

## PARK RULES

### 11.01.010 Purpose.

A. The city council determines it appropriate to set reasonable time, place and manner restrictions for use of parks in order to accommodate and balance a variety of public interests, including protected speech, amenities and spaces for youth, families, the elderly and those with limited abilities.

B. Parks should be open and accessible to enable persons to enjoy these assets.

C. These rules and regulations are designed and intended to accommodate these important public interests: (1) maintaining the use of parks for public enjoyment and other public purposes (temporary events, etc.); (2) maintaining the use of parks for safe, efficient and reasonably unimpeded use and travel by persons who are infirm, elderly or disabled and to accommodate assistance devices such as wheelchairs, walkers, crutches and similar devices; (3) protecting the city's investment in infrastructure, including parks, designed to promote tourism and economic development; (4) assisting cleaning and maintenance of parks; (5) preserving the safety and aesthetic appearance of public places as inviting areas for pedestrians, and avoiding having parks cluttered with different structures; and (6) providing an opportunity for a diversity of activities, views, or opinions.

D. Without reasonable limits, certain activities effectively and unreasonably take over substantial portions of a park and substantially interfere with free, open and broad use by various groups and individuals, and during events, can create safety issues.

E. Having rules in place serves the important function of providing clear standards for what activities can take place in parks and under what conditions so that users may know in advance of any activity what is allowed.

F. These rules provide the opportunity for anyone to obtain an administrative interpretation of these rules if a user is unclear of the standards and requirements and wishes to obtain an interpretation in advance of engaging in any conduct.

G. These rules also provide an opportunity to seek a variance from the application of the rules if the user believes their application causes unnecessary hardship or interference with a person's ability to communicate protected speech.

H. These rules build on and supplement – but do not replace – other rules and regulations that allow specified activity in parks and similar public areas. For example, Pope Marine or Cotton Building Use Regulations (Chapter [11.04](#) PTMC) and Chetzemoka Park Facility Use (Chapter [11.06](#) PTMC). Activities in public or private areas are also subject to the city’s noise ordinance (Chapter [9.09](#) PTMC). Activities in public or private areas can constitute public nuisances under the city’s nuisance code (Chapters [9.08](#) and [9.10](#) PTMC). Activities can be subject to traffic and criminal codes, for example, RCW [9A.84.030](#)(1)(c), which makes intentional obstruction of vehicular or pedestrian traffic without lawful authority a misdemeanor.

I. These rules are also necessary to ensure that persons with disabilities have safe and unimpeded access to and through parks and similar places, and to comply with state and federal disabilities laws.

J. These rules define the legislative balance of placing reasonable limits on protected speech but allowing ample opportunity for persons to engage in protected speech and expression in city parks.

K. These rules are designed to protect the public health, safety, welfare and economic prosperity of the city of Port Townsend. (Ord. 3092 § 1 (Exh. A), 2014).

**11.01.020 Definitions.** 

A. “Busking” means to play music or otherwise perform for voluntary donations on a public space (for example, right-of-way, sidewalk, or park).

B. “Protected speech” means verbal or written communications intended to convey a noncommercial political, religious, philosophical or other similar message to the public, and includes distributing literature, seeking petition signatures, picketing, demonstrating, carrying or displaying signs, billboards, posters and similar messaging, artistic performance, or other activities recognized by the courts as entitled to protection under federal or Washington constitutions.

C. “Public space” means any part of a park or open space that is not privately owned and that is owned, controlled, managed or operated by the city and available for use by the public.

D. “Overuse” means the exercise of dominion or control over or occupation of all or part of a public space. It includes construction, storing, erecting, placing upon, or maintaining, operating any inanimate thing or object in, upon, over, under any public space. “Overuse” does not include the placement of an inanimate object in such a location and for such a limited duration of time that, under the circumstances, no reasonable person could conclude that the public’s right to use or enjoy the public space, in whole or in part, had been or potentially could have been interfered with. For a park, “overuse” does not include a person’s or group of persons’ placement of a picnic basket or blanket or similar objects within a park for

the person's or persons' enjoyment while at the park, since no reasonable persons could conclude that the public's right to use or enjoy the public space, in whole or in part, had been or potentially could have been interfered with by such normal park uses

#### **11.01.030 Rules of conduct.**

Certain park use and activity is allowed pursuant to city regulation and permit (for example, weddings and parties or events permitted by Chapter [11.06](#) PTMC, Chetzemoka Park Facility Use).

The following rules of conduct apply to park use and activity where no city permit or variance has been obtained. These rules apply to all persons using the park, including those engaged in any of the following activities: leafleting and signature gathering, busking, carrying stick-mounted signs, posters, billboards or similar messaging, or other free speech or expressive activity.

A. No person shall treat any person in an aggressive, menacing, threatening or abusive manner that would place a reasonable person in fear for their property or personal safety.

B. Leafleting and signature gathering, busking, carrying stick-mounted signs, posters, billboards or similar messaging, and similar free speech activities shall be done in a manner that does not substantially or unduly interfere with the use of the park for the public, including those with disabilities, or that poses a safety hazard.

C. Persons wishing to carry signs must ensure that the sign meets the following requirements:

1. No sign may be larger than four square feet, and not be wider than 30 inches.
2. A sign may be attached to a stake which is no more than eight feet in length.
3. Signs may only be constructed of lightweight materials such as cloth, paper, cardboard or plastic (but not including metal).

~~D. No person shall use (as "use" is defined in PTMC [11.01.020\(D\)](#)) the park.~~ No person shall overuse any park, as defined in 11.01.020 D.

E. No one shall attach, lean or place any sign or structure on or against any city property without the written permission of the city.

F. No person shall make use of a loudspeaker or megaphone or other electronic sound-amplification device. Radios, amplifiers or portable audio equipment are allowed, so long as the sound is no longer clearly heard by a person with reasonable hearing at a distance of 25 feet from the source of the sound.

G. Without a permit from the city, no person may engage in commercial activity in any park. Commercial activities are activities engaged in for gain, and include but are not limited to: vending, food concessions and advertising. (Ord. 3092 § 1 (Exh. A), 2014).

**11.01.040 Administrative regulations.** 

A. The city manager may adopt administrative regulations that are consistent with and that further or implement the terms and requirements set forth in these rules or the ordinance to which the rules are related. This authority is in recognition that not all situations that constitute a substantial and unreasonable interference with park use or that constitute a safety hazard can be anticipated or covered by an ordinance or set of rules, and there may be situations where the city manager needs to act administratively before the city council can act. The park rules will include this Chapter of the PTMC along with any administrative regulations adopted by the city manager.

Before adopting an administrative regulation, the administrative regulations shall be reviewed with the mayor (or in the mayor's absence, the deputy mayor), city manager and city attorney.

B. Administrative regulations shall be kept on file with the city clerk, and shall be available on request by a member of the public for inspection or copying. (Ord. 3092 § 1 (Exh. A), 2014).

C. The Port Townsend Police Department has the authority to enforce these administrative regulations pursuant to 1.20 of the PTMC.

**11.01.045 Event and temporary use permits.** 

In issuing any event permit or temporary use permits for use of a park or any public space, the city manager (or designee) may establish conditions and restrictions for the event or use that restrict others' use of the area set aside for the event or use. (Ord. 3092 § 1 (Exh. A), 2014).

**11.01.050 Variance.** 

A. Any person may apply in writing to the city manager (or designee) for a variance from the requirements of this chapter and these rules, or any administrative regulations, or event or temporary use permit conditions. The person making the request shall include his or her name, address, and other contact information, provide information reasonably related to the request showing a basis for variance or departure from the requirements and, if the variance relates to free speech or expressive activity, why the speech or expressive activities that are restricted by this chapter or otherwise are not reasonable or sufficient to enable the person to communicate the person's message. The city manager may attach conditions to any variance that are consistent with the purposes of this chapter and these rules. The city manager will strive to provide a written response to the request for variance as soon as possible.

B. Any applicant for a variance may appeal the decision of the city manager by filing a written request to the hearing examiner within five days of the date of the city manager's written decision. The hearing examiner shall issue a decision within five business days of the request. (Ord. 3092 § 1 (Exh. A), 2014).

**11.01.060 Interpretation.** 

A. Any person may apply in writing to the city manager (or designee) for an interpretation of the requirements of these rules or the ordinance to which the rules are related, including, to interpret the scope, intent or meaning of any provision of the chapter or these rules, or any administrative regulations, or event or temporary use permit conditions. The city manager will strive to provide a written response to the request for interpretation as soon as possible.

B. Any applicant for an interpretation of the requirements of these rules or the ordinance to which the rules are related may appeal the decision of the city manager by filing a written request to the hearing examiner within five days of the date of the city manager's written decision. The hearing examiner shall issue a decision within five business days of the request. (Ord. 3092 § 1 (Exh. A), 2014).

**11.01.070 Violations – Park exclusion.** 

*Repealed by Ord. 3182.* (Ord. 3092 § 1 (Exh. A), 2014).

**11.01.080 Trespass.** 

*Repealed by Ord. 3182.* (Ord. 3092 § 1 (Exh. A), 2014).

**11.01.090 Enforcement – Violations.** 

*Repealed by Ord. 3182.* (Ord. 3092 § 1 (Exh. A), 201

**11.02.010 Definitions.** 

“Camp” means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer or camper, for the purpose of or in such a way as will permit remaining overnight.

“Park” means all parks and bodies of water contained therein, trails, beaches, playgrounds, playfields, greenbelts, parking lots, and other park, recreation and open space areas and buildings and facilities comprising the parks and recreation system of the city under the management and control of the public works director. See the Parks, Recreation and Open Space Functional Plan, as amended, for a list of parks and other resources. The public works director will keep an updated list of areas designated since the adoption of the functional plan.

“Vape” or “vaping” means the use of vapor products or the act of inhaling or exhaling the resultant vapor or aerosol from a vapor product as defined by RCW [70.345.010](#)(18). (Ord. 3268 § 1 (Exh. A), 2021; Ord. 2964 § 1, 2008).

**11.02.020 Camping prohibited.** 

It is unlawful to camp in any park; provided, the public works director may issue temporary permits for camping. (Ord. 3268 § 1 (Exh. A), 2021; Ord. 2964 § 1, 2008).

**11.02.025 Smoking and vaping prohibited.** 

It is unlawful to smoke or vape in any city park. (Ord. 3268 § 1 (Exh. A), 2021).

**11.02.030 Penalty.** 

A. Director’s Authority. Whenever the public works director or his or her designee (“director”) determines that a condition exists in violation of this chapter or any standard required to be adhered to by this chapter, or in violation of any permit issued hereunder, he or she is authorized to enforce the provisions of this chapter.

B. Chapter [1.20](#) PTMC Applicable. All violations of any provision of this chapter or incorporated standards, or of any permit or license issued hereunder, are declared nuisances and made subject to the administration and enforcement provisions of Chapter [1.20](#) PTMC, including any amendments, and including but not limited to abatement, criminal penalty, and civil penalty as set forth in Chapter [1.20](#) PTMC, which are incorporated by reference as if set forth herein. (Ord. 3268 § 1 (Exh. A), 2021; Ord. 2964 § 1, 2008).

**11.04.010 Pope Marine and Cotton Building general use regulations.** 

It is the intention of this chapter to maximize the use of the Pope Marine Building and the Cotton Building on a “first-come, first-served” basis, with priority being given to official city government uses. This chapter is also intended to encourage use of the facility by the visual and performing arts, nonprofit organizations, health, wellness, parks programs and individuals and to allow for certain recurring uses of the facility by local organizations.

To ensure that the Pope Marine Building and the Cotton Building are used in a manner consistent with these intentions, the following general use regulations shall be applicable to users of the buildings:

A. City government, organizations, and individuals may reserve the facility up to one year in advance of the proposed date of use. This category includes official government uses and government-sponsored special public events, which in the event of a scheduling conflict shall take priority.

B. Use of the facility for the visual and performing arts is encouraged.

C The facility may be reserved for no more than three consecutive days and for no more than six days per reservation; provided, however, that upon approval by the city manager or by the council as a whole, reservations beyond three consecutive days or for more than six days per reservation may be allowed under such terms and conditions as approved by the city manager or city council.

D The facility is hereby reserved for the use of broad based community events, i.e.the Northwest Maritime Center during the Wooden Boat Festival each September ,and the Race to Alaska Ruckus each June; and the Rhody cake picnic in May each year, provided, however, that this right must be exercised no less than 90 days in advance of each such annual use; and provided further, that the limitations on length of use imposed in subsection C of this section do not apply to such events that impact broad based community involvement. These events will still be subject to applying for a special event permit.

E. The Pope Marine Building may be occupied by no more than 70 people. The Cotton Building may be occupied by no more than 99 people. The party reserving the facility shall be financially liable for any and all damages to the facility, any fines imposed for excess occupancy of the facility, and for any cleaning or other charge which may be levied for failure to leave the facility as clean or cleaner than when the use pursuant to the reservation commenced.

F. The city manager, in consultation with the Park, Recreation, Trees and Trails Advisory Board, and per PTMC 11.01.040 is hereby authorized to develop additional rules and regulations regarding the facility. (Ord. 2965 § 1, 2008; Ord. 2872 § 1, 2004; Ord. 2811 § 1, 2002; Ord. 2636 § 1, 1998; Ord. 2470 § 1, 1995; Ord. 2403 § 1, 1994. Formerly 3.37.010).

#### **11.04.020 Fees.**

Fees and permit requirements may be established from time to time by resolution of the city council.

#### **(11.06.010 Chetzemoka Park facility – General use regulations.**

It is the intent of this chapter to maximize the use of the Chetzemoka Park facility, defined as the indoor and outdoor kitchen shelters and bandstand (“the facility”), on a “first-come, first-served” basis. It is the further intent of the city to regulate group use of the park to ensure that it is used in a safe and environmentally sound manner, and that private group use of the facility does not diminish the enjoyment of the park by the general public. To ensure that the facility is used in a manner consistent with these intentions, the following general use regulations shall be applicable to all group users of the facility and the park:

- A. Organizations, government, or individuals may reserve the facility up to one year in advance of the proposed date of use.
- B. The facility may be reserved for no more than three consecutive days and for no more than six days per year, unless otherwise approved by the city manager based on the significant community value of the proposed event.
- C. The facility may be reserved for no longer than five hours for any one group per day, unless special permission for longer use is preapproved by the city manager or his or her designee.
- D. No vehicles are allowed inside the park. All items must be carried in and out of the park.
- E. Tables, awnings, chairs or tents are allowed in the park, but need to be approved by Parks Management prior to an event.
- F. Nails, staples or tacks to hang decorations on any walls, posts, ceilings or picnic tables are not allowed. The use of string or tape is allowed. All decorations must be removed immediately after the function.
- G. No amplified sound is allowed in the park, unless approved in advance by the parks department.
- H. Any party reserving the facility shall be financially liable for any and all damages to the facility as a result of their use, and shall leave the facility as clean or cleaner than when found.
- I. The front desk at City Hall is authorized to provide information and reserve dates during normal city office hours excluding holidays. In case of reserving a holiday date, the request shall be made on a regular working day prior to the holiday.
- J. The city manager in consultation with the Parks, Recreation, Tree, and Trails Advisory Board, and per PTMC 11.01.040 is authorized to develop additional rules and regulations regarding the facility and park use. (Ord. 2965 § 2, 2008; Ord. 2811 § 2, 2002; Ord. 2502 § 1, 1996. Formerly 3.38.010).

#### **11.06.020 Fees.**

Fees and permit requirements may be established from time to time by resolution of the city council. (Ord. 2965 § 2, 2008; Ord. 2727 § 1, 1999; Ord. 2502 § 1, 1996. Formerly 3.38.020).

Ord. 2965 § 1, 2008; Ord. 2872 § 1, 2004; Ord. 2727 § 1, 1999; Ord. 2403 § 1, 1994. Formerly 3.37.020).