary conveniences and effective plans for traffic and crowd control and management.

Section 20. RACES PROHIBITED IN PARKS:

It shall be unlawful for any person in any park to engage in conduct or hold any trials or competitions for speed, endurance or hill climbing involving any vehicle, boat, aircraft or animal, except

at specified places and times designated for such activities by the director upon his determination that:

A. Adequate provision has been made to insure that the health and safety of participants in and spectators of any such activities will not be subject to undue hazard;

B. Such activities will be conducted in such a manner as to minimize potential damage to public or private property;

C. Such activities will not constitute a public nuisance, and

D. Such activities will not unduly interfere with the use of park facilities by the general public.

Section 21. BUILDING OF FIRES IN PARKS:

It shall be unlawful for any person to build any fire in any park except in such areas as may be designated by the director and such designation is clearly defined by signs posted in such area.

Section 22. INTOXICATING LIQUORS AND DRUGS PROHIBITED:

It shall be unlawful for any person to bring into any park or consume by mouth, inhalation or injection, while in any park, any intoxicating liquor, narcotic or dangerous drugs or to consume by any such method any material or substance (such as glue, for example) capable of producing a state of intoxication or euphoria. Provided, however, that this section shall not be applied to any person consuming a drug obtained by such person by lawful prescription and taken pursuant to the medical direction of a licensed physician.

Section 23. ADOPTION OF RULES AND REGULATIONS BY THE DIRECTOR:

The director shall have the power, pursuant to Ordinance No. 1006, to promulgate and adopt reasonable rules and regulations pertaining to the operation, management and use of the parks, and shall post the same in conspicuous places in the parks. Such rules and regulations shall include a procedure for granting blanket permits encompassing any particulars of this ordinance to locally and nationally recognized organizations or associations. Such rules and regulations may include the establishment of hours during which any park or portion thereof as designated by signs located within said designated portion, shall be closed to the general public; such closures may be for reasons of public safety, welfare and convenience, or for reasons of park maintenance. It shall be unlawful for any person to violate or fail to comply with any park rule or regulation duly adopted and posted by the Department.

Section 24. AIDING AND ABETTING VIOLATIONS:

Any person participating in a violation of any provision of this Ordinance whether directly committing the act or omitting to do the thing constituting the offense or who aids or abets the same, and whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit such offense, shall be proceeded against and prosecuted as such.

Section 25. PENALTY FOR VIOLATIONS:

Violation of or failure to comply with any of the provisions of this Ordinance shall subject the offender to a fine in an amount not to exceed \$500 or to imprisonment in the City Jail for a term not to exceed 180 days or to both such fine and imprisonment.

Section 26. This Ordinance shall be in force and take effect 5 days from and after its passage by the Council and publication as required by law.

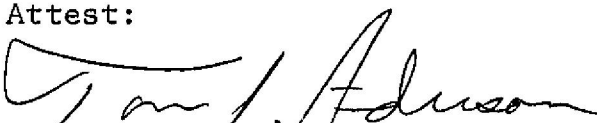
PASSED by the City Council of the City of Kirkland on the 2nd day of November, 1970.

SIGNED in authentication thereof on the 2nd day of November, 1970.



Mayor

Attest:



Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:



City Attorney