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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4071

AN ORDINANCE adopting a Parks and Recreation Facilities Code; repealing Bellevue City Code Chapter 3.44; and adopting a new Bellevue City Code Chapter 3.43.

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

Section 1. There is hereby adopted a Parks and Recreation Facilities Code, to be designated Bellevue City Code Chapter 3.43 and to provide as follows:

Chapter 3.43 Parks and Recreation Facilities Code

3.43.010 Police Power.

This chapter is declared to be an exercise of the police power of the City; its provisions shall be liberally construed for the preservation and protection of the natural environment, public peace, health, safety, and welfare.

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 Director.
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

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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.
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 Director, 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.

3.43.030 Authority of the Director - Rulemaking.

The Director shall have the power to enforce the provisions of this chapter. The Director may adopt, amend and rescind rules and regulations consistent with this chapter in order to manage and control the park and recreation system of the City, including rules that:

1. Clarify, interpret or apply this chapter;
2. Regulate the use of parks;
3. Regulate conduct in parks;
4. Designate restricted areas in parks;
5. Regulate recreational programs;
6. Establish times for opening and closing of particular parks or park facilities to public use and/or for entry or use by motor vehicles.

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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 Director, or by permit issued by the Director.

3.43.050 Fireworks.

It is unlawful to possess and/or use fireworks in any park, except by permit issued by the Director.

3.43.060 Littering.

It is unlawful to throw or deposit any refuse or other material in any park, except in designated receptacles, or to take garbage or refuse to a park for the disposal in the park, or to deposit garbage or refuse generated outside a park within the park.

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 Director as a game refuge, sanctuary, or reserve; or to molest or disturb wildlife or the nest or breeding place of any wildlife located therein.

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 Director may approve the capture of wildlife for research or relocation purposes.

3.43.090 Feeding of Animals.

It is unlawful for any person to leave, place or distribute foodstuffs of any kind or nature in any park, with an intent to feed farm animals or wildlife, provided this section shall not apply to the feeding of farm animals or wildlife by Parks Department personnel.

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 Director as a "No Admittance" or "No Trespassing" area, or

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during any time during which the park is posted as being closed to the public.

3.43.110 Removal or Destruction of Property

It is unlawful for any person, except an authorized employee of the City to remove, destroy, mutilate or deface any park property, structure, facility or station.

3.43.120 Firearms and Other Weapons.

It is unlawful for any person to possess or carry any firearm or other weapon, including but not limited to, air guns, illegal knives, bow and arrows, and slingshots in any park, except for a duly authorized law enforcement officer.

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 Director 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 Director has posted as a place prohibited to animals.

3.43.135 Dogs and Pets - Prohibited on Certain Beaches

It is unlawful for any person to permit any dog or pet to be in the following beach parks or water recreation areas from June 1 through September 15:

Chesterfield Beach Park
Chism Beach Park
Clyde Beach Park
Enatai Beach Park
Meydenbauer Beach Park
Newcastle Beach Park
West Tributary of Kelsey Creek, Kelsey Creek Community Park

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 such dog or pet in an appropriate receptacle. It shall be unlawful for any person to fail to so collect and deposit any feces deposited by a dog or pet in his or her possession

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3.43.145 Animals Running at Large Prohibited

It is unlawful for any person to allow or permit any dog or other pet to run at large in any park, except dogs used by a public law enforcement officer, provided that, except in areas in which animals are prohibited, dogs or other pets are permitted in a park if on a leash not greater than six feet in length, or otherwise securely caged or securely restrained from running free.

3.43.150 Disturbances by Animals.

It is unlawful for any person to permit any dog or other pet, whether on or off a leash, to disturb or harass any park users, farm animals, wildlife or other pets.

3.43.160 Motor Vehicles.

It is unlawful to ride, propel, drive or direct any motorized vehicle over or through any park (except along and upon designated park streets, drives and parkways), or on any street, drive or parkway which is designated as being closed to vehicular traffic.

3.43.170 Speed Limit.

It is unlawful to ride, propel, drive or direct any motorized vehicle over any street, drive or parkway in any park in excess of 15 mph when no speed limit is posted, or in excess of any posted speed limit.

3.43.180 Parking of Motor Vehicles.

It is unlawful to leave a vehicle unattended in any park or parking lot through which access is controlled by a gate from one half hour after sunset to one half hour before sunrise, or to leave a vehicle unattended in any park or parking lot through which access is not controlled through a gate between the hours of 2 a.m. and 6 a.m., provided this section shall not apply to persons attending scheduled events and activities or have obtained a permit from the Director. Such unattended vehicles may be impounded by the City.

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 Director. 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.

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3.43.200 Landing, Launching, Docking and Use of Watercraft - Prohibited.

It is unlawful for any person to land, launch, dock or use any watercraft in or at any swimming area, dock, pier, float or shoreline within the limits of a park, except for such areas specifically designated for such use by watercraft, provided watercraft may use the following areas as indicated below:

1. Non-motorized watercraft may be launched and landed at the following parks during the times indicated:

Chesterfield Beach Park	Non swimming season
Meidenbauer Beach Park	Non swimming season
Chism Beach Park	Non swimming season
Clyde Beach Park	All year, in designated areas only
Burrows Landing	All year, in designated areas only
Enatai Beach Park	All year, in designated areas only
Newcastle Beach Park	All year, in designated areas only

2. Motorized and non-motorized watercraft may be launched and landed at the following parks during the times specified:

40th Street Boat Launch	All year, in designated areas only
Sweylocken Boat Launch	All year, in designated areas only

3. Watercraft may not be launched from or landed at the following:

Robinsglen Nature Park	All year
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4. This section shall not apply to watercraft used for rescue, lifesaving, law enforcement, park maintenance or city sponsored activities.

5. In the event of conflict, provisions of the Harbor Code, Bellevue City Code Chapter 12.04, shall have control over this Code.

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 Director.

3.43.220 Speed Limits - Distance Limitations

It is unlawful for any person to operate any watercraft at speeds in excess of 7 knots within 300 feet of any swimming area, dock or park

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shoreline; or to approach closer than 100 feet to any such swimming area, dock or park shoreline, except for an emergency threatening life or property; or in areas designated by the Director, or as necessary to access the property of the operator of the watercraft.

3.43.230 Larson Lake - All Watercraft Prohibited.

It is unlawful for any person to use or operate any watercraft of any kind, including any floating device, non-motorized watercraft or motorized watercraft, on the waters of Larson Lake.

3.43.240 Fires.

It is unlawful for any person to set or maintain any fire in a park, except in designated facilities or in self-contained stoves.

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 Director and, if required, from the State Liquor Control Board.

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 30 feet therefrom, except pursuant to a permit issued by the Director.

3.43.270 Posting Signs, Posters and Notices.

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 Director.

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 Director.

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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 Director.

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 Director.

3.43.310 Use of Non Motorized Vehicles - Prohibited in Certain
Areas.

It is unlawful for any person to ride a bicycle or other similar device in any area which is posted as closed to such vehicles.

3.43.320 Expulsion From Parks.

- A. The Director or his or her authorized agent 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.
 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 Director or his authorized agent may order the expulsion of any persons 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 .

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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 last known address.
- D. Any person who enters a park during a period during which he has been expelled under subsection A or B above is guilty of a misdemeanor.

3.43.14.330 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 Director, parks shall close one-half hour after sunset and reopen one-half hour before sunrise, provided the Downtown Park shall close at 11:00 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.

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.
- B. For purposes of this section, "tree" and "vegetation" shall have the meaning set forth in Bellevue City Code 23.76.010(62) and (65) respectively. Violation of this section is a civil violation under Bellevue City Code Chapter 1.18, subject to penalties set forth in Bellevue City Code 1.18.045.

Section 2. Misdemeanor. Any person violating any provision of this Chapter is guilty of a misdemeanor.

Section 3. Bellevue City Code Chapter 3.44 is repealed.

Section 4. This ordinance shall take effect and be in force thirty days after final passage by the City Council

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PASSED by the City Council this 23rd day of October, 1989,
and signed in authentication of its passage this 23rd day
of October 1989.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Andrews
Richard L. Andrews, City Attorney

Attest:

Marie K. O'Connell
Marie K. O'Connell, City Clerk

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