

Chapter 8.40

PARKS, RECREATION, OPEN SPACE, TRAILS AND PUBLIC SPACES

Sections:

- [8.40.010](#) Applicability.
- [8.40.020](#) Definitions.
- [8.40.030](#) Regulations issued by Parks and Recreation Director.
- [8.40.040](#) Parks and Recreation – Setting and establishing user fees.
- [8.40.050](#) Park scheduling – Permits.
- [8.40.060](#) Park hours.
- [8.40.070](#) Motor vehicle operation and parking.
- [8.40.080](#) Bicycle operation.
- [8.40.090](#) Skateboard operation.
- [8.40.100](#) Trails use.
- [8.40.110](#) Aircraft.
- [8.40.120](#) Rockets.
- [8.40.130](#) Restrictions on animals in parks.
- [8.40.140](#) Overnight camping.
- [8.40.150](#) Campfires.
- [8.40.160](#) Smoking.
- [8.40.170](#) Litter in parks.
- [8.40.180](#) Sales/rentals.
- [8.40.190](#) Signposting and solicitation.
- [8.40.200](#) Restricted areas – Generally.
- [8.40.210](#) Restricted areas – Specific.
- [8.40.220](#) Practicing and playing certain games.
- [8.40.230](#) Alcoholic beverages and drugs.
- [8.40.240](#) Fireworks prohibited in parks.
- [8.40.250](#) Certain weapons prohibited in parks.
- [8.40.260](#) Removal or destruction of park property.
- [8.40.270](#) Encroachments on park property.
- [8.40.280](#) Infraction – Penalty.

8.40.010 Applicability.

This chapter constitutes the general regulations which will be in effect for all Department programs, City parks and for all other property under the management of the Parks and Recreation Department including, but not limited to, property commonly known as recreation facilities, greenways, open spaces, trails, boulevards and plazas. These general regulations are in addition to other applicable City, State, and Federal laws. (Ord. 09-10; Ord. 18-02 § 1)

8.40.020 Definitions.

Whenever used in this chapter the following terms shall be defined as herein indicated:

- (1) "Aircraft" means any machine or device designed to travel through the air including but not limited to airplanes, remotely controlled aircraft, helicopters and hot air balloons.
- (2) "Alcoholic beverages" or "liquor" includes the four varieties of liquor defined as alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all other intoxicating beverages, and every liquor, solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and all preparations of mixtures capable of human consumption. Any liquor, semisolid, solid or other substance which contains more than one percent alcohol by weight shall be conclusively deemed to be intoxicating.
- (3) "Associated marine area" means any water area within 100 feet of any City of Covington trail, open space, park area or marine facility such as a dock, pier, float, buoy, log boom, or other object that is part of a City of Covington park area; provided, that such area does not include private property.
- (4) "Bicycles" shall mean nonmotorized pedal-powered transportation devices including but not limited to bicycles, BMX bikes and mountain bikes.
- (5) "Boat" means any contrivance up to 65 feet in length overall, used or capable of being used as a means of transportation on water.
- (6) "Camper" means a motorized vehicle containing sleeping and/or housekeeping accommodations, and shall include a pick-up truck with camper, a van-type body, a converted bus, or any similar type vehicle.
- (7) "Camping" means erecting a tent or shelter or arranging bedding or both for the purpose of or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.
- (8) "Campsite" means a designated site used for the purpose of camping.
- (9) "Department" means any division of the City of Covington Parks and Recreation Department.
- (10) "Director" means the City of Covington Parks and Recreation Department Director or designee.
- (11) "Facility" means any building, structure, park or other area operated by the City of Covington Parks and Recreation Department.
- (12) "Group" means a gathering of 50 or more people.
- (13) "Litter" means garbage, refuse, rubbish, or any other waste material which, if thrown or deposited as prohibited in this section, tends to create a nuisance which annoys, injures, or endangers the health, safety, or comfort of the public.

(14) "Mechanical trapping device" shall be defined as any device, including but not limited to snares or machines, that shuts suddenly upon contact by an animal, or a device that kills or inflicts physical pain and injury upon a captured animal.

(15) "Motor vehicle" means any self-propelled device capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, all-terrain vehicles, motorcycles, motor scooters, jeeps or similar type four-wheel-drive vehicles, and snowmobiles, whether or not they can be legally operated upon the public highways.

(16) "Person" means all persons, groups, firms, partnerships, corporations, clubs, and all associations or combination of persons whenever acting for themselves or as an agent, servant, or employee.

(17) "Picnic" means an outing with food, usually provided by members of the group and eaten in the open.

(18) "Rocket" means any device containing a combustible substance which when ignited propels the device forward.

(19) "Special event" means any parade, fair, show, festival, carnival, rally, party, filming of a movie, video or television show, motorcade, run, street dance, bike-a-thon, race, walk, athletic event or other attended entertainment or celebration that is to be held in whole or in part upon publicly owned property and/or public rights-of-way, or if held wholly upon private property will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event.

(20) "Skateboard" means any means of travel with toy wheels.

(21) "Trail" means any path, track, or right-of-way designed for use by pedestrians, bicycles, equestrians, or other nonmotorized modes of transportation.

(22) "Trailer" means a towed vehicle.

(23) "Travel" means all forms of movement or transportation on a trail, including but not limited to foot, bicycle, horse and skateboards.

(24) "Travel on a trail in a negligent manner" means any form of travel on a trail in such a manner as to endanger or be likely to endanger any persons or property. (Ord. 09-10; Ord. 18-02 § 1)

8.40.030 Regulations issued by Parks and Recreation Director.

(1) The Parks and Recreation Director is authorized to issue regulations for the use of park property, facilities, and equipment and, with the written agreement of the property owner, regulations which shall apply to the use by the public of private property which is open to public access pursuant to a condition of an open space agreement with the City or other agency. To be effective, the regulations must be made part of the City's policies and procedures manual, and copies must be made available to the general public through the Parks and Recreation Department office and the Community Relations office.

(2) All agreements between the City and private owners granting access to open space shall authorize entry upon the land by police officers and other City employees to enforce regulations.

(3) The City assumes no liability for the condition of park property subject to the regulations, for the adequacy of the regulations on park property, or for claims for damages arising from the failure to enforce them. (Ord. 09-10; Ord. 18-02 § 1)

8.40.040 Parks and Recreation – Setting and establishing user fees.

(1) The City Manager shall review at least annually the current rates, fees and charges for facilities and programs, and amend them, if necessary, to ensure that the City is providing such services at a reasonable fair market value and consistent with fee policies and goals as recommended by the Department.

(2) The City Manager is authorized to establish or amend rates, fees and charges for Department services including, but not limited to, the following:

- (a) Senior adult programs, activities, classes and services;
- (b) Adult programs, activities, classes and services;
- (c) Family programs, activities, classes and services;
- (d) Youth programs, activities, classes and services;
- (e) Facility rentals (e.g., meeting rooms, picnic shelters, etc.); and
- (f) Field rentals.

(3) In recommending user fees, the Director shall consider the following factors, among others:

- (a) The cost of providing services;
- (b) Participation levels;
- (c) Target market; and
- (d) Fee structure.

(4) Consistent with applicable law, the City Manager may waive, in whole or in part, user fees or provide or facilitate scholarships for individuals meeting low-income criteria, to help ensure that no one is denied access to parks and recreation facilities or activities based solely on an inability to pay. In addition, the City Manager may waive user fees as part of a concession, advertising or sponsorship agreement under which the City receives consideration equal to or greater than the total amount of the fees to be waived. The City Manager shall document all waivers of user fees.

(5) The Director shall maintain a record of the rates, fees and charges assessed and shall provide a copy to the City Clerk for audit and accounting purposes. (Ord. 09-10 § 1)

8.40.050 Park scheduling – Permits.

(1) Park facilities are available for public use whenever possible at set hours not conflicting with City programs or approved uses. Reservations or scheduling for use of facilities is required for any community special or private event involving more than routine use of a park and is done by contacting the Parks and Recreation Department office.

(2) A special event permit is required for those certain uses listed in the Covington Policies and Procedures Manual. Permit applications may be obtained from the Parks and Recreation Department.

(3) Completion of a facility reservation form is required for specific park facilities reservations such as athletic fields, park shelters, and indoor facilities.

(4) Persons using facilities by permit will be required to protect, save and hold the City, its elected and appointed officials and employees, while acting within the scope of their duties, harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any action including but not limited to personal injuries, death or damage to property arising out of the use of premises, or in any way arising out of the acts or omissions of the person, group and/or its agents, employees or representatives.

(5) The misuse of a park facility or the failure to conform to the regulations, the instructions of Department employees, or the conditions of a permit will be sufficient reason for denying any future permits. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.040)

8.40.060 Park hours.

(1) No person shall enter or be present in a City park area during hours the park is closed except persons using park facilities as part of an event authorized by the Parks and Recreation Director, or City employees, or authorized agents. Park areas are open at sunrise and closed at sunset except for activities authorized by the Parks and Recreation Director and unless another opening and/or closing time is established for a particular park, or area of a park, by the Parks and Recreation Director.

(2) No person shall enter a closed park without a special use permit.

(3) A violation of this section is a Class 3 civil infraction. (Ord. 09-10; Ord. 11-09 §§ 1 – 3; Ord. 18-02 § 1. Formerly 8.40.050)

8.40.070 Motor vehicle operation and parking.

(1) No operator of any motor vehicle shall park such vehicle in any City park area, except where the operator is using the area for the designated recreational purpose and the vehicle is parked either in the designated parking area, or in another area with an approved special event permit. No person shall park,

leave standing, or abandon a vehicle in any City park area after park hours except persons using park facilities as part of an event authorized by a special event permit. In addition to the penalties in this section, any vehicle found parked in violation of this section may be towed away at the owner's expense.

(2) No person shall operate any motor vehicle on any trail in any City park area unless such trail has been specifically designated and posted for such use. No person shall operate a motor vehicle within the boundaries of a City park area except on roads, streets, highways, parking lots, parking areas, or where otherwise permitted by proper posting. Through traffic is not permitted within the boundaries of any City park area or open space.

(3) This section shall not apply to emergency vehicles, City and County maintenance vehicles, or construction vehicles authorized by the Department.

(4) No person shall drive a motor vehicle within any City park area at a speed greater than 15 miles per hour or as otherwise posted, having due regard for traffic on and the surface and width of the road, and in no event at a speed which endangers the safety of persons, property, or wildlife; provided, however, that in no event shall a vehicle be driven at a speed greater than 10 miles per hour in camping, picnic, utility, or headquarters areas, or in areas of general public assemblage.

(5) No person shall clean, wax, polish, service or wash any automobile or other vehicle in any City park area except in areas specifically designated for that use.

(6) No person shall cause a truck or other vehicle while doing commercial business to enter upon, use, or traverse any portion of any City of Covington park area or any park road except in the service of the Department, at the request of the employees of the Department, or by express permission of the Department for a special activity not inconsistent with City park use; provided, that the provisions of this section shall not apply to cross streets or State highways.

(7) A violation of this section is a Class 2 civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.060)

8.40.080 Bicycle operation.

(1) Bicycles may be operated only on paved and graveled trails and/or designated trails within City park property.

(2) A violation of this section is a Class 3 civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.070)

8.40.090 Skateboard operation.

(1) Skateboarding is prohibited upon any public sidewalk without yielding to any pedestrian, upon public or private property where signs prohibit the activity, in a manner endangering or likely to endanger the safety of persons or property, while being pushed or pulled by any motorized vehicle, or on any type of ramp or other object upon any sidewalk or trail.

(2) Every person who shall use a skate area or travel on a trail shall obey the skate area use policies designated in the Covington Policies and Procedures Manual.

(3) A violation of this section is a Class 3 civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.080)

8.40.100 Trails use.

(1) No person shall travel on a trail at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with others who are complying with the law and using reasonable care.

(2) No person shall travel on a trail in a negligent manner. Every person traveling on a trail shall obey the instructions of any official traffic control device applicable thereto placed in accordance with applicable laws unless otherwise directed by a police officer.

(3) Regional trails, local trail corridors, and paved pathways are open to all nonmotorized users unless otherwise designated and posted. Pedestrians, bicyclists and equestrians are permitted on all maintained soft surface trails unless otherwise posted and designated. Trail restrictions may be posted at park entrances, trailheads or, in some cases, individual trails. Trail use designations will be based on the park master plan, resource conservation, trail use conflicts, maintenance issues, and safety hazards.

(4) Every person who shall use or travel on a trail shall obey the trail use policy designated in the Covington Policies and Procedures Manual.

(5) It shall be unlawful for any person to place, deposit, or otherwise cause or suffer to be located any structure, device, or natural or artificial thing that threatens or endangers any portion of a trail owned or maintained by the City, or that tends to endanger persons traveling thereon, obstructs or tends to obstruct or constitutes a hazard to persons traveling thereon. This section shall not apply to employees of the City in the performance of their duties or to persons acting pursuant to written direction of the City.

(6) A violation of this section is a Class 2 civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.090)

8.40.110 Aircraft.

(1) Launching, takeoff and landing of aircraft are prohibited in all City parks, except:

(a) Aircraft used to transport injured persons, evacuees, medical personnel or public officials in the event of an accident, disaster or emergency;

(b) Aircraft may be landed in City parks when emergency circumstances prevent landing at other safe locations; provided, that the owner submits a written statement explaining the circumstances of the emergency to the Parks and Recreation Director within 72 hours following the emergency landing;

(c) During a City-sponsored event or with an approved special event permit.

(2) A violation of this section is a Class 1 civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.100)

8.40.120 Rockets.

(1) Launching of rockets in City parks is allowed in designated City parks with a special event permit and following the specifications designated in the use of rockets policy in the Covington Policies and Procedures Manual.

(2) A violation of this section is a Class 3 civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.110)

8.40.130 Restrictions on animals in parks.

(1) Dogs and other domestic animals are allowed within those areas of City parks designated in the dog use areas policy in the Covington Policies and Procedures Manual.

(2) All dogs, where otherwise allowed on City park property as provided in the above-referenced policy, must be under control by means of a leash. This requirement does not apply to areas of park property designated for dog exercise and training or service animals.

(3) Owners and handlers are required to have in their possession the equipment necessary to remove their animals' fecal matter when accompanied by the animal on public property or public easement. Owners or handlers are required to pick up, bag, and dispose of all animal waste left by their pets in a proper disposal can.

(4) Horses are permitted on trails unless otherwise posted and designated. Horses shall be permitted in other City park areas that are specifically posted to permit such activity. Horses shall not be permitted in any designated swimming area, or picnic area. No person shall allow a horse or other animal to stand unattended or insecurely tied.

(5) No person shall hunt, catch, or injure any wild animal or bird on park property.

(6) A violation of subsections (1), (2), (3), and (4) of this section is a Class 3 civil infraction, while a violation of subsection (5) of this section is a Class 1 civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.120)

8.40.140 Overnight camping.

(1) Overnight camping is prohibited on park property except at places set aside for such purposes or by special event permit.

(2) A violation of this section is a Class 2 civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.130)

8.40.150 Campfires.

(1) Campfires are prohibited on park property except in designated areas.

(2) A violation of this section is a Class 1 civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.140)

8.40.160 Smoking.

(1) Smoking and use of tobacco products is prohibited on park property except in designated areas.

(2) A violation of this section is a misdemeanor. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.150)

8.40.170 Litter in parks.

(1) No person shall throw or deposit litter on any park property, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park, or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away and properly disposed of.

(2) No person shall use the Parks and Recreation Department litter receptacles to deposit leaves, clippings, prunings, or gardening refuse in any litter receptacle. No person shall deposit household garbage in any litter receptacle; provided, that this subsection shall not be construed to mean that wastes of food consumed on park property may not be deposited in litter receptacles.

(3) Whenever litter dumped in violation of this chapter contains three or more items bearing the name of one individual, there shall be a rebuttable presumption that the individual whose name appears on such items committed the unlawful act of littering.

(4) A violation of this section is a Class 2 civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.160)

8.40.180 Sales/rentals.

(1) The sale of food, drink, other merchandise, or any services on park property is prohibited, unless the seller has either written permission from the Parks and Recreation Director, or a concession sales contract with the City.

(2) The rental of any merchandise or materials on park property is prohibited, unless the renter has written permission from the Parks and Recreation Director or a concession contract with the City.

(3) A violation of this section is a Class 1 civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.170)

8.40.190 Signposting and solicitation.

(1) It is unlawful to distribute or post any handbills or circulars or place or erect any signboard, sign, advertising, decoration, or similar structure on any park property, without the written permission of the Director of Parks and Recreation.

(2) A violation of this section is a Class 2 civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.180)

8.40.200 Restricted areas – Generally.

(1) It is unlawful for any person except a duly authorized Department of Parks and Recreation or other City employee in the performance of his or her duties, or other person authorized by law, to enter or go upon any area which has been designated and posted by the Director of Parks and Recreation as a “no

admittance” or “closed to use” or “no trespassing” area for the purpose of protecting park property or for protecting the public from conditions which constitute a potential hazard.

(2) It is unlawful for any person to engage in any activity that has been deemed potentially hazardous to public safety or park property, or incompatible with park property usage as designated by the Parks Department.

(3) A violation of this section is a misdemeanor. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.190)

8.40.210 Restricted areas – Specific.

(1) It is unlawful to trespass, wade, swim, or boat on park property except in designated areas or by special event permit.

(2) A violation of this section is a misdemeanor. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.200)

8.40.220 Practicing and playing certain games.

(1) It is unlawful for any person to practice or play golf, baseball, cricket, polo, lacrosse, archery or hockey, except at park areas set apart and/or designated for such purposes by the Parks Department which will not conflict in any way with normal park usage.

(2) Except as may otherwise be permitted by the City, games of any kind are prohibited in parking lots and roadways of all City park facilities.

(3) A violation of this section is a misdemeanor. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.210)

8.40.230 Alcoholic beverages and drugs.

(1) The possessing, opening or consuming of any alcoholic beverage on park property is prohibited, except in those areas or at those events that:

(a) Have appropriate licensing from the State of Washington; and

(b) Have written permission of the Parks and Recreation Director and an approved special event permit.

(2) A violation of this section is a civil infraction. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.220)

8.40.240 Fireworks prohibited in parks.

(1) No person shall possess, discharge, set off, or cause to be discharged, in or into any City park area, any firecracker, torpedo, firework, explosive, or substance harmful to the life or safety of persons or property, unless so authorized by a special event permit.

(2) A violation of this section is a gross misdemeanor. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.230)

8.40.250 Certain weapons prohibited in parks.

(1) No person shall possess a bow and arrow, crossbow, or air, spring or gas weapon in a City park. No person shall discharge across, in, or into any City park area a firearm, bow and arrow, crossbow, or air, spring or gas weapon, or any device capable of injuring or killing any person or animal or damaging or destroying any public or private property.

(2) A violation of this section is a gross misdemeanor. (Ord. 09-10; Ord. 12-09 § 1; Ord. 18-02 § 1. Formerly 8.40.240)

8.40.260 Removal or destruction of park property.

(1) It is unlawful for any person to remove, injure, deface, damage, or destroy park property. This prohibition applies to all aspects of the natural or landscaped environment and to any structure, object, equipment, improvement, or other park property.

(2) It is unlawful to collect, gather, or harvest natural resources or other materials on park property except by written permission of the Parks and Recreation Director.

(3) A violation of this section is a misdemeanor. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.250)

8.40.270 Encroachments on park property.

(1) It is unlawful for any person other than a duly authorized employee or agent of the Covington Parks Department to do any of the following acts without the written permission of the Parks and Recreation Director:

- (a) Place, erect, or maintain any structure or obstruction of any kind on park property;
- (b) Deposit or store any refuse, debris, vegetation, personal property, litter, or any other material on park property;
- (c) Mow, prune, cut, clear, plant on, or otherwise alter or disturb any park property.

(2) A violation of this section is a misdemeanor. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.260)

8.40.280 Infraction – Penalty.

(1) Any violation of the provisions of this chapter that are designated civil infractions shall subject the violator to the penalties as provided by City ordinance as defined herein.

(2) The court may also order a person found to have committed a civil infraction to make restitution. (Ord. 09-10; Ord. 18-02 § 1. Formerly 8.40.270)