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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4480

AN ORDINANCE regarding parks and recreation facilities; amending Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.020, .030, .040, .050, .070, .080, .100, .130, .140, .190, .210, .220, .250, .260, .270, .280, .290, .300, .320, .330, and .335; and repealing Bellevue City Code Section 3.43.120.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 (part) of Ordinance No. 4071, and Bellevue City Code Section 3.43.020 are hereby amended to read as follows:

3.43.020 Definitions.

Unless clearly inconsistent with the context in which used, the following definitions shall apply under this chapter:

1. "Director" means the director of the Parks and Recreation Department and authorized agents of the director.

2. "Park" means all parks and bodies of water contained therein, squares, plazas, trails, golf courses, museums, beaches, playgrounds, playfields, botanical gardens, greenbelts and other park, recreation and open space areas, buildings and facilities comprising the parks and recreation system of the City under the management and control of the City Manager or his or her designee.

3. "Recreation program" means any program or activity conducted, sponsored or assisted by the Parks and Recreation Department, whether or not it occurs in a park.

4. "Department" means the Parks and Recreation Department of the City of Bellevue.

5. "Non-motorized watercraft" means those floating devices which are designed to support or help support a person or persons in water and which may or may not be propelled by the use of oars, paddles or sails.

6. "Inflatable, non-motorized watercraft" means those non-motorized watercraft which have two or more inflatable chambers and are propelled by two or more oars.

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7. "Motorized watercraft" means those floating devices which are designed to be propelled by the use of internal combustion engines or electric motors. Inflatable, motorized watercraft may be included in this definition if they are propelled by the use of internal combustion engines or electric motors.

8. "Non-motorized cycle or similar device" means any wheeled, operator-propelled equipment which transports the operator on land, except wheelchairs. Non-motorized cycle or similar device includes, but is not limited to, unicycles, skateboards, bicycles, tricycles, quadcycles and scooters.

9. "Swimming season" means the period of time, as designated by the City Manager or his or her designee, from approximately mid-June to the first week in September, when lifeguards are on daily duty at park swimming beaches.

10. "Non-swimming season" means that portion of the year which has not been designated as the swimming season.

Section 2. Section 1 (part) of Ordinance No. 4071, and Bellevue City Code Section 3.43.030 are hereby amended to read as follows:

3.43.030 Rulemaking.

The City Manager or his or her designee has the power to enforce the provisions of this chapter. The City Manager or his or her designee may adopt, amend and rescind rules and regulations consistent with the chapter in order to manage and control the park and recreation system of the city, including rules that:

- A. Clarify, interpret or apply this chapter;
- B. Regulate the use of parks;
- C. Regulate conduct in parks;
- D. Designate restricted areas in parks;
- E. Regulate recreational programs;
- F. Establish times for opening and closing of particular parks or parks facilities to public use and/or for entry of use by motor vehicles.

Section 3. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.040 are hereby amended to read as follows:

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3.43.040 Overnight Camping.

It is unlawful to camp overnight in any park, except at places set aside and posted for such purposes by the City Manager or his or her designee, or by permit issued by the City Manager or his or her designee.

Section 4. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.050 are hereby amended to read as follows:

3.43.050 Fireworks.

It is unlawful to possess and/or use fireworks in any park, except by permit issued by the City Manager or his or her designee.

Section 5. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.070 are hereby amended to read as follows:

3.43.070 Game Refuge, Sanctuary or Reserve - Disturbance of Wildlife.

It is unlawful to enter any area in a park designated and posted by the City Manager or his or her designee as a game refuge, sanctuary or reserve; or to molest or disturb wildlife or the nest or breeding place of any wildlife located therein.

Section 6. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.080 are hereby amended to read as follows:

3.43.080 Capturing or Striking Wildlife Prohibited.

It is unlawful in any park in any manner to capture, strike, kill or harass, or to attempt to capture, strike, kill or harass, any wildlife, with any stick, weapon or other device or thing or throw or otherwise propel a missile or object at or in the vicinity of any such wildlife, except that the City Manager or his or her designee may approve the capture of wildlife for research or relocation purposes.

Section 7. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.100 are hereby amended to read as follows:

3.43.100 Trespassing.

It is unlawful for any person except an authorized city employee in the performance of his/her duties, or other person duly authorized pursuant to law, to enter or go upon any area which has been designated and posted by the City Manager or his or her designee as a

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"No Admittance" or "No Trespassing" area, or during any time during which the area is posted as being closed to the public.

Section 8. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.120 is hereby repealed.

Section 9. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.130 are hereby amended to read as follows:

3.43.130 Dogs and Pets - Prohibited Areas.

It is unlawful for any person to permit any dog or other pet in any area in a park designated and posted by the City Manager or his or her designee as a game refuge, sanctuary or reserve, or to permit such dog or other pet to molest or disturb wildlife therein or the nest or breeding place of any such wildlife, or to permit any dog or other pet to enter any other area which the City Manager or his or her designee has posted as a place prohibited to animals.

Section 10. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.140 are hereby amended to read as follows:

3.43.140 Removal of Animal Feces.

Any person with a dog or pet in his or her possession in any park shall be responsible for the conduct of the animal, shall carry equipment for removing feces and shall collect and place any feces deposited by any such dog or pet in any appropriate receptacle. It shall be unlawful for any person to fail to so collect and place any feces deposited by a dog or pet in his or her possession.

Section 11. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.190 are hereby amended to read as follows:

3.43.190 Commercial Watercraft Prohibited.

It is unlawful to use marine areas and marine facilities for commercial purposes or for commercial watercraft to use such areas or facilities, except where done pursuant to permit issued by the City Manager or his or her designee. For purposes of this section, "commercial watercraft" means watercraft used for any commercial purpose but shall not include a watercraft operated under a concession lease with the city.

Section 12. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.210 are hereby amended to read as follows:

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3.43.210 Overnight Moorage Prohibited.

It is unlawful for any person to moor a watercraft overnight in any park, except by permit of the City Manager or his or her designee.

Section 13. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.220 are hereby amended to read as follows:

3.43.220 Speed limits - Distance limitations.

It is unlawful for any person to operate any watercraft at speeds in excess of seven knots within 300 feet of any swimming area, dock or park shoreline; or to approach closer than 100 feet of any such swimming area, dock or park shoreline, except for an emergency threatening life or property; or in areas designated by the City Manager or his or her designee, or as necessary to access the property of the operator of the watercraft.

Section 14. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.250 are hereby amended to read as follows:

3.43.250 Alcoholic Beverages Prohibited.

It is unlawful for any person to use or possess any alcoholic beverage in a park, including unopened alcoholic beverage containers, provided this prohibition shall not apply to organized groups which have secured a permit from the City Manager or his or her designee and, if required, from the State Liquor Control Board.

Section 15. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.260 are hereby amended to read as follows:

3.43.260 Sound Amplification Equipment Prohibited.

It is unlawful for any person to use, operate, or play or permit to be used, operated or played in any park, any radio, tape player, television, musical instrument, record player or any other machine or device producing or reproducing sound at a volume that is audible at a distance of over thirty feet therefrom, except pursuant to a permit issued by the City Manager or his or her designee.

Section 16. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.270 are hereby amended to read as follows:

3.43.270 Posting Signs, Posters and Notices.

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It is unlawful for any person to post or attach any sign, poster or notice or any other device of any kind for advertising in any park, except if authorized by the City Manager or his or her designee.

Section 17. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.280 are hereby amended to read as follows:

3.43.280 Soliciting.

It is unlawful for any person to solicit, sell or peddle any goods, services, wares, merchandise, liquids or edibles for human consumption in any park, except by permit issued by the City Manager or his or her designee.

Section 18. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.290 are hereby amended to read as follows:

3.43.290 Sale of Merchandise, Food or Services - Permit Required.

It is unlawful for any person to sell or attempt to sell any merchandise, food or services in any park, except pursuant to a permit issued by the City Manager or his or her designee.

Section 19. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.300 are hereby amended to read as follows:

3.43.300 Operation of Motorized Models Prohibited.

It is unlawful for any person to operate any motorized model car, aircraft, rocket or watercraft in any park, except as authorized by the City Manager or his or her designee.

Section 20. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.320 are hereby amended to read as follows:

3.43.320 Expulsion From Parks.

- A. The City Manager or his or her designee may order the expulsion of any person from any park for a period of one to seven days if he or she observes such person:
1. Using abusive or disruptive language or engaging in conduct which disrupts a park facility or program.
 2. Directing racially offensive remarks at another person.
 3. Using tobacco products in an unauthorized area or facility.

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4. Causing injury or risk of injury to another person or persons.
 5. Causing damage or risk of damage to City property.
 6. Violating any provision of this chapter of the Bellevue City Code.
- B. The City Manager or his or her designee may order the expulsion of any person from any park for a period of seven days to one year if such person:
1. Has been expelled from the park two or more times in any thirty-day period.
 2. Caused injury to another person.
 3. Sells, possesses or uses illegal drugs or alcohol.
 4. Possesses or uses any weapon.
 5. Commits more than one violation of this chapter in any thirty-day period.
- C. Any order of expulsion under this section shall be in writing and shall be sent by certified mail to the person expelled at his or her last known address.
- D. Any person who enters a park during a period during which he or she has been expelled under subsection A or B of this action is guilty of a misdemeanor.

Section 21. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.330 are hereby amended to read as follows:

3.43.330 Closing Times.

It is unlawful to be in a park after closing time. Unless another closing time has been established for a particular park by the City Manager or his or her designee, parks shall close one-half hour after sunset and reopen one-half hour before sunrise, provided the Downtown Park shall close at eleven p.m. and reopen one-half hour before sunrise. This section does not apply to scheduled Parks Department events or to dedicated roads and sidewalks used for transportation which are not designated as closed.

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Section 22. Section 1 (part) of Ordinance No. 4071 and Bellevue City Code Section 3.43.335 are hereby amended to read as follows:

3.43.335 Trees and Vegetation - City Property.

- A. It shall be unlawful for any person to clear, cut, damage or remove any tree or vegetation located on property owned or leased by the city without the express written permission of the City Manager or his or her designee.
- B. for purposes of this section, "tree" and "vegetation" shall have the meaning set forth in Sections 23.76.010(62) and (65) of this code, respectively. Violations of this section is a civil violation under Chapter 1.18 of this code, subject to penalties set forth in Section 1.18.045 of this code.

Section 23. This ordinance shall take effect and be in force five (5) days after its passage and legal publication.

PASSED by the City Council this 25th day of January, 1993, and signed in authentication of its passage this 25th day of January, 1993.

(SEAL)



Cary Bozeman, Mayor

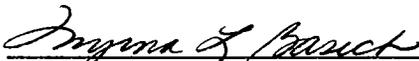
Approved as to form:

Richard L. Andrews, City Attorney



Lori Molander, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

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