

**ORDINANCE NO. 2021-14**

**AN ORDINANCE OF THE TOWN OF EATONVILLE,  
WASHINGTON, AMENDING EATONVILLE MUNICIPAL  
CODE CHAPTER 12.20 “PARKS”**

**WHEREAS**, from time to time it is necessary and appropriate for the Town Council to consider amendments to the Eatonville Municipal Code (EMC); and

**WHEREAS**, Town staff have prepared amendments to EMC Chapter 12.20 “Parks,” as set forth in the attached Exhibit A, to address certain issues that were not considered in 2008 when the Parks Code was last updated; and

**WHEREAS**, the proposed amendments were reviewed by the Parks & Recreation Committee on October 27th and the Public Safety Committee on November 2<sup>nd</sup>, and both committees recommend adoption; and

**WHEREAS**, the proposed amendments to EMC Chapter 12.20 “Parks” are in the public interest and will promote the public health and safety; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS  
FOLLOWS:**

**Section 1.** Eatonville Municipal Code Chapter 12.20 “Parks” is hereby amended as set forth in Exhibit A, a copy of which is attached hereto and incorporated by this reference.

**Section 2.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 3.** This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 11/22/2021

2ND READING: 12/13/2021

PASSED by the Town Council of the Town of Eatonville and attested by the Town Clerk in authentication of such passage this 13<sup>th</sup> day of December, 2021.

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Mike Schaub  
Mayor

ATTEST:

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Miranda Doll  
Town Clerk

APPROVED AS TO FORM:

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Gregory A. Jacoby  
Town Attorney

**EXHIBIT A****Chapter 12.20  
PARKS**

## Sections:

- 12.20.010 Definitions.**
- 12.20.020 Permits – Assemblies, speeches, entertainment, etc.**
- 12.20.030 Permits – Generally.**
- 12.20.035 Permits – Rental agreement required.**
- 12.20.040 Abnormal noise.**
- 12.20.050 Disorder forbidden.**
- 12.20.055 Profanity prohibited.**
- 12.20.060 Intoxicating liquors.**
- 12.20.062 Marijuana use prohibited.**
- 12.20.065 Skateboarding, inline skating, bicycle use.**
- 12.20.070 Selling, advertising, soliciting.**
- 12.20.075 Structures and signs.**
- 12.20.080 Damage or removal of plants prohibited.**
- 12.20.090 Disposal of trash.**
- 12.20.100 Animal control.**
- 12.20.110 Damage by animals.**
- 12.20.120 Firearms, fireworks.**
- 12.20.130 Hours.**
- 12.20.140 Smoking and use of electronic cigarettes prohibited.**
- 12.20.150 Unauthorized vehicles.**
- 12.20.160 Violations – Penalty.**

**12.20.010 Definitions.**

The terms used in this chapter, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

“Electronic cigarettes” means any device that employs a battery or other mechanism to heat a solution or substance, including but not limited to concentrated nicotine, to produce a vapor or aerosol intended for inhalation.

“Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

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“Marijuana-infused products” means products that contain marijuana or marijuana extracts, have a THC concentration greater than 0.3 percent, and are intended for human use.

“mayor” means the mayor or his or her designee.

“Off-leash area” means an area where licensed dogs excluding dangerous dogs as listed in EMC [6.30.240](#) may be allowed to be accompanied by their owner in town parks without being tethered to a leash.

“On-leash area” means an area of town parks where all pets must be kept on a leash no longer than eight feet in length at all times.

“Park” means and includes all parks, squares, drives, parkways, boulevards, rivers, playgrounds, and recreation areas of the town. The term also includes any area, indoor or outdoor, within a park.

“Person” shall have the same meaning as RCW [1.16.080](#).

Whenever consistent with the context of this chapter, 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. (Ord. 2016-10 § 1, 2016; Ord. 2015-17 § 1, 2015; Ord. 2015-09 § 1, 2015; Ord. 2014-16 § 1, 2014; Ord. 2013-06 § 1, 2013; Ord. 2008-20 § 1, 2008; Ord. 88-4 § 1, 1988).

### **12.20.020 Permits – Assemblies, entertainment, etc.**

It is unlawful for any person to conduct, sponsor, or participate in any organized assembly, entertainment, demonstration, or public gathering, in any park without a permit from the Mayor. The procedure for application and consideration of permits for this purpose shall be as follows:

A. Any person desiring a permit under provisions above shall file a written application with the town clerk no later than 30 days before the event. The application shall state the purpose for which the park would be used, the date and time of the proposed use, the area thereof that would be used, the anticipated number of persons who would be present, and such other information reasonably relating to the contemplated use as the mayor may require; provided, however, the mayor may, for good cause shown, waive the 30 day requirement for filing said application.

B. In reviewing an application under this section, the mayor shall consider the following conditions and standards:

1. The size of the park and any specialized purpose for which it is normally used, and for which specialized facilities have been provided;

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2. The location of the park, its aesthetic character and physical characteristics and the character of the area surrounding it;
3. The anticipated size of the proposed use and assemblage;
4. Policing problems that may arise from the intended use;
5. The effect of the intended use, including consideration of the noise to be expected, upon the adjacent area and its occupants; and
6. Other activities scheduled for the parks at the anticipated time and place.
7. If alcohol will be served that the appropriate license has been obtained and that a site plan has been obtained and approved by police and fire.

C. If, under the conditions set forth in subsection B of this section, the mayor finds after an investigation that the safety, comfort and convenience of the public in the use of the parks, or in the usage of the area adjacent to the park, would be unduly disturbed, the mayor shall deny the application or shall impose restrictions, including issuing a permit for a different day, time, park or park area so as to alleviate such burden. The mayor may approve a permit for use of the park during hours when the park is closed. Consideration by the mayor shall be completed within one week of receiving a complete application.

D. Permits shall be issued unless otherwise determined to be noncompliant with this or any other chapter of the Eatonville Municipal Code. If a gathering becomes burdensome as outlined in this section, the Town shall have the authority to revoke the permit as the first option in a resolution process.

E. Both permit denials and permit approvals may be appealed to the Town Council. If denied, it may be appealed to the council at the next regularly scheduled meeting of said council after the application is denied. The approval of a permit may be appealed to the Council during any Council meeting. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 2, 1988).

### **12.20.030 Permits – Generally.**

Permit applications shall be submitted to the town clerk unless otherwise provided. The granting or denying of permits shall be based upon the policies and standards set forth in this chapter and the town policies regarding use of the parks. If fees are required by the town for the use of facilities, payment of these fees shall be required before permits shall be issued. All permits issued by the mayor shall be subject to other applicable town ordinances and regulations. The persons to whom such permits are issued shall be bound by said rules, regulations and ordinances as fully as though the same were inserted in such permits. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 3, 1988).

### **12.20.035 Permits – Rental agreement required.**

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Any person issued a permit to conduct or participate in any organized entertainment, demonstration, or public gathering, or make any address, in any park shall also sign a rental agreement as a condition for the license granted by the town for such use. The council may approve the language of a standard rental agreement by resolution. The mayor is authorized to sign such rental agreement on the town's behalf for the use of any park after a permit is issued pursuant to this chapter. (Ord. 2013-06 § 2, 2013).

### **12.20.040 Excessive noise.**

Any excessive noise of mechanical, electrical, or human origin is prohibited. The use of public address systems or other sound-amplifying devices must be approved by specific permit. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 4, 1988).

### **12.20.050 Disorder forbidden.**

It is unlawful for any person to damage or destroy any part or portion, or furniture or fixture, located therein in any manner whatsoever, or to loiter about or push, crowd or otherwise act in a disorderly manner; or to interfere with any attendant in the discharge of his or her duties. It is unlawful for any person to blow, spread or place any nasal or other bodily discharge, or spit, urinate, or defecate on the floors, walls, partitions, furniture, fittings, or on any portion of any public convenience station or in any place in such station, except directly into the particular fixtures provided for that purpose. Nor shall any person place any bottle, can, cloth, rags, or metal, wood or stone substance in any of the plumbing fixtures in any such station. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 5, 1988).

### **12.20.055 Profanity prohibited.**

The use of profanity or obscene language within town parks is prohibited. (Ord. 2008-20 § 1, 2008).

### **12.20.060 Intoxicating liquors.**

The display or consumption of whiskey, wine, beer, or other intoxicating liquors in any park is prohibited. A person is exempt from this section to the extent that his/her actions are in accordance with a specific permit. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 6, 1988).

### **12.20.062 Marijuana use prohibited.**

The display of an open package of marijuana or marijuana-infused products or the consumption thereof is prohibited. (Ord. 2015-17 § 2, 2015).

### **12.20.065 Skateboarding, inline skating, bicycle use.**

Skateboarding shall be prohibited in all parks except for the skateboard park. Bicycle and inline skate use shall be prohibited in all parks except on designated trails, paths, and the skateboard park. (Ord. 2008-20 § 1, 2008).

### **12.20.070 Selling, advertising, soliciting.**

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No person shall sell or offer for sale in any park any goods, refreshments, photographs, or other articles, except duly authorized concessionaires, and those having a specific permit. Advertising by the distribution, carrying, erection, attachment or use of a handbill, sign or device of any kind in any park is prohibited. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 7, 1988).

### **12.20.075 Structures and Signs**

It is unlawful for any person to use, place or erect any placard, notice, sign or device or any kind of advertising in any park, or erect a structure of any kind in any park; provided, however, the mayor may permit the erection of temporary directional signs, decorations, advertising signs or temporary stands and buildings on occasions of group or public meetings, organized athletic events, or special events specifically designated by the mayor or his or her designee.

### **12.20.080 Damage or removal of plants prohibited.**

Unauthorized cutting, removal or destruction of any turf, tree, plant, shrub or flower on park property is prohibited. While inside any park, having in one's possession any newly plucked branch, tree, flower, plant or shrub without specific permission shall be presumptive evidence of such cutting, removal or destruction. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 8, 1988).

### **12.20.090 Disposal of trash.**

No person shall deliberately break glass in any park, or throw or leave litter on the grass, walks, roads, benches or pools; or distribute any circulars, cards, or other written or printed matter in any park. Bottles, cans, papers, foods, rags, or trash of any kind shall be placed in receptacles provided for that purpose. Dumping garbage or trash on town property is prohibited. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 9, 1988).

### **12.20.100 Animal control.**

A. Off-Leash Areas. Smallwood Park has been designated as an off-leash dog park. Dog owners shall be responsible for both the conduct of their animal and for removing from the park feces deposited by such animal. Dog owners shall have a leash on their person at all times while their dog is not on a leash.

B. On-Leash Areas. All parks except those listed in subsection A of this section are on-leash areas. Dogs and cats must be on a leash no longer than eight feet, or else secure inside a vehicle. Any person with a dog or other pet in his possession in any on-leash park shall be responsible for both the conduct of the animal and for removing from the park feces deposited by such animal. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 10, 1988).

### **12.20.110 Damage by animals.**

Owners of dogs or other animals damaging or destroying park property will be held liable for the full value of the property damaged or destroyed in addition to impounding fees and the penalty imposed for violation of these provisions. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 11, 1988).

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### **12.20.120 Firearms, fireworks.**

It is unlawful to shoot, fire or explode any firearms, fireworks or explosions of any kind in any park. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 12, 1988).

### **12.20.130 Hours.**

Eatonville parks shall open and close in accordance with the following schedule unless otherwise permitted by the town council or mayor or his/her designee:

A. Skateboard park: shall be open at 5:00 a.m. and close at dusk.

B. Community center: as authorized by lease or arrangement with the mayor or his/her designee.

C. All other parks: shall be open at 5:00 a.m. and close at dusk.

D. "Dusk" means the time one-half hour after sunset as published by the National Weather Service (Ord. 2017-07 § 2, 2017; Ord. 2014-04 § 1, 2014; Ord. 2008-20 § 1, 2008; Ord. 88-4 § 13, 1988).

E. Penalty for this portion of the code will be a misdemeanor.

### **12.20.140 Smoking and use of electronic cigarettes prohibited.**

The use of electronic cigarettes, tobacco or any smoking products in any town park is prohibited. Violators shall be deemed to have committed a Class 3 civil infraction and subject to a maximum monetary penalty of \$50.00. The chief of police is authorized to erect "no smoking or use of electronic cigarettes \$50.00 fine" signs at prominent locations in each town park. The mayor may designate temporary smoking areas in town parks for special events. (Ord. 2015-09 § 2, 2015; Ord. 2014-05 § 4, 2014; Ord. 2008-20 § 1, 2008; Ord. 2007-20, 2007).

### **12.20.150 Unauthorized vehicles.**

No vehicles shall drive or park outside of designated roads, driveways, or parking lots in town parks without expressed authorization from the mayor or his/her designee. (Ord. 2008-20 § 1, 2008).

### **12.20.160 Violations – Penalty.**

Violations of this chapter shall subject the person committing the violation to the abatement remedies set forth herein, as well as the following, unless otherwise noted in this chapter:

A. The first offense under this chapter shall be considered a class 2 civil infraction, punishable pursuant to Chapter [1.12](#) EMC;

B. The second offense under this chapter shall be considered a class 1 civil infraction, punishable pursuant to Chapter [1.12](#) EMC; and

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C. The third offense, and any subsequent offense thereafter, shall be considered a misdemeanor. (Ord. 2017-07 § 1, 2017; Ord. 2015-17 § 3, 2015; Ord. 2008-20 § 1, 2008).

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### Chapter 12.20 PARKS

Sections:

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B. In reviewing an application under this section, the mayor shall consider the following conditions and standards:

1. The size of the park and any specialized purpose for which it is normally used, and for which specialized facilities have been provided;

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2. The location of the park, its aesthetic character and physical characteristics and the character of the area surrounding it;
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5. The effect of the intended use, including consideration of the noise to be expected, upon the adjacent area and its occupants; and
6. Other activities scheduled for the parks at the anticipated time and place.
7. If alcohol will be served that the appropriate license has been obtained and that a site plan has been obtained and approved by police and fire.

C. If, under the conditions set forth in subsection B of this section, the mayor finds after an investigation that the safety, comfort and convenience of the public in the use of the parks, or in the usage of the area adjacent to the park, would be unduly disturbed, the mayor ~~may shall~~ deny the application or ~~may shall~~ impose restrictions, ~~including issuing upon the permit or may issue~~ a permit for a different day, time, park or park area so as to alleviate such burden. The mayor may approve a permit for use of the park during hours when the park is closed. Consideration by the mayor shall be completed within one week of receiving a complete application. ~~If denied, it may be appealed to the council at the next regularly scheduled meeting of said council after the application is denied.~~

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### **12.20.035 Permits – Rental agreement required.**

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**EXHIBIT A**

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**12.20.080 Damage or removal of plants prohibited.**

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**12.20.090 Disposal of trash.**

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**12.20.100 Animal control.**

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**12.20.110 Damage by animals.**

Owners of dogs or other animals damaging or destroying park property will be held liable for the full value of the property damaged or destroyed in addition to impounding fees and the penalty imposed for violation of these provisions. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 11, 1988).

**EXHIBIT A****12.20.120 Firearms, fireworks.**

It is unlawful to shoot, fire or explode any firearms, fireworks or explosions of any kind in any park. (Ord. 2008-20 § 1, 2008; Ord. 88-4 § 12, 1988).

**12.20.130 Hours.**

Eatonville parks shall open and close in accordance with the following schedule unless otherwise permitted by the town council or mayor or his/her designee:

- A. Skateboard park: shall be open at ~~85~~:00 a.m. and close at dusk.
- B. Community center: as authorized by lease or arrangement with the mayor or his/her designee.
- C. All other parks: shall be open at 5:00 a.m. and close at dusk.
- D. "Dusk" means the time one-half hour after sunset as published by the National Weather Service (Ord. 2017-07 § 2, 2017; Ord. 2014-04 § 1, 2014; Ord. 2008-20 § 1, 2008; Ord. 88-4 § 13, 1988).
- E. Penalty for this portion of the code will be a misdemeanor.

**12.20.140 Smoking and use of electronic cigarettes prohibited.**

The use of electronic cigarettes, tobacco or any smoking products in any town park is prohibited. Violators shall be deemed to have committed a Class 3 civil infraction and subject to a maximum monetary penalty of \$50.00. The chief of police is authorized to erect "no smoking or use of electronic cigarettes \$50.00 fine" signs at prominent locations in each town park. The mayor may designate temporary smoking areas in town parks for special events. (Ord. 2015-09 § 2, 2015; Ord. 2014-05 § 4, 2014; Ord. 2008-20 § 1, 2008; Ord. 2007-20, 2007).

**12.20.150 Unauthorized vehicles.**

No vehicles shall drive or park outside of designated roads, driveways, or parking lots in town parks without expressed authorization from the mayor or his/her designee. (Ord. 2008-20 § 1, 2008).

**12.20.160 Violations – Penalty.**

Violations of this chapter shall subject the person committing the violation to the abatement remedies set forth herein, as well as the following, unless otherwise noted in this chapter:

- A. The first offense under this chapter shall be considered a class 2 civil infraction, punishable pursuant to Chapter [1.12](#) EMC;
- B. The second offense under this chapter shall be considered a class 1 civil infraction, punishable pursuant to Chapter [1.12](#) EMC; and

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C. The third offense, and any subsequent offense thereafter, shall be considered a misdemeanor. (Ord. 2017-07 § 1, 2017; Ord. 2015-17 § 3, 2015; Ord. 2008-20 § 1, 2008).