

ORDINANCE 1720

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING AMENDMENTS TO TITLE 12 OF THE NORTH BEND MUNICIPAL CODE CONCERNING PARKS AND TRAILS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of North Bend manages and operates, together with the Si View Metropolitan Park District, an increasing number of park and trail facilities within the City; and

WHEREAS, the City is growing rapidly, with an increasing number of residents utilizing public parks and trails, which over time may result in opportunities for increased conflict between park and trail users, and increased potential for damage to public park and trail facilities; and

WHEREAS, the City wishes to provide regulations addressing public use and conduct within City parks and on trails, which until now, the City has not had except for park closing hours in NBMC 8.34 and camping restrictions in NBMC 9.60; and

WHEREAS, the City wishes to provide regulations addressing the appropriate donation of memorial and honorary features within parks and other public properties; and

WHEREAS, the City wishes to bring forward rules addressing the naming of parks from Resolution 722 and the implementation of the City's Adopt a Park Program from Resolution 1483 into the North Bend Municipal Code for easier and more transparent reference and use; and

WHEREAS, amendments have been prepared to NBMC Title 12, Streets and Sidewalks, addressing public use and conduct within parks and on trails, providing regulations addressing memorial and honorary features within parks, providing regulations addressing the naming of parks, and providing regulations implementing the Adopt a Park Program (collectively, the Amendments); and

WHEREAS, the Parks Commission reviewed the Amendments at its November 20, 2019, January 22, 2020, and February 26, 2020 meetings; and

WHEREAS, following a public hearing held before the Parks Commission on February 26, 2020, the Parks Commission provided a recommendation of approval of the Amendments; and

WHEREAS, the public process for the proposed Amendments provided for early and continuous public participation opportunities, including posting the draft amendments on the City’s website for public review and holding a public hearing before the Parks Commission; and

WHEREAS, the Council finds that the City followed procedural requirements of NBMC Chapter 20.08 to notify and advertise the Amendments to the public and interested agencies; and

WHEREAS, the Amendments have been prepared in compliance with applicable City policy and State laws;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. NBMC Chapter 8.34 (Park Closing Hours), Repealed: North Bend Municipal Code Chapter 8.34 (Park Closing Hours) is hereby repealed in its entirety.

Section 2. NBMC Section 9.60.020 (Park Hours), Amended: North Bend Municipal Code Section 9.60.020 shall be amended to read as follows:

9.60.020 Park Hours.

The City’s parks are open ~~from sunrise to sunset~~ as specified in Chapter ~~8.34~~ 12.04 NBMC.

Section 3. NBMC Title 12 “Streets and Sidewalks”, Renamed: North Bend Municipal Code Title 12 “Streets and Sidewalks,” shall be renamed “Streets, Sidewalks, Parks and Public Places”

Section 4. New NBMC Chapter 12.04 (Park and Trail Use Regulations), Adopted: A new North Bend Municipal Code Chapter 12.04 (Park and Trail Use Regulations) is hereby adopted to read as follows:

**Chapter 12.04
PARK AND TRAIL USE REGULATIONS**

Sections:

- 12.04.010 Purpose.
- 12.04.020 Definitions.
- 12.04.030 Authority to post alternative and additional park regulations.
- 12.04.040 Park Hours.
- 12.04.050 Use of parks by community groups, athletic teams or private parties.

- 12.04.060 Compliance with park signage required.
- 12.04.070 Animals at large prohibited except in designated off-leash areas.
- 12.04.080 Motor vehicles – Parking within parks.
- 12.04.090 Motor vehicles – Operation in designated areas only.
- 12.04.100 Excessive Noise.
- 12.04.110 Uses prohibited - Generally.
- 12.04.120 Camping prohibited.
- 12.04.130 Fires.
- 12.04.140 Refuse and litter to be deposited in designated receptacles.
- 12.04.150 Fireworks or explosives prohibited – Exception.
- 12.04.160 Alcoholic beverages prohibited except subject to special events permit.
- 12.04.170 Discharge of firearms and weapons permitted in designated areas only.
- 12.04.180 Helmets required.
- 12.04.190 Trail use.
- 12.04.200 Penalties for violation.
- 12.04.210 Administration.

12.04.010 Purpose.

This chapter is declared to be an exercise of the police power of the city for the protection of the public peace, health, safety and welfare and its provisions are to be liberally construed. Parks and park facilities are established by law for public recreation purposes. The primary purposes of such parks and facilities are for the accommodation of the public as a whole and secondarily for the activities of community groups or other groups consistent with the use of such facilities by the public as a whole.

12.04.020 Definitions.

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

A. “Bicycle”, as provided in RCW 46.04.071 as now in effect or as may subsequently be amended, means every device propelled solely by human power, or an electric-assisted bicycle, upon which a person or persons may ride, having two tandem wheels either of which is sixteen inches or more in diameter, or three wheels, any one of which is more than twenty inches in diameter.

B. “Director” means the director of public works for the city of North Bend, or his or her designee.

C. “Electric assisted bicycle” as provided in RCW 46.04.169 as now in effect or as may subsequently be amended, means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle’s electric motor must have a power output of no more than seven

hundred fifty watts. The electric-assisted bicycle must meet the requirements of one of the following classifications:

1. “Class 1 electric-assisted bicycle” means an electric assisted bicycle in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;
2. “Class 2 electric-assisted bicycle” means an electric assisted bicycle in which the motor may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or
3. “Class 3 electric-assisted bicycle” means an electric-assisted bicycle in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour and is equipped with a speedometer.

D. “Electric Foot Scooter/Electric Skateboard” means a device with a floorboard that can be stood upon while riding, and is powered by an electric motor that has a maximum speed of no greater than twenty miles per hour on level ground.

E. “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, gas-powered bicycles, gas-powered motorized foot scooters or skateboards, quads or similar type of recreational off-road vehicles and snowmobiles, whether or not they can be legally operated upon the public highways.

F. “Park” means and includes all parks, improved parks, trails, natural areas, and recreational property of any nature owned or controlled by the city of North Bend. Categories of improved parks include community parks (generally 10 acres or larger), neighborhood parks (generally between two and 10 acres), and mini-parks (generally between one-quarter and one-half acre).

G. “Parks Commission” means the advisory parks, recreation and beautification commission to the City Council as established and created by Chapter 2.24 NBMC.

H. “Park facilities” means any play equipment, athletic fields, parking lots, picnic shelters, restrooms, performing arts facilities, public buildings, and all other improvements in a park, and includes trail sections located within a park.

I. “Person” means all natural persons, firms, partnerships, corporations, clubs and all associations or combination of persons whenever acting for themselves or by an agent, servant, or employee.

J. “Trail” means any path or track designed for use of pedestrians, bicycles, or equestrians, and specifically designated and posted for nonvehicular use.

12.04.030 Authority to post alternative and additional park regulations

A. Alternative park regulations. Where another public park and recreation agency operates or manages a park owned in part by the City through agreement with the City, that agency after first obtaining the written consent of the City Council shall have the authority to promulgate and post their own park regulations within such park, which may differ from the regulations provided within this Chapter.

B. Additional park regulations. The City or other public park and recreation agency operating or managing a park owned in part by the City through agreement with the City shall have the authority to post additional regulations applicable to specific park features within City parks, such as at a BMX park, skate park, climbing wall, sports courts, etcetera.

12.04.040 Park hours.

A. Hours designated. All North Bend city parks and open spaces, including the vehicle parking areas, shall be closed to the general public from the onset of dusk every evening and continuing until dawn the following day, unless otherwise posted at the park with specific hours of operation.

B. Entry prohibited when. It is unlawful for any person, other than an on-duty police officer or authorized city employee, to enter into or remain within any North Bend city park during the hours when the park is closed, as set forth in NBMC 8.34.010.

C. Sign posting. The public works supervisor is instructed to place signs at the main entrances to all North Bend city parks advising the public of the restricted park hours.

D. Exceptions. Nothing in this chapter shall be construed to prevent the mayor or city administrator from issuing a special events permit or other written approval authorizing access to a city park at times other than those set forth in this chapter. Nothing in this chapter shall require the mayor or city administrator to issue any such special events permit or other written approval.

12.04.050 Use of parks by community groups, athletic teams or private parties.

A. Subject to subsection B of this section, the director is hereby authorized to promulgate written policies and procedures for use of city parks and park facilities, including by way of example picnic shelters, athletic facilities, and concert venues

for use by community groups, athletic teams and private parties. The director is further authorized to promulgate forms for park use or rental agreements for such purposes, subject to approval by the city attorney. Such policies and procedures and forms shall require indemnity of the city and liability insurance with limits determined by the director to be sufficient to protect the city based on the nature of the intended park use or rental.

B. The following activities within parks shall not be subject to approval by the director but shall require a special event permit pursuant to NBMC 5.20 or other appropriate approval:

1. Any event at which alcoholic beverages will be served;
2. Any event at which an admission charge will be imposed;
3. Any event at which food or beverages will be sold for consumption in the park; provided, that an approved park rental agreement may allow use of established concession stands;
4. Any event at which food products, arts and crafts, souvenirs or merchandise of any kind will be sold;
5. Any event at which fireworks will be discharged;
6. Any event at which sounds of any origin will exceed 50 dB at any park property boundary after 10:00 p.m.;
7. Any event which is proposed to last more than one day, or proposed as a series of events; and
8. Any event where expected attendance is of 50 or more people.
9. Any event which would include set-up of significant furnishings including, chairs, tables, tents, bouncy houses, or similar equipment or furnishings, and which are intended for a private group of individuals, excluding other members of the public from use of the same general area during the event.

C. Private for-profit events that infringe on the primary purpose of city parks to provide recreation for the public as a whole should generally not be allowed unless the Mayor finds that such event would promote some other public purpose, such as promoting tourism or cultural values.

12.04.060 Compliance with park signage required.

It shall be unlawful for any person to use any park, park facilities, or trail in a manner or at hours contrary to posted signs.

12.04.070 Animals at large prohibited except in designated off-leash areas.

A. It is unlawful for any person to permit any dog or pet owned by him/her or under his/her charge or control to run at large in any park, except in a designated off-leash area, or as may be otherwise permitted under a special event permit addressing containment of the animals. All dogs or other pets shall otherwise be kept on a leash no longer than eight feet.

B. It shall be the responsibility of the owner or person having charge or control of any dog or other pet to maintain it under control at all times so as not to pose an unreasonable danger to other people or animals. No person shall allow his/her dog or other pet to bite or in any way endanger or annoy other park visitors. No person shall permit his/her dog or other pet to bark frequently or continuously or otherwise disturb the peace and tranquility of the park.

C. All persons bringing dogs or other pets into a park or trail shall carry appropriate equipment for removing feces, and shall collect and dispose of any feces deposited by such dog or other pet in an appropriate receptacle. It shall be unlawful for any person to fail to so collect and dispose of any feces deposited by a dog or other pet owned by him/her or under his/her charge or control.

12.04.080 Motor vehicles – Parking within parks.

A. No operator of any motor vehicle as defined in this chapter, or any boat, trailer, recreational vehicle or camper shall park such vehicle, boat, trailer, recreational vehicle or camper in any park, except in a designated parking area, or for the purpose of delivery or pickup of equipment or supplies in connection with an approved event, or as may be otherwise specifically authorized in a special event permit or park use or rental agreement.

B. The City may post signs authorizing or restricting parking within parks and/or along public rights-of-way fronting to parks under hours that may differ from those identified for park closing hours within this chapter, or parking within rights-of-way under NBMC 10.06.

C. No person shall park, leave standing, or abandon a vehicle, boat, trailer, recreational vehicle or camper in any park after the posted closing time or posted parking time, except when attending an event authorized by a special event permit or park use or rental agreement authorizing use after the posted closing time. Any such vehicle found parked in violation of this section may be towed away and impounded at the owner's or operator's expense.

12.04.090 Motor vehicles – Operation in designated areas only.

No person shall operate any motor vehicle on a trail in any city park area unless such trail has been specifically designated and posted for such use. Subject to the provisions of this section, no person shall operate a motor vehicle within the boundaries of a city park area 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.

12.04.100 Excessive Noise.

No person shall cause noise from a radio, portable audio equipment, or automobile sound system within any city park that can be heard from 75 feet away, except as may be authorized for special events through an approved special events permit.

12.04.110 Uses prohibited, Generally.

No person shall use a public park or other public property in a manner which would create an unreasonable safety hazard, cause damage to the property, or exclude other members of the public from using the same general area, except as may be authorized via special event permit and the terms and conditions thereof which are designed to ensure public safety and address potential impacts to the park.

12.04.120 Camping prohibited.

It shall be unlawful to camp, as defined and regulated under NBMC 9.60, in any public park, trail, or open space except as may be allowed pursuant to an approved special event permit or otherwise pursuant to law.

12.04.130 Fires.

It is unlawful for any person to set or maintain any fire in a park, except in designated facilities of self-contained stoves or barbecues.

12.04.140 Refuse and litter to be deposited in designated receptacles.

It is unlawful for any person to leave any refuse or litter of any type in any park or to deposit any waste or abandoned material therein except in designated receptacles.

12.04.150 Fireworks or explosives prohibited – Exception.

No person shall possess, discharge, set off, or cause to be discharged in any park any fireworks as defined in NBMC 8.20, or explosives; provided, the Mayor may authorize the discharge or fireworks by a licensed pyrotechnician for a city-sponsored event or in an approved special event permit.

12.04.160 Alcoholic beverages prohibited except subject to special events permit.

The opening and/or consumption of alcoholic beverages in a city park area is prohibited, except beer and/or wine may be allowed to be served as part of an organized event pursuant to an approved special events permit issued pursuant to Chapter 5.20 NBMC. Such special events permit must be approved by the director of public safety, and shall include conditions authorizing such alcoholic beverages to be served only by a responsible business or organization within an enclosed area, subject to such additional conditions as may be prescribed by the director of public safety. The special events permit shall further include a condition requiring compliance with all regulations of the Washington State Liquor Control Board. Violation of this section shall be a misdemeanor.

12.04.170 Discharge of firearms and weapons permitted in designated areas only.

No person shall discharge a firearm, bow and arrow, 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, in any park, except in such area and under such circumstances as the City Council may by resolution designate and cause to be posted in such area. This prohibition shall not apply to law enforcement or animal control officers responding in their official roles.

12.04.180 Helmets required.

A. Helmets are required by any individual riding a bicycle, skateboard, or electric foot scooter/electric skateboard within city parks and on city trails.

12.04.190 Trail Use.

A. 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. Travel at speeds in excess of 15 miles per hour shall constitute an evidentiary presumption that the person violated this section.

B. No person shall travel on a trail in a negligent manner. For the purposes of this section “travel on a trail in a negligent manner” shall be construed to mean any form of travel on a trail in such a manner as to endanger or be likely to endanger any persons or property.

C. For the purposes of this section “travel” shall be construed to include all forms of movement or transportation on a trail, including but not limited to foot, bicycle, horse, skateboard, and roller skates.

D. 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.

E. Except as exempted herein, no motorized vehicles shall be allowed on City of North Bend trails, or any other areas within parks that are off streets, parking lots or drive aisles otherwise intended for motorized vehicles. For the purposes of this section “motorized vehicles” means any form of transportation powered by an internal combustion or electric motor. This includes but is not limited to automobiles, golf carts, mopeds, motor scooters, and motorcycles, but does not include wheelchairs powered by electric motors, electric foot scooters/electric skateboards, or class 1 or class 2 electric-assisted bicycles. This section shall not apply to authorized maintenance, police or emergency vehicles.

F. Trails are open to all nonmotorized users unless otherwise designated and posted. Of note, the Snoqualmie Valley Trail is owned and operated by King County although a portion exists within the City, with rules for use designated and posted by King County accordingly. Trail restrictions may be posted at park entrances, trailheads or, in some cases, on individual trails.

G. Every person who shall use or travel on a trail shall adhere to the following standards of conduct:

1. Using a Trail. Every person using a trail shall stay as near to the right side of the trail as is safe, excepting those movements necessary to prepare to make or make turning movements, or while overtaking and passing another user moving in the same direction.

2. Regard for Other Trail Users. Every user shall exercise due care and caution to avoid colliding with any other trail user. All users shall travel in a consistent and predictable manner.

3. Groups on Trail. No group of trail users, including their animal(s), shall occupy more than one-half of the trail as measured from the right side, so as to impede the normal and reasonable movement of trail users.

4. Audible Signal When Passing. Every user shall give an audible warning signal before passing another trail user. The signal must be produced in such a manner as to allow adequate time for response. The signal may be given by voice, bell or horn.

5. Overtaking Trail Users on the Left. Any trail user overtaking another trail user proceeding in the same direction shall pass to the left of such overtaken user at a safe distance, and shall stay to the left until safely clear of the overtaken user.

6. Entering and Crossing Trail. Trail users entering or crossing the trail at uncontrolled points shall yield to traffic on the trail.

7. Lights on Trail Users. All bicyclists using the trail from one-half hour before sunset to one-half hour before sunrise shall equip their bicycles with a headlight visible 500 feet to the front, and a red or amber light visible 500 feet to the rear.

8. Regard for Equestrian Users on Trail. Trail users shall exercise extreme caution to prevent frightening horses with sudden noise or movement and shall always yield right-of-way to horses and warn equestrian users when approaching from behind and attempting to pass.

9. Regard for Adjacent Property Owners. Trail users should respect private lands adjacent to City trails and shall stay on trails to avoid trespassing on or interfering with adjacent private property.

12.04.200 Penalties for violation.

Every person who willfully violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished accordingly. In addition every person failing to comply with any provision of this chapter shall be subject to immediate ejection from the city park area.

12.04.210 Administration.

A. This code shall be administered by the director.

B. In addition to any authority conferred on the director by any other section, the director shall have the following additional authority:

1. To issue written policies that clarify or interpret the application of this chapter in particular circumstances;

2. To promulgate written policies and procedures to regulate the use of parks and trails, including restrictions on the use of particular areas, restricted hours or use of particular park facilities, and standards of conduct within parks and trails that are not inconsistent with the provisions of this chapter;

3. To cause signage to be posted indicating allowable and prohibited uses of particular areas, and restrictions on use, and required standards of conduct; and

4. To close areas in parks as may be appropriate for maintenance, rehabilitation of damaged areas, or other purposes.

Section 5. New NBMC Chapter 12.08 (Honorary and Memorial Park Donation Standards), Adopted: A new North Bend Municipal Code Chapter 12.08 (Honorary and Memorial Park Donation Standards) is hereby adopted to read as follows:

Chapter 12.08

HONORARY AND MEMORIAL PARK DONATION STANDARDS

Sections:

12.08.010 Purpose.

12.08.020 Standards.

12.08.010 Purpose.

The following standards shall govern the donation of honorary or memorial features and facilities in city parks, trails, rights of way, and other public properties by private individuals or parties. The standards are provided to ensure that such donations are considered in a consistent manner, provide reasonable public benefit for being located on public property, and are consistent with the context of a park, public street, or other public setting.

12.08.020 Standards.

A. Honorary/memorial features shall provide reasonable public benefit by functioning as a facility for users of the park or public space. Appropriate honorary/memorial features and facilities include the installation of landscaping, benches, picnic facilities, playground equipment, sidewalk or plaza paving, or any facilities identified for the park or facility in its respective master plan or capital facilities plan.

B. Such features shall not consist of stand-alone plaques, tributes or monuments, unless otherwise approved by the City Council.

C. A plaque depicting “in memory of/ in honor of...” is appropriate for placing on the feature or on the ground adjacent to the feature. The plaque should be kept simple in presentation, and not overly dominate the appearance of the feature or facility.

D. Wherever a standard for a feature has been established for an area, donations of such features within the particular area shall be consistent with the standard.

E. The Parks Commission shall provide review and recommendation on, and the City shall approve, the design and location of the memorial features within parks to ensure sufficient durability and compatibility with applicable plans for the park and other park features.

F. When the feature or facility begins to fail or no longer serves its function, the City has the right to remove and/or replace the feature or facility and associated plaque. The City will attempt to contact the family of the original donor but is not required to do so.

Section 6. New NBMC Chapter 12.16 (Naming of Parks), Adopted: A new North Bend Municipal Code Chapter 12.16 (Naming of Parks) carrying forward provisions established in Resolution 722, shall be adopted to read as follows:

Chapter 12.16 NAMING OF PARKS

Sections:

- 12.16.010 Naming.
- 12.16.020 Criteria.
- 12.16.030 Department review.
- 12.16.040 Community input.
- 12.16.050 Parks Commission recommendation.
- 12.16.060 Contest.
- 12.16.070 Gifted Park.

12.16.010 Naming.

All public parks and park and recreation facilities shall be named by the City Council following recommendation of the Parks Commission under the process described below.

12.16.020 Criteria.

The name for public parks and park and recreation facilities shall be based upon the site's relationship to the following criteria:

- A. Neighborhood, geographic or common usage identification;
- B. Natural or geological features;

C. An historical figure, place, event or other instance of historical or cultural significance;

D. An individual (living or deceased) who has made a significant contribution to the park system or who has had the contribution made “in memoriam”, and when the name has been stipulated as a condition of the donation;

12.16.030 Department review.

Prior to submittal of any proposed name to the Parks Commission for its recommendation for the naming or renaming of any park, the proposed name shall be submitted to the Mayor for review and comment by affected City departments. Departmental comments shall be incorporated in any staff report to the Parks Commission or City Council.

12.16.040 Community input.

Prior to submittal of its recommendation to the City Council, the Parks Commission shall solicit public input from relevant individuals and organizations. Input may be way of direct outreach, a public workshop and/or hearing, or other means as appropriate to the proposal.

12.16.050 Parks Commission recommendation.

Following consideration by the public and departmental review, the Parks Commission shall provide its recommendation to the City Council. The Parks Commission’s recommendation shall include findings relative to the four criteria in NBMC 12.16.020.

12.16.060 Contest.

If a contest or competition is to be held to determine the name of a park or recreation facility, the Parks Commission shall establish guidelines and rules for the contest, including consistency with the criteria in NBMC 12.16.020. No City funds shall be used for any contest prizes.

12.16.070 Gifted Park.

In the event a gift is offered to the city on condition that a public park, open space, sensitive area, park feature or facility be named after a specified person or otherwise be given a specific name, City Council shall have sole authority to determine whether to accept or reject the gift.

Section 7. New NBMC Chapter 12.32 (Adopt a Park Program), Adopted: A new North Bend Municipal Code Chapter 12.32 (Adopt a Park Program), carrying forward provisions established under Resolution 1483, shall be adopted to read as follows:

Chapter 12.32
ADOPT A PARK PROGRAM

Sections:

- 12.32.010 Authorization.
- 12.32.020 Adopt a Park Rules.

12.32.010 Authorization.

There is hereby authorized and established an Adopt-A-Park Program in the City of North Bend. The purpose of the program shall be to provide the opportunity for individuals or organizations to assist in the maintenance, beautification and improvement of the city's parks, trails and open spaces through a city-administered volunteer program.

12.32.020 Adopt a Park Rules.

The public works director and/or his or her designee is hereby authorized to establish and administer reasonable rules and regulations for the administration of the Adopt-A-Park Program, which shall at a minimum include the following:

- A. Qualifications for participating individuals or organizations;
- B. Requirements for individual volunteers, including a background check;
- C. Safety rules to be observed by all volunteers;
- D. Provisions for the release of liability of the city by participating organizations and individual volunteers;
- E. Standards for signage recognizing individuals or organizations adopting a park; and
- F. Standard forms of agreements, releases and other documents required to implement the program, with the approval of the city attorney.

Section 8. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 9. Effective Date: This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5TH DAY OF MAY, 2020.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

Published: May 15, 2020
Effective: May 20, 2020

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk