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**COUNTY OF JEFFERSON
STATE OF WASHINGTON**

**An Ordinance Repealing and Replacing }
Chapter 8.25 of the Jefferson County Code } **ORDINANCE NO.** 03 0524 21
Amending Chapter 12.25 of the Jefferson
County Code**

WHEREAS, Article XI, section 11 of the Washington Constitution, confers upon county legislative authorities the police power to adopt such local police, sanitary and other regulations as are not in conflict with general laws; and,

WHEREAS, Article XI, section 11 of the Washington Constitution is a direct delegation of the police power to cities and counties, and the power delegated is as extensive within their sphere as that possessed by the legislature; and,

WHEREAS, RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and,

WHEREAS, police power is that inherent and plenary power which enables prohibition of all things hurtful to the comfort, safety and welfare of society; and,

WHEREAS, the scope of police power is broad, encompassing all those measures which bear a reasonable and substantial relation to promotion of the general welfare of the people; and,

WHEREAS, RCW 36.32.120(10) provides that county legislative bodies have the power to declare by ordinance what shall be deemed a nuisance within the county; to abate a nuisance at the expense of the parties creating, causing, or committing the nuisance; and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it; and,

WHEREAS, the BoCC has held a hearing and has received public comment on the draft ordinance proposed by staff; and,

WHEREAS, in response to the public comment and testimony, additional improvements to the draft ordinance have been made, and,

NOW, THEREFORE, be it ordained by the BoCC as follows:

Section 1. Amending Chapter 12.25 JCC. The BoCC adopts the changes to Chapter 12.25 JCC, as set forth in Appendix A.

Section 2. Repealing and Replacing Chapter 8.25 JCC. The BoCC hereby repeals and replaces Chapter 8.25 JCC with the Amended Chapter 12.25 JCC.

Section 2. Findings. The BoCC hereby adopts the above recitals (the “WHEREAS” statements) as its findings of fact in support of this Ordinance.

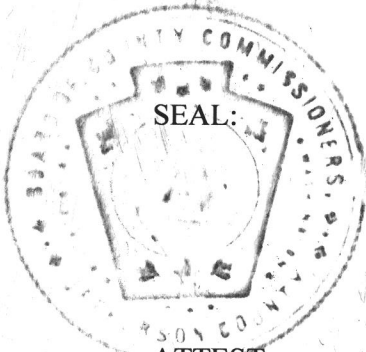
Section 3. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, then the remainder of this Ordinance or application of its provisions to other persons or circumstances shall remain valid and unaffected.

Section 4. SEPA Compliance. This ordinance is categorically exempt from the State Environmental Policy Act under WAC 197-11-800(19).


Section 5. Effective Date. This ordinance is effective immediately upon adoption.

(SIGNATURES FOLLOW ON NEXT PAGES)


ADOPTED this 24th day of May 2021, at 2:48 p.m.



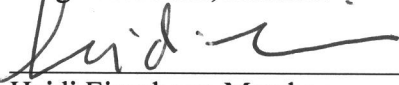
JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS



Kate Dean, Chair

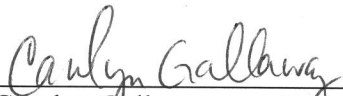


Greg Brotherton, Member

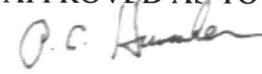


Heidi Eisenhour, Member

ATTEST:



Carolyn Gallaway, Date 5/24/21
Deputy Clerk of the Board

APPROVED AS TO FORM:


Philip C. Hunsucker, Date May 24, 2021
Chief Civil Deputy Prosecuting Attorney

**Chapter 12.25
COUNTY PARKS**

Sections:

- 12.25.010 Purpose.**
- 12.25.020 Definitions.**
- 12.25.030 Scope.**
- 12.25.040 Park use.**
- 12.25.050 Park hours and closures.**
- 12.25.060 Camping.**
- 12.25.070 Fishing.**
- 12.25.080 Concessions and vending.**
- 12.25.090 Fire safety.**
- 12.25.100 Sanitation required.**
- 12.25.110 Water contamination.**
- 12.25.120 Illegal deposit of bodily waste.**
- 12.25.130 Noise.**
- 12.25.140 Public address systems.**
- 12.25.150 Firearms and bows and arrows.**
- 12.25.160 Fireworks prohibited.**
- 12.25.170 Animals.**
- 12.25.180 Horseback riding.**
- 12.25.190 Motor vehicles.**
- 12.25.200 Unmanned aircraft systems (UAS) and remotely-controlled vessels and vehicles.**
- 12.25.210 Metal detecting.**
- 12.25.220 Religious services or groups.**
- 12.25.230 Preservation of public property.**
- 12.25.240 Trespass from park to private property prohibited.**

12.25.250 Other prohibited conduct at parks.

12.25.260 Enforcement.

12.25.010 Purpose.

The purpose of this chapter is to establish rules and regulations regarding the care, control, supervision, and operation of all county park lands and their use. [Ord. 3-83 § 1]

12.25.020 Definitions.

For the purpose of this chapter, the following words shall have the meanings as stated:

- (1) “Animal” means any amphibian, bird, nonhuman mammal, or reptile.
- (2) “Camper” means a motorized vehicle containing sleeping and/or housekeeping accommodations, and shall include a pickup truck with camper, a van-type body, a converted bus, or any similar type vehicle.
- (3) “Camping” means erecting a tent or shelter or arranging bedding or both or parking a trailer, camper, or other vehicle for the purpose of, or in such a way as will permit remaining overnight, remaining overnight.
- (4) “Camping unit” means the primary means of shelter being utilized for overnight camping; includes a tent, van, trailer, camper, recreational vehicle, and similar units.
- (5) “Campsite” means a designated camping site that is designed for overnight use by persons with a camper, trailer, tent, or other means to provide sleeping arrangements.
- (6) “Caretaker” means a person designated by the Jefferson County Parks Department who is responsible for park maintenance, fee collection, and implementing compliance with all park rules and regulations.
- (7) “Critical area” shall have the same meaning as in WAC [365-190-030](#)(4).
- (8) “Director” means the Director of the Public Works Department or designee.
- (9) “Domestic animal” means an animal that is normally kept as a pet , such as a bird, cat dog or rabbit.
- (10) “Horse” means a domesticated Equine, bred in a great many varieties, and includes donkeys, miniature horses, mules, and ponies.

(11) "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, motorcycles, motor scooters, jeeps, or similar type four-wheel drive vehicles, and snowmobiles, whether or not they can legally be operated upon the public highways.

(12) "Park" means any area under the ownership of Jefferson County, state of Washington, and managed by the Parks & Recreation Division of the Jefferson County Department of Public Works.

(13) "Person" means any person, firm, partnership, corporation, club, and any association, or combination of persons acting for themselves or by an agent, servant, or employee.

(14) "Public health department" means the Jefferson County Department of Public Health. (17) "Remotely controlled vehicle or vessel" means any land or water vehicle, boat or machine, no matter the size, that is operated remotely using radio signals or any other means.

(15) "Service animal" means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, as specified in [RCW 49.60.040](#)(25).

(16) "Trail" means any path or track designed for use of pedestrians, bicycles, or equestrians; or other right-of-way specifically designated and posted for nonvehicular use.

(17) "Trailer" means a towed vehicle that contains sleeping or housekeeping accommodations. [Ord. 3-83 § 2]

(18) "Unmanned Aircraft System" means any remotely controlled aircraft to include drones and radio controlled aircraft.

12.25.030 Scope.

This chapter shall apply to all county park lands owned and managed by the county. [Ord. 3-83 § 3]

12.25.040 Park use.

It shall be unlawful for any person in parks for outdoor recreational activities other than those uses which are posted in a conspicuous place in the Park by the Director. [Ord. 4-73 § 1]

12.25.050 Park hours and closures.

(1) The Director may establish a reasonable schedule of visiting hours for a park or portions of a park area. The Director may close to public use any portion of a park area when necessary for the protection of that area or for the safety and welfare of persons or property. Notification identifying the extent and scope of such scheduling or closure shall be made by the posting of appropriate signs.

(2) All persons shall observe and abide by any officially posted signs designating closed areas and visiting hours in parks. [Ord. 3-83 § 5]

12.25.060 Camping.

(1) Camping shall be permitted only in parks designated by the Director.

(2) Camping and the use of trailers or other camping units is permitted in parks only at designated locations. Within designated locations, the pitching of tents or parking of trailers or other camping units is permitted only at designated campsites. The number of vehicles occupying a single campsite at one time shall be limited to one car, one camper, or one vehicle with a trailer.

(3) Temporary occupancy of the same campsite by the same person or persons shall be limited to ten days. [Ord. 4-73 § 8]

(4) Permanent occupancy by the same person, group of persons, or organization of any park, portion of a park, or facilities within a park is prohibited, except by those county employees or caretakers authorized to set up residency within park boundaries by the Director.

(5) Fees for the use of campsites are due in advance by initially occupying a campsite and thereafter are payable daily. The campsite fee covers exclusive temporary occupancy of the campsite until the vacating time of 3:00 p.m. the following day.

(6) A campsite is considered occupied when it is being used for the purpose of camping by a person or persons who have paid the campsite fee within the applicable time limits. No persons shall take or attempt to take possession of a campsite when it is being occupied by another party or when informed by the caretaker that such a campsite is occupied or otherwise unavailable.

(7) Occupants shall vacate campsites by removing their personal property therefrom prior to 3:00 p.m. if the applicable campsite fee has not been paid or if the time limit for occupancy of the campsite has expired. The occupants may, however, remain in other areas of the park for purposes other than camping until the normal closing time of the park. [Ord. 14-99 § 1; Ord. 3-93; Ord. 3-84; Ord. 3-83 § 4]

12.25.070 Fishing.

(1) All laws, rules and regulations of the Washington Department of Fish and Wildlife relating to season, limits, and methods of fishing are applicable to fishing for game fish in parks.

(2) All laws, rules, and regulations of the Washington Department of Fish and Wildlife relating to season, limits, and methods of taking, are applicable to the taking of shellfish or food fish in parks. [Ord. 4-73 § 11]

12.25.080 Concessions and vending.

The vending of various goods, services, products, or commodities, including mobile vending, is permitted on park lands with the prior written permission by the Director. The vending of any such goods, services, products, or commodities without written permission is prohibited. [Ord. 3-83 § 6]

12.25.090 Fire safety.

(1) During periods when potential fire danger makes such action necessary, the Director may prohibit combustion of any kind on any park lands, including roads and trails, by the posting of appropriate signs.

(2) The kindling of fires is expressly prohibited in all parks, unless authorized by subsection (3). [Ord. 3-83 § 7]

(3) The kindling of any fire is permitted only in designated camping and picnic grounds and only if the fire is confined in a fireplace, or in grills or other specified locations or in stoves or lanterns using gasoline, propane, butane gas, or similar fuels. However, the Director may prohibit the kindling of fires in parks prevent the risk of fire.

(4) When no longer needed, all fires in parks shall be completely extinguished. Leaving a fire unattended in a park is prohibited.

(5) Throwing or dropping a lighted cigarette, cigar, match, or other burning material anywhere in a park is prohibited.

12.25.100 Sanitation required.

(1) Compliance with the applicable provisions of Chapter [8.10](#) JCC (Solid Waste Regulations) in parks is required. If there are any inconsistencies between this chapter and Chapter [8.10](#) JCC, then the most stringent provision shall control.

(2) Sanitary facilities shall be constructed and maintained in a sanitary manner acceptable to the public health department. Where deemed necessary, an approved method of sink and shower waste disposal shall be provided.

(3) No person shall leave, deposit, drop or scatter bottles, broken glass, ashes, waste paper, cans, or other rubbish in a park, except in a garbage can or other receptacle designated for such purposes.

(4) No person shall deposit any household or commercial garbage, refuse, waste, or rubbish, which is brought as such from any private property, in any park garbage can or other receptacle designated for such purpose.

(5) No person shall drain or dump refuse or waste from any trailer, camper, automobile, or other vehicle in a park, except in designated disposal areas or receptacles, if provided.

(6) No person shall clean fish or other food, or wash any clothing or other articles for personal or household use, or any dog or other animal, or clean or wash any automobile or other vehicle in a park. [Ord. 4-73 § 4]

12.25.110 Water contamination.

Polluting or contaminating in any manner any watershed, water supplies, or water used for drinking purposes is prohibited. [Ord. 3-83 § 8(4)]

12.25.120 Illegal deposit of bodily waste.

Depositing any bodily waste in or on any portion of any public toilet or other public structure, except into fixtures provided for such purposes, is prohibited. Placing garbage, rubbish, or foreign materials in any of the plumbing fixtures of public toilets is prohibited. [Ord. 3-83 § 8(5)]

12.25.130 Noise.

(1) Compliance with the applicable provisions of Chapter [8.70](#) JCC (Noise Control) in parks is required. If there are any inconsistencies between this chapter and Chapter [8.70](#) JCC (Noise Control), then the most stringent provision shall control.

(2) Persons using parks shall not create public nuisance noises.

12.25.140 Public address systems.

The operation or use of a public address system is prohibited, except when such a system is authorized by the Director. [Ord. 3-83 § 9(2)]

12.25.150 Firearms and Bows and Arrow.

(1) Parks are no shooting areas in accordance with RCW [9.41.300\(2\)\(a\)](#) and Article I of Chapter [8.50](#) JCC, because in parks “there is a reasonable likelihood that humans, domestic animals, or property may be jeopardized.”

(2) No person shall discharge, set off, or cause to be discharged, in or into any park area, any firearm or bow and arrow, except for the lawful use of a firearm by a law enforcement officer in the performance of their duties or the lawful use of force by citizens.

(3) Nothing shall abridge the right of the individual guaranteed by Article I, Section 24 of the State Constitution to bear arms in defense of self or others. [Ord. 4-20 § 1 (Appx. A); Ord. 2-17; Ord. 2-07 § 3]

12.25.160 Fireworks prohibited.

(1) The use or possession of fireworks, as defined in RCW [70.77.126](#), is prohibited by the general public.

(2) Any public display of fireworks open to the general public, with or without charge, shall meet the requirements of the State Fireworks Law pursuant to Chapter [70.77](#) RCW. [Ord. 13-95; Ord. 3-83 § 9(4), (5)]

(3) No person shall discharge, set off, or cause to be discharged, in or into any park, firecrackers, torpedoes, rockets, fireworks, explosives, or substance harmful to the life or safety of persons, property, or wildlife. [Ord. 4-73 § 10].

12.25.170 Animals.

(1) Compliance with the applicable provisions of Chapter [6.07](#) JCC (Animal Control) in parks is required. If there are any inconsistencies between this chapter and Chapter [6.07](#) JCC, then the most stringent provision shall control.

(2) Domestic animals and horses may be allowed in parks by the Director. No animals besides domestic animals, horses, or service animals are allowed to be brought into the parks.

(3) All domestic animals and service animals must be kept on a leash of eight feet or less in length, and under control of the owner or owner's designee at all times while in a park. Horses must be in control of the owner by rope or reins.

(4) Domestic animals and horses are not permitted on any designated swimming beach in any park; provided, that this subsection shall not apply to service animals actively working.

(5) No person shall allow their domestic animal, horse, or service animal to bite or in any way molest or annoy other park visitors. No person shall permit their domestic or service animal to bark or otherwise disturb the peace and tranquility of the park. [Ord. 4-73 § 5]

(6) The owner of a domestic animal or horse is directly responsible for the behavior of the animal and shall not allow their domestic animal or horse to create a nuisance to other park users or deface park lands.

(7) Domestic animal owners must pick up solid bodily waste from their animal and dispose of it in garbage receptacles provided in the park or take it with them when they leave the park. Horse owners must sweep to the side of all trails, parking lots and areas commonly used for foot traffic bodily wastes from their horse.

12.25.180 Horseback riding.

(1) Horses shall not be permitted in any designated swimming area, campground, picnic area, or any other area so designated or posted in a park.

(2) No person shall ride any horse in such a manner in a park that might endanger life or limb of any person or animal, and no person shall allow a horse to stand unattended or insecurely tied in a park. [Ord. 4-73 § 6]

12.25.190 Motor vehicles.

(1) No person shall drive a motor vehicle within any park at a speed greater than is reasonable and prudent, having due regard for the 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 15 miles per hour in camp, picnic utility, or headquarters area, or in areas of general public assemblage; and provided further that in no event shall a vehicle be driven at a speed greater than 25 miles per hour in any other area.

(2) No person shall operate a motor vehicle within the boundaries of a park except on roads, streets, highways, parking lots, or parking areas; except motor vehicles conducting park maintenance operations

(3) No person shall operate any motor vehicle on a trail in any park, unless the trail has been specifically designated and posted for such use. [Ord. 4-73 § 7]; except emergency vehicles or motor vehicles conducting trail maintenance operations.

12.25.200 Unmanned Aircraft Systems (UAS) and remotely-controlled vehicles.

(1) No person shall operate or control the movement of a UAS, remotely-controlled vehicle or vessel from within any park without a special use permit issued in accordance with policy issued by the Director.

(2) The Director's policy for special use permits in the various parks shall be based on written findings of the park's formalized goals, the nature and use of the park, privacy interests of park patrons and whether the proposed activity poses a threat to a critical area.

(3) A UAS or remotely-controlled vehicle or vessel special use permit shall not be issued in a way to imply endorsement of Jefferson County, nor shall owners or operators of a

UAS or remotely-controlled vehicle or vessel or their end users of the content of material's produced by the UAS flight or remotely-controlled vehicle or vessel other operation imply any endorsement of Jefferson County.

12.25.210 Metal Detecting.

The use of metal detectors is permitted on County park lands only as specified below. Such use is subject to the following limitations:

(1) Any person desiring to use a metal detector on specified County park lands shall apply for a metal detecting permit as follows:

(a) The issuance of a metal detecting permit is conditioned upon the applicant agreement to comply with the rules and regulations of this section and accepting all responsibilities set forth therein.

(b) Upon a determination by the Director, or his designated appointee, that a metal detecting permit holder has violated any rule or regulation of this section, such permit will be revoked and they will lose the privilege to obtain a permit in the future.

(2) Specified County park lands in which metal detecting may be permitted consist of the following:

(a) Cape George Trailhead Park (40 acres)

(b) Gibbs Lake County Park (700 acres)

(c) Chimacum Park (12 acres)

(d) Lake Leland and Quilcene Campgrounds only when the campsite is unoccupied

(e) Other areas as per parks policy

(3) Petitions for exceptions to policy under this section shall be made to the Director who will render a written decision which makes findings based on the park's formalized goals, the nature and use of the park and whether the proposed activity poses a threat to a critical area.

(2) Metal detecting rules and regulations:

(a) Parks that permit metal detecting will have metal detecting information posted at the park; if no information is posted, the park does not permit this activity.

(b) Users will not destroy or damage park facilities or natural features.

- (c) Any find that appears to have cultural, historical or archaeological significance may not be removed from where it was found. Report all findings immediately to Jefferson County Parks and Recreation and do not further disturb the area.
- (d) Properly dispose of all found or recovered litter.
- (e) Group-detecting events require a Jefferson County special events permit.
- (f) Metal detecting in camping areas open to metal detecting, is permitted only in unoccupied campsites. Use of metal detectors in occupied campsites is prohibited.
- (g) The only digging tools allowed to be used in metal detecting are a blunted ice pick, a screwdriver no more than 6" long, or a blunted awl.

12.25.220 Religious services or group rallies.

Religious services or group rallies may be permitted in parks where facilities are adequate, and where such activities will not conflict in any way with normal park usage. To avoid conflict, permission for such activities must be obtained in advance from the Director. Facility rental fees may apply. Permission for the use of loudspeakers by groups must be obtained in advance from the Director. [Ord. 4-73 § 12]

12.25.230 Preservation of public property.

(1) The possession, destruction, injury, defacement, removal, or disturbance in any manner of any building, sign, equipment, monument, statue, marker, or other structure, or any other public property of any kind, is prohibited.

(2) Entering, climbing upon, or tampering with county-owned motor vehicles and motorized or power equipment, except by authorized county employees, is prohibited. [Ord. 3-83 § 11]

12.25.240 Trespass from a park to private property is prohibited.

Trespass from a park onto private property, including beaches and tidelands, is prohibited. [Ord. 3-83 § 12]

12.25.250 Other prohibited conduct at parks.

(1) Boisterous or noisome activities between the hours of 10:00 p.m. and sunrise are prohibited.

(2) Vulgar language or conduct designed to harass or annoy other person is prohibited.

(3) Defacing park property is prohibited. [Ord. 4-73 § 13]

12.25.260 Enforcement.

(1) The enforcement provisions codified in Title 19 JCC, Code Compliance, as currently enacted or as hereafter amended, shall apply to any alleged or found violation of this chapter.

(2) Compliance with the terms and conditions of this chapter shall constitute minimum health, sanitation and safety provisions. Any person who shall violate or fail to comply with any provision of this ordinance shall be deemed guilty of a misdemeanor. [Ord. 4-73 § 14]

See Part V of the fee schedules in the Appendix to this code for camping fees.

Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Mark McCauley, Interim County Administrator

From: Monte Reinders, Public Works Director/County Engineer 

Agenda Date: May 24, 2021

Subject: Update of Parks Code – Continued Deliberations

Statement of Issue:

A hearing on the proposed Jefferson County Parks and Recreation Ordinance and attached revised Parks Code was held on May 17, 2020, after proper and timely notice. The Board of County Commissioners' requested that staff propose language for changes to the draft Parks Code. Staff's proposed changes to implement the BoCC's request are in tracked changes in the attached revised proposed code. As previously discussed and reviewed, the ordinance has been updated to combine two redundant chapters, comport with the revised animal control ordinance, eliminate unnecessary sections, and include new sections on Unmanned Aircraft Systems (UAS, Drones), and metal detecting.

Analysis/Strategic Goals/Pro's & Con's:

As previously presented, the updated ordinance will be in accord with the updated animal control ordinance, clearer, and simpler. The ordinance will help protect park resources and guide user behavior and activities. The updated ordinance is better aligned with the park ordinances of our neighboring counties and the state parks.

Fiscal Impact/Cost Benefit Analysis:

Staff hours to update and implement changes in draft legislation.

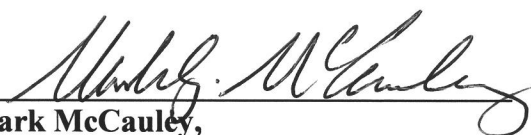
Recommendation:

Continue deliberations on May 24, 2021 and potentially adopt the proposed revisions to the Parks Code.

Department Contact:

Matt Tyler

Reviewed By:



Mark McCauley,
Interim County Administrator



Date