



**CITY OF EDGEWOOD
COUNCIL STUDY SESSION AGENDA**

Tues., October 29, 2019 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Pledge of Allegiance & Roll Call

2. EXECUTIVE SESSION

Executive Session to discuss potential litigation, as authorized by RCW 42.30.110(1)(i)

3. COUNCIL BUSINESS

- A.  Parks and Recreation Advisory Board Interviews
- B.  Planning Commission Interviews
- C.  **Review/Discussion** - Ordinance – Parks Code
- D. **Review/Discussion (no material)** - 2020 Labor Model and Preliminary Budget

4. OTHER COUNCIL ITEMS

5. ADJOURN

Study Sessions are meetings for Council to review upcoming and pertinent business of the City, no action is taken by the City Council. Study Sessions are open to the public, but public input is reserved for the regular Council meetings



City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Interviews: Parks and Recreation Advisory Board	Agenda Item #:	3A
	For Agenda of:	October 29, 2019
	Prepared by:	Jeremy Metzler
ATTACHMENTS (list): ☒ Current PRAB Membership Roster		
Review of Materials:		
Mayor, Daryl Eidinger	☐	Expenditure Required: \$0
Asst. City Administrator, Dave Gray	☐	Amount Budgeted: \$0
Ann Marie Soto, Interim City Attorney	☐	Appropriation Required: \$0
City Clerk, Rachel Pitzel	☒	Timeline: N/A
Community Development Director, Darren Groth	☐	
Public Works, Jeremy Metzler	☒	
Police Chief, Micah Lundborg	☐	
Fiscal Note/Consideration: N/A		
SUMMARY STATEMENT: In accordance with Section 2.31.020 of the Edgewood Municipal Code (EMC), appointment to the Parks and Recreation Advisory Board (aka PRAB) shall follow the City Council Rules of Procedures, which require applications and interviews for each applicant. The City Council shall interview candidates in a panel format, with all candidates participating in the interview session concurrently. The Mayor shall call on each Council Member to ask questions. Upon completing the interviews, each Council Member will announce their candidate rankings and the City Clerk shall tally the rankings. The rankings shall be provided to the Council and shall be used by the Mayor for consideration in the appointment process. At the Mayor's discretion, the appointment process may take place at a regularly scheduled Council meeting or a special Council meeting following the interview session. The Mayor shall appoint or reappoint and the Council shall confirm or deny the appointments proposed by the Mayor. At this time, we have received three new applicants for the one currently vacant position.		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A		
RECOMMENDED ACTION: Receive a briefing, hold a discussion, conduct interview, and make a recommendation to the Mayor regarding the candidates seeking appointment to PRAB position 2. ALTERNATIVES TO RECOMMENDED ACTION: Forward to future study session for further discussion.		



CITY OF EDGEWOOD
PARKS AND RECREATION ADVISORY BOARD
CURRENT ROSTER

Revised September 2019

Brian Levenhagen, Chair

Chair Term ends 9/30/2020

Position 1 – *Term ending September 30, 2021*

VACANT

Position 2 – *Term ending September 30, 2021*

Bill Hilton

Position 3 – *Term ending September 30, 2021*

Caitlyn Remington

Position 4 – *Term ending September 30, 2020*

Jeff Southard

Vice Chair – Term ending September 30, 2020

Position 5 – *Term ending September 30, 2020*

Linda Howard

Position 6 – *Term ending September 30, 2020*

Anne Percival

Position 7 – *Term ending September 30, 2020*



City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Interviews - Planning Commission		Agenda Item #:		3B
		For Agenda of:		October 29, 2019
		Prepared by:		Darren Groth
ATTACHMENTS (list): ☒ Current Planning Commission Membership Roster				
Review of Materials:				
Mayor, Daryl Eidinger	☐	Expenditure Required:	\$0	
Asst. City Administrator, Dave Gray	☐	Amount Budgeted:	\$0	
Ann Marie Soto, Interim City Attorney	☐	Appropriation Required:	\$0	
City Clerk, Rachel Pitzel	☒	Timeline: N/A		
Comm. & Econ. Development Director, Darren Groth	☒			
Public Works, Jeremy Metzler	☐			
Police Chief, Micah Lundborg	☐			
Fiscal Note/Consideration: N/A				
SUMMARY STATEMENT: In accordance with Section 2.30.020 of the Edgewood Municipal Code (EMC), appointment to the Planning Commission shall follow the City Council Rules of Procedures, which require applications and interviews for each applicant. The City Council shall interview candidates in a panel format, with all candidates participating in the interview session concurrently. The Mayor shall call on each Council Member to ask questions. Upon completing the interviews, each Council Member will announce their candidate rankings and the City Clerk shall tally the rankings. The rankings shall be provided to the Council and shall be used by the Mayor for consideration in the appointment process. At the Mayor's discretion, the appointment process may take place at a regularly scheduled Council meeting or a special Council meeting following the interview session. The Mayor shall appoint or reappoint and the Council shall confirm or deny the appointments proposed by the Mayor. At this time, we have received one applicant for the one currently vacant position.				
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A				
RECOMMENDED ACTION: Receive a briefing, hold a discussion, conduct interview, and make a recommendation to the Mayor regarding the candidates seeking appointment to Planning Commission Position 3. ALTERNATIVES TO RECOMMENDED ACTION: Forward to future study session for further discussion.				



**CITY OF EDGEWOOD
PLANNING COMMISSION
CURRENT MEMBERSHIP ROSTER**

10/29/2019

POSITION 1

Carly Guillory

cguillory@cityofedgewood.org

Term ending June 30, 2020

POSITION 2

JoAnn Overfield, Vice-Chair

joverfield@cityofedgewood.org

Term ending June 30, 2020

POSITION 3

Vacant

@cityofedgewood.org

Term ending June 30, 2020

POSITION 4

Sarah Wagner

swagner@cityofedgewood.org

Term ending June 30, 2021

POSITION 5

Jason Ramirez

jramirez@cityofedgewood.org

Term ending June 30, 2021

POSITION 6

Allison Pincas

apincas@cityofedgewood.org

Term ending June 30, 2021

POSITION 1

Karla Slate

kslate@cityofedgewood.org

Term ending June 30, 2021



City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Ordinance - Parks Code		Agenda Item #:		3C
		For Agenda of:		October 29, 2019
		Prepared by:		Jeremy Metzler
ATTACHMENTS (list): ☒ Draft Ordinance ☒ Sample ejection / trespass / prohibition of entry code excerpts				
Approval of Materials:				
Mayor, Daryl Eidinger	☐	Expenditure Required:	\$0	
Asst. City Administrator, Dave Gray	☐	Amount Budgeted:	\$0	
Ann Marie Soto, Interim City Attorney	☒	Appropriation Required:	\$0	
City Clerk, Rachel Pitzel	☐	Timeline:		
Community Development Director, Darren Groth	☐			
Public Works, Jeremy Metzler	☒			
Police Chief, Micah Lundborg	☒			
Fiscal Note/Consideration: N/A				
SUMMARY STATEMENT: The City offers many parks and recreation facilities for use by its residents and citizens, which requires the need to regulate the use of such resources in order to protect the natural environment and the general public's health, safety and welfare. The City previously regulated use of City parks through adoption of Pierce County's parks and recreations systems code in 1998. However, since that time the City has discovered the need to adopt additional, City-specific regulations that address the unique nature of the City's facilities. The draft ordinance and regulations are attached. In response to Council comments received on 10/15: - Marijuana use in public is already prohibited under the RCWs and EMC Title 8, so no additional reference was added here. - Language has been added to EMC 12.10.050(M) to ensure coordination with Title 6, Animal Control. - EMC 12.10.060(A) prohibits all overnight parking, including RV's by definition. - EMC 12.10.070 prohibits park occupation outside normal park hours, which inherently addresses camping. - EMC 12.10.080(A) has been revised to eliminate a circular reference. - Typos were found and corrected in EMC 12.10.080(B). Finally, a question was raised regarding conditions for ejection from a City park property. Staff offers the two attached samples from other local agencies for consideration and incorporation into the draft Parks Code.				
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: The Parks and Recreation Advisory Board reviewed the draft regulations and recommends approval from Council.				
RECOMMENDED ACTION: Hold a discussion and provide staff direction for repeal and reenactment of Chapter 12.10, "Park Regulations," to the Edgewood Municipal Code.				

ORDINANCE NO. 19-0XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO CITY PARK REGULATIONS; REPEALING AND REENACTING CHAPTER 12.10 OF THE EDGEWOOD MUNICIPAL CODE ENTITLED “PARK REGULATIONS”; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City offers many parks and recreation facilities for use by its residents and citizens; and

WHEREAS, on June 23, 1998, the City Council passed Ordinance 98-0106, which adopted Pierce County’s parks and recreations systems code, by reference, to be enforced within the City of Edgewood; and

WHEREAS, the City has found that additional, City-specific regulations are necessary to protect the City’s valuable park resources while also protecting the general public’s safety, health and welfare at these facilities; and

WHEREAS, the Parks and Recreation Advisory Board (“PRAB”) reviewed draft regulations on June 6, 2019, and recommended bringing forward the new regulations to the City Council; and

WHEREAS, on October 3, 2019, the PRAB considered additional amendments to the regulations made by City staff and recommended adoption of the new regulations to the City Council; and

WHEREAS, the Council considered this Ordinance during its October 15, 2019 and October 29, 2019, study sessions; and

WHEREAS, the Council considered this Ordinance during its regular City Council meeting of November 12~~October 22~~, 2019;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. EMC Chapter 12.10 (Park Regulations) Repealed and Reenacted. Edgewood Municipal Code Chapter 12.10, entitled “Park Regulations,” is hereby repealed and reenacted as set forth in Exhibit A attached hereto and by this reference fully incorporated herein.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

ADOPTED THIS ~~22ND~~-12TH day of ~~OCTOBER~~NOVEMBER, 2019.

Daryl Eidinger, Mayor

ATTEST:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

Ann Marie Soto, Interim City Attorney

Exhibit A

CHAPTER 12.10 PARK REGULATIONS

Sections:

- 12.10.010 Title.**
- 12.10.020 Liberal Construction.**
- 12.10.030 Established.**
- 12.10.040 Definitions.**
- 12.10.050 Prohibited Activities.**
- 12.10.060 Regulation of Vehicles.**
- 12.10.070 Park Hours.**
- 12.10.080 Violation – Penalty.**

12.10.010 Title.

This Chapter shall constitute the Park Code of Edgewood and may be cited as such. Conduct in all public parks shall be subject to all the general regulations of this Code and not exclusively to the provisions of this Chapter.

12.10.020 Liberal Construction.

This Chapter is an exercise of the police power of the State of Washington, and of the City of Edgewood, for the public peace, health, safety and welfare, and its provisions shall be liberally construed.

12.10.030 Established.

There is established in the City of Edgewood a park and playground system for public recreational purposes. The Public Works Director or designee shall coordinate and direct the City park and playground system.

12.10.040 Definitions.

The terms used in this Chapter, unless clearly contrary to or inconsistent with the context in which used, shall be:

- A. "Aircraft" shall mean any machine designed to travel through the air, whether heavier or lighter than air, airplane, dirigible, balloon, helicopter, etc. The term "aircraft" shall not include paraglider or remote-controlled aircraft.
- B. "Animal" means any nonhuman mammal, bird, waterfowl, reptile, or amphibian.

- C. "Department" means the City of Edgewood Public Works Department.
- D. "Director" means the City of Edgewood Public Works Director or designee.
- E. "Drones" refers to all types of unmanned aircraft systems (UAS) as defined by the Federal Aviation Administration (FAA) and includes any aircraft that is operated without the possibility of direct human intervention from within or on the aircraft and associated elements.
- F. "Facilities" means any equipment, building, structure, roadway, trail, path, or area operated by the City of Edgewood Public Works Department.
- G. "Geocache" shall mean geocaches, letterboxes, and related activities. Geocaching is an outdoor treasure hunting game in which participants (called "geocachers") use a Global Positioning System receiver or other navigational techniques to hide and seek containers (called "geocaches" or "caches").
- H. "Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of non-rigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.
- I. "Park" means and includes all parks, squares, drives, community centers, recreation centers, meridians, trails, linear corridors, parkways, boulevards, boat-launching ramps, beaches, playfields, and recreation areas and facilities comprising the parks and recreation system of the City and under the management and control of the Department.
- J. "Permit" means any and all permits, licenses, or approvals required by federal or state law, or required by City Ordinance or the Public Works Department.
- K. "Person" means all natural persons, firms, partnerships, entities, corporations, clubs and all associations or combination of persons whenever acting for themselves or through an agent, servant or employee.
- L. "Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.
- M. "Pet" means a tamed or domesticated animal legally retained by a person and kept as a companion. "Pet" does not include livestock raised for commercial purposes. See RCW 9.08.065.
- N. "Recreational Vehicle" means a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus or any similar type vehicle which contains sleeping and/or housekeeping accommodations.
- O. "Remote controlled Aircraft" means non-peopled model aircraft and other unmanned aircraft systems, including those commonly known as "drones" that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a handheld radio-controlled transmitter.
- P. "Trail" means:

1. Any way identified as a "trail" or "path" at paved or graded prepared entrance points; or
 2. Any way that is not marked as a parking area or highway as defined in Title [46](#) RCW; or
 3. Any way not of sufficient width or grading to permit its safe use by standard passenger automobiles moving in both directions simultaneously along its entire length.
- Q. "Vehicle" includes every device capable of being moved upon a public highway or City street and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway or City street. For the purposes of this chapter, this includes recreational vehicles, motorized foot scooters, electric personal assistive mobility devices, snowmobiles and other non-licensed vehicles.
- R. "Vessel" means any watercraft used or capable of being used as a means of transportation on the water.
- S. "Watercraft" means any floating device, powered by internal combustion engine, wind or human power, capable of traveling on or under water.
- T. "Wildlife" means all species of animal that exist in a wild state. See RCW 77.08.010.

12.10.050 Prohibited Activities.

The following activities are unlawful within City parks:

- A. *Designated Activity Areas.* Unless within an area designated with appropriate signage, no person shall:
1. Skateboard, In-Line Skate, or Sailboard; or
 2. Operate a motorized foot scooter, or any other unlicensed motorized vehicle; or
 3. Launch watercraft from any shoreline; or
 4. Moor or secure any watercraft or vessel. If said watercraft or vessel impedes the launching or recovering of other vessels or is moored / secured between the hours of sunset to sunrise, it may be subject to immediate removal at the registered owner's expense.
- B. *Wildlife.* No person shall:
1. intentionally feed, attract or artificially sustain wildlife; or
 2. in any manner tease, annoy, disturb, molest, catch, injure or kill, or throw any stone or missile of any kind at, or strike with any stick or weapon, any animal; or
 3. allow his/her pet to pursue, harass, attack or kill wildlife; or
 4. give, offer or attempt to give to any animal any tobacco, drink or other article known to be noxious to animals.

- C. *Destruction of and Interference with Park Property.* No person shall:
1. cut, remove, damage, destroy, mutilate, mark, or deface any turf, tree, plant, shrub, flower, structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, utility system, irrigation system, facilities, or other property;
 2. use, place, or erect any signboard, sign, billboard, bulletin board, post, pole or device of any kind;
 3. attach any notice, bill, poster, sign, wire, rod or card to any tree, shrub, railing, post or structure; or
 4. erect a structure of any kind; or
 5. jump from any bridge or trestle.
- D. *Trash, Litter or Waste.* No person shall:
1. leave, deposit, drop or scatter bottles, broken glass, ashes, wastepaper, cans or other rubbish except in a garbage can or other receptacle designated for such purposes;
 2. deposit any household or commercial garbage, refuse, waste or rubbish which is brought from any private property in any garbage can or other receptacle designated for such purpose;
 3. drain or dump refuse or waste from any vehicle except in designated disposal areas or receptacles; or
 4. blow, spread, or place any nasal or other bodily discharge, or spit, urinate, or defecate on the floors, walls, partitions, furniture, fittings, or any portion of any park or facility, except directly into the particular fixtures provided for that purpose.
- E. *Pollution.* No person shall pollute or in any way contaminate by dumping or otherwise depositing therein any waste or refuse of any nature, kind or description, including human waste or bodily waste, in any stream, river, lake or other body of water running in, through or adjacent to any park;
- F. *Cleaning articles, fish, animals, or vehicles.* No person shall:
1. wash any clothing or other articles for personal or household use; or
 2. clean fish or other food; or
 3. clean or wash any dog or other animal; or
 4. clean or wash any vehicle.
- G. *Fireworks.* No person shall possess, discharge, set off or cause to be discharged in or into any park, any firecracker, torpedo, rocket, firework, explosive or other substance harmful to the life or safety of persons or property. Legal fireworks as part of a permitted function which are licensed and in compliance with State regulations may be discharged in a manner meeting all safety requirements if handled by a licensed professional and authorized by the Director;

- H. *Guns and other Weapons.* No person shall:
1. Discharge across, in or into any park a firearm, air or gas weapon, or any device capable of jeopardizing, injuring or killing any person or animal or damaging or destroying any public or private property; or
 2. Display, discharge or propel across, in or into any City park area, a bow and arrow, spear, spear gun, harpoon, or air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property; or
 3. Participate or engage in archery, paint balling or survival games in any City park.
- I. *Noise.* No person shall make any public disturbance noise, or public nuisance noise as defined in Chapter 8.72 Pierce County Code;
- J. *Disturbances.* Disorderly conduct, as defined in RCW 9A.84.030, or conduct with the intent to obstruct pedestrian or vehicular traffic, or which otherwise impedes or disturbs Park personnel in the performance of their duties or which impedes or disturbs the general public in the use and enjoyment of the Park areas, is prohibited. Acts authorized as an exercise of one's constitutional rights to picket or to legally protest, and acts authorized by a permit issued by the City shall not constitute obstruction of pedestrian or vehicular traffic.
- K. *Playing Games under certain circumstances.* No person shall:
1. Play games and conduct general horseplay on crowded swimming beaches in a manner which endangers the safety of the public or Park, or which unreasonably disturbs the general public in the use and enjoyment of the Park areas; or
 2. Practice or play golf, baseball, cricket, lacrosse, polo, archery, hockey, tennis or other games of like character or to hurl or propel any missile except at places designated for such purposes by the Director or designee and only in a manner which does not endanger the safety of the public or Park, or unreasonably disturb the general public in the use and enjoyment of the Park areas; or
 3. Place Geocaches in any City park.
- L. *Alcohol, Intoxication.* No person shall possess, display or open and/or consume alcoholic beverages, or be intoxicated while in, remaining in or loitering about any City Park.
- M. *Pets.* Title 6 of the Edgewood Municipal Code shall apply to animals in City parks in addition to the following regulations. In the event of any conflicts between Title 6 and this Chapter, the more restrictive provision shall apply. No person shall bring or allow a pet or animal into a City park unless all of the following conditions are met:
1. All pets or animals must be kept under physical control, on a leash no greater than eight feet in length, or otherwise physically restrained, at all times.
 2. Pets and animals shall not be allowed to dig or otherwise disturb or damage the natural or cultural features. Owners of pets or other animals that damage or destroy 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.

3. No person shall allow their pet or animal to bite or in any way molest or unreasonably annoy other park visitors. No person shall permit their pet or animal to act in a manner which unreasonably disturbs the peace and tranquility of the park.
 4. Any person bringing in a pet or animal to a park area shall have in their possession the equipment necessary to remove their animal's fecal matter, contain the feces in an appropriate container or sack, and dispose of the feces in a solid waste container.
 5. Pets and animals are not permitted on any designated swimming beach or in any public building unless authorized by the Director or designee; provided, that this Section shall not apply to guide or service animals.
 6. No horses shall be permitted in any park except where designated and posted to specifically permit such activity, unless authorized by the Director or designee.
 7. No person shall ride any horse or other animal in such a manner that might endanger life or limb of any person or animal, and no person shall allow a horse or other animal to stand unattended or insecurely tied.
- N. *Fire.* Except in designated park areas, permanently installed barbeques or grills, all fires are prohibited, including portable units using flammable materials.
- O. *Ice.* No person shall go out onto ice in or from any park. This includes ice on lakes, ponds, wetlands, streams, rivers, and other natural bodies of standing water.
- P. *Other.* Unless otherwise authorized pursuant to a valid permit, license or other government approval, no person shall do the following within any City park:
1. fly aircraft, drones, model aircraft, model rockets, or hot air balloons; or
 2. parachute, hang-glide, or parasail; or
 3. sell refreshments or merchandise, or engage in any other business or occupation; or
 4. hold any organized runs, walks, races, trials, or competitions; or
 5. hold any shows, festivals, fund raisers, carnivals, parades, or similar activities; or
 6. engage in disaster drills; or
 7. knowingly move on a trail other than by human power, horse power, or electronically powered wheelchair, unless otherwise designated. City-owned vehicles and authorized emergency vehicles as defined by RCW 46.04.040 are exempt from this subsection. Movement on the trail for the sole purpose of crossing the trail when such movement is made in the most direct and safe manner possible is exempt from this subsection.

12.10.060 Regulation of Vehicles.

- A. **Parking.** No operator of any vehicle or trailer shall enter any park or park such vehicle or trailer in any park unless the operator is using the area for an authorized designated recreational purpose. It is unlawful to park any vehicle or trailer in any area of a park not designated for parking, or in violation of signs or pavement markings, or where prohibited by signs or pavement markings, except with the permission of the Director or designee. No person shall park, leave standing or abandon a vehicle or trailer in any park after closing time except with

permission from the Director or designee. Any vehicle or trailer found parked in violation of this Section may be cited and/or towed away at the owner's or operator's expense.

- B. **Operation.** No person shall operate any vehicle in any park unless such park facility has been specifically designated and posted for such use. Subject to the provisions of this Chapter, no person shall operate a vehicle within the boundaries of a park except on roads, streets, highways, parking lots or parking areas; provided, that traveling upon such roads, streets, highways, parking lots or parking areas has not been prohibited by proper posting.
- C. **Speed.** No person shall drive a vehicle within any park at a speed greater than 10 mph unless otherwise posted, having due regard for the traffic and the surface and width of the travel way, and in no event at a speed which endangers the safety of persons, property or wildlife.
- D. It is unlawful to enter or leave a park by other than established entrances and exits.
- E. The servicing of vehicles within a park is prohibited, including, but not limited to, oil changes.
- F. It is unlawful to engage in, conduct, or hold any trials or competitions for speed, endurance, or hill climbing involving any vehicle.
- G. Except where specifically amended by this Chapter, all vehicle regulations contained in the Edgewood Municipal Code or the Revised Code of Washington shall apply to all roads, highways, parking lots, or parking areas within City of Edgewood Parks.

12.10.070 Park Hours.

In parks which are controlled by gates or other devices, normal park hours are as posted. No person shall remain in or enter a park outside posted park hours. In other areas, no person shall be present nor shall vehicles be allowed to remain parked in park facilities between one half hour after sunset and sunrise.

12.10.080 Violation – Penalty.

The City adopts the procedure in chapter 7.80 RCW for the enforcement of civil infractions within a City of Edgewood park. The Director or designee and the City of Edgewood Police Department are authorized and directed to enforce the provisions of this Chapter. In addition to the penalties outlined herein, every person failing to comply with any provision of this Chapter, the Edgewood Municipal Code or the Revised Code of Washington while in a City of Edgewood park, shall may be subject to immediate ejection from the park area. The penalties for specific civil infractions and other violations shall be as follows:

Commented [AMS1]: Per our discussion (though trespass/ejection provisions to be added)

A. Violation of ~~any regulation within this Chapter that is not specifically set forth below, including but not limited to~~ EMC 12.10.060 ("Regulation of Vehicles"), is a traffic infraction and shall be punished as a class 4 civil infraction, which is a monetary fine of twenty-five dollars (\$25.00), not including statutory assessments;

B. Violations of EMC 12.10.050(A) (“Designated Activity Areas”); EMC 12.10.050(F) (“Cleaning Articles”), EMC 12.10.050(K) (~~“Playing Games”~~), ~~EMC 12.10.050(N) (“Pets”)~~, EMC 12.10.050(~~ON~~) (“Fire”), EMC 12.10.050(~~PO~~) (“Ice”), and 12.10.070 (“Park Hours”) shall be punished as a class 4 civil infraction, which is a monetary fine of twenty-five dollars (\$25.00), not including statutory assessments;

C. Violations of EMC 12.10.050(B) (“Wildlife”) shall be punished as set forth in chapter 77.15 RCW;

D. A person violating EMC 12.10.050(D) and (E) on Trash, Litter, Waste and Pollution shall be punished as set forth in RCW 70.93.060, which imposes fines and litter clean up restitution.

E. Violations of EMC 12.10.050(I) (“Noise”) shall be punished as set forth in Pierce County Code Section 8.72.130, which provides that the first violation is a class 3 civil infraction under RCW 7.80.120 (\$50.00), the second violation is a class 2 civil infraction under RCW 7.80.120(\$125.00) and the third violation is a class 1 civil infraction under RCW 7.80.120 (\$250.00), (all of these amounts do not include statutory assessments).

F. Violations of EMC 12.10.050(J) (“Disturbances”) and EMC 12.10.050(M) (“Interference with Park Personnel”) shall be punished as a misdemeanor, and upon conviction, shall pay a fine of not more than \$1,000 and/or imprisonment for a term not exceeding 90 days, or by both such fine and imprisonment.

G. Violations of EMC 12.10.050(G) (“Fireworks”) shall be punished as set forth in RCW 70.77.485 and 70.77.488 (gross misdemeanor).

H. Violations of EMC 12.10.050(L) relating to controlled substances under RCW 69.50.401, as provided in RCW 69.50.435(1)(e), shall be punished as set forth in chapter 69.50 RCW.

I. Violations of EMC 12.10.050(H)(a) (“Guns and other Weapons”) shall be as provided in RCW 9.41.230(1)(c), a gross misdemeanor punishable under chapter 9A.20 RCW, although no injury results. If an injury results from a violation of RCW 9.41.230(1), the penalty shall be as provided in the applicable provisions of chapters 9A.32 and 9A.36 RCW.

J. Violations of EMC 12.10.050(M) (“Pets”) shall be enforced by the City’s Animal Control Authority, as designated under Title 6 EMC.

K. Every person who violates any of the provisions of this Chapter not specifically identified in Subsections A through J, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than \$1,000.00 and/or imprisonment for a term not exceeding 90 days, or by both such a fine and imprisonment. In addition, every person failing to comply with any provision of the Edgewood Municipal Code or the Revised Code of Washington while in a City of Edgewood park, shall be subject to immediate ejection from the park area. The Director or designee and the City of Edgewood Police Department are authorized and directed to enforce the provisions of this Chapter.

9.20.230 Ejection of persons.

Persons engaged in acts of conduct that create a substantial risk of causing injury to a person, or substantial harm to property, or who have engaged in the use or possession of intoxicating liquors or dangerous drugs, or who have engaged in conduct which tends to or does disturb the public peace, provoke disorder, or endanger the safety of others, may be ordered by a law enforcement officer having probable cause to believe that such conduct has occurred to leave any city park. No person who has been ordered to leave a park pursuant to this section shall fail or refuse to leave, or return to the park during any period ordered not to do so by an official with appropriate jurisdiction. (Ord. 2840 § 2, 2005).

9.20.240 Disruption of public facilities.

A person is guilty of disruption of a public facility if he or she enters or remains in a public facility and:

- (1) Intentionally interferes with the proper functioning of the public facility by causing a substantial disruption of the public facility or the activities occurring at the public facility; or
- (2) Intentionally interferes with the use of the public facility by other members of the public and such interference is caused while the person is using the public facility in a manner other than that for which the public facility was intended. (Ord. 2840 § 2, 2005).

9.20.250 Trespass – City property.

(1) If the city has reasonable grounds to believe that a person has violated an applicable law or rule while such individual is on or within any city or other publicly owned facility, building, or outdoor area, the city manager or designee may prohibit the person from entering or remaining in or upon the real property of the city of Puyallup by issuing a notice of trespass to the person.

(a) A notice of trespass may be issued regardless of whether the person is charged with a crime or issued a civil infraction.

(b) The authority of those designated by the city manager to issue a notice of trespass shall be limited to the building in which the conduct occurs or the curtilage of the building. Law enforcement is authorized to issue a notice of trespass at any location within the city.

(2) A trespass notice should, to the extent possible, contain the following information:

(a) Name, gender, address, date of birth, physical characteristics, and contact information of the person;

(b) A citation to, or description of, the law or rule that was violated;

- (c) Date and location of violation;
- (d) A summary of the factual basis for issuance of the notice;
- (e) The identity of the person who issued the notice; and
- (f) A summary of the appeal rights.

(3) A trespass notice that is not based on a crime shall be in effect from the date of issuance and shall have a duration of:

of days required?

- (a) Up to 45 calendar days;
- (b) Up to 180 calendar days if the person has been the subject of a prior city-issued notice of trespass within two years; or
- (c) Up to 365 calendar days if the person has been subject of two or more prior city-issued notices of trespass within two years.

(4) A trespass notice that is based on a crime shall be in effect from the date of issuance and shall have a duration of:

- (a) Up to 365 calendar days;
- (b) Up to two years from the date of issuance if the person has been the subject of a prior city-issued notice of trespass within two years; or
- (c) Up to five years if the person has been the subject of two or more prior city-issued notices of trespass within two years.

(5) Notwithstanding the foregoing, the city may modify the effective date or extend the duration of a notice of trespass in order to more effectively protect the health, safety or welfare of persons or property. The reasons on which a modification or extension is based shall be memorialized in writing.

(6) For good cause, the city may terminate or reduce the duration of a notice of trespass.

(7) The city manager or designee or the legal department shall promptly review the notice of trespass to determine if reasonable grounds exist establishing that a rule or law was violated. If it is determined that reasonable grounds do not exist establishing that a rule or law was violated the notice of trespass shall be rescinded, and the restrictions imposed thereby annulled.

(8) Nothing herein precludes a court of competent jurisdiction from ordering a person to refrain from entering or remaining in or upon the real property of the city of Puyallup.

(9) The procedure for contesting a city-issued notice of trespass is as follows:

(a) A person who is issued a notice of trespass may contest the notice by filing a request for a hearing with the Puyallup municipal court within 14 calendar days of issuance of the notice, and/or the date on which the city modifies the effective date of the notice or extends the duration of notice.

(b) It shall be the burden of the city to establish by a preponderance of the evidence that reasonable grounds exist that the contesting person violated an applicable law or rule; or when applicable, that the city modified the effective date or extended the duration of the notice of trespass in order to more effectively protect the health, safety or welfare of persons or property.

(c) Absent issuance of subpoenas pursuant to the Civil Rules for Courts of Limited Jurisdiction, the hearing shall occur by motion and affidavit in accordance with the Civil Rules.

(d) All restrictions contained in the notice shall remain in effect during the appeal process.

(10) Notwithstanding other penalty provisions in this chapter, violations of a city-issued notice of trespass shall be subject to and governed by Chapter 9A.52 RCW. (Ord. 3098 § 1, 2015; Ord. 3036 § 1, 2013).

12.60.180 Disruption of public facilities.

A person is guilty of disruption of a public facility if he or she enters or remains in a public facility and:

- A. Intentionally interferes with the proper functioning of the public facility by causing a substantial disruption of the public facility or the activities occurring at the public facility; or
- B. Intentionally interferes with the use of the public facility by other members of the public and such interference is caused while the person is using the public facility in a manner other than for which the public facility was intended.
- C. A violation of this section is a misdemeanor.

Public facilities are those places, buildings, and areas as set forth in SMC [12.60.020](#) as currently enacted or hereafter amended. (Ord. 2677 § 1 (part), 2019: Ord. 2536 § 2, 2015: Ord. 2480 § 1 (part), 2014: Ord. 2245 § 3, 2007)

12.60.185 Public facility – Criminal activity – Prohibition of entry.

A. The city council finds that, from time to time, the right of the general public to enjoy public facilities provided by the city is infringed upon by persons who engage in criminal conduct at the public facilities or who possess and consume alcohol at the public facilities. The city council further finds that the right of persons who engage in criminal activity at public facilities is outweighed by the right of law abiding citizens to use such facilities without the interference or fear of the criminal activity of others.

B. Whenever a police officer or a judge, commissioner, or judge pro tempore of the Sumner municipal court has probable cause to believe that a person has committed any act set forth in subsection (D) of this section on any public facility as defined in this chapter, that person may be given a written order prohibiting that person from entering the public facility where the act was committed. When issued by a police officer, the order shall remain effective for 45 days; provided, that in the event the person is charged with a crime or infraction that gives rise to the issuance of such order, the order shall remain effective until the person is arraigned for such charge or appears for a hearing for such infraction. In the event the person is charged with a crime or infraction that gives rise to the issuance of the prohibition of entry, the judge, commissioner, or judge pro tempore shall, upon finding probable cause, issue, reissue, or extend the order that shall remain effective for the period in which the court retains jurisdiction over the matter.

C. Whenever a police officer has probable cause to believe that a person is on or has entered a public facility and such person is prohibited from being on or entering the public facility pursuant to this section, the officer may arrest the person for violating the prohibition of entry.

D. An act which may result in the issuance of a written order prohibiting a person from entering a public facility may consist of any of the following when committed in or on the public facility:

1. Any act that qualifies as a felony crime;

2. Any act that qualifies as a gross misdemeanor or misdemeanor crime; excluding traffic offenses except for violations of RCW [46.61.500](#), Reckless driving; RCW [46.61.502](#), Driving under the influence; RCW [46.61.503](#), Driver under 21 consuming alcohol; RCW [46.61.504](#), Physical control of vehicle under the influence; or RCW [46.61.5249](#), Negligent driving – First degree;

3. Any act that qualifies as a violation of RCW [66.44.100](#), Opening or consuming liquor in public place;

4. Any act that qualifies as a violation of RCW [69.50.445](#), Opening or consuming marijuana in a public place;

5. Any act that involves entering an area defined as a public facility in this chapter after the area is closed to the public.

* Applicable Laws

E. In the event that no criminal charges are filed as a result of the activity that leads to the police officer's issuance of the order prohibiting entry, the person prohibited from entering the public facility may request to have the order removed prior to the expiration of the 45-day period. Such request shall be filed with the city attorney's office. Such request shall contain a valid return address or contact information sufficient to enable the court to provide written notice of court dates. Within five days of receipt of the request for hearing, the city attorney's office shall submit a request for hearing to the Sumner municipal court. The court shall set a hearing to be held within 10 days of the date such request for hearing is received by the court from the city's legal department. The city must establish that probable cause exists to believe that the person committed any act set forth in subsection (D) of this section. Proof of probable cause may be established based upon the sworn declaration incorporated by reference in a police officer's report that substantially conforms to the requirements of RCW 9A.72.085 without further evidentiary foundation. The sworn declaration may be supplemented by the testimony of witnesses and the presentation of other evidence. The person against whom the order was issued shall have the opportunity to present evidence and testimony when challenging the order.

F. A person who violates any prohibition of entry issued pursuant to this section shall be guilty of a misdemeanor.

Public facilities are those places, buildings, and areas as set forth in SMC 12.60.020 as currently enacted or hereafter amended. (Ord. 2677 § 1 (part), 2019: Ord. 2480 § 1 (part), 2014: Ord. 2245 § 4, 2007)