



## Department Policy & Procedure

Subject: PARK OPERATING HOURS EXCEPTION		Number 0660-P 7.13.0
		Effective: June 1, 1995
		Amended: November 1, 2009
	Department: Parks & Recreation	Page 1 of 5

### 1.0 PURPOSE

- 1.1 To provide for the creation and approval of exceptions to the operating hours established for city parks in SMC 18.12.245.

### 2.0 ORGANIZATIONS AFFECTED

- 2.1 Department of Parks and Recreation (DPR)
- 2.2 Board of Park Commissioners (Park Board)
- 2.3 Seattle Police Department (SPD)
- 2.4 Neighborhood Organizations

### 3.0 REFERENCES

- 3.1 Seattle Municipal Code (SMC) Chapter 18.12 (Park Code), 18.12.030, Definitions.
- 3.2 SMC Chapter 18.12.040, Superintendent's Authority.
- 3.3 SMC Chapter 18.12.245, General Park Operating Hours.
- 3.4 SMC Chapter 18.12.277, Trespass in the Parks.
- 3.5 SMC Chapter 3.02.030 Administrative Code, Notice and Hearing on Adoption of Rules.
- 3.6 SMC Chapter 3.02.050 Administrative Code, Emergency Action.
- 3.7 SMC Chapter 3.02.070 Administrative Code, Rules to be Filed.

#### 4.0 POLICY

- 4.1 Seattle Municipal Code Chapter 18.12.245 establishes general park operating hours between 4 a.m. and 11:30 p.m.; Chapter 18.12.040 authorizes the Superintendent of Parks and Recreation to establish times for opening and closing of any particular park or park facility to public use; in order to provide or restrict nighttime access to park areas the Superintendent believes to be appropriate, she may declare an exception to the general operating hours established in SMC 18.12.245, that is, to modify the operating hours of a park or portion thereof.
- 4.2 As of the effective date of SMC 18.12.245, July 1, 1995, the following parks and facilities are open to the public 24 hours a day, and are declared by the Superintendent of Parks and Recreation to be exceptions to the operating hours established in SMC 18.12.245:
  - 4.2.1 Green Lake Park, Green Lake Way
  - 4.2.2 Myrtle Edwards Park, 103 Alaskan Way West
  - 4.2.3 Lake Washington Boulevard Path, extending from Washington Park to Seward Park
  - 4.2.4 Atlantic City Boat Ramp, 8702 Seward Park Avenue South
  - 4.2.5 Magnuson Park Boat Launch, 6500 Sand Point Way Northeast
  - 4.2.6 Stan Sayers Boat Launch, 3808 Lake Washington Boulevard South
  - 4.2.7 Eddie Vine Boat Ramp, 8001 Seaview Avenue Northwest
  - 4.2.8 Ferdinand Street Boat Launch (car top/hand), Lake Washington Boulevard South
  - 4.2.9 First Avenue South Boat Ramp, First Avenue South/South River Street
  - 4.2.10 Sunnyside Avenue North Boat Ramp, 2301 North Northlake Way
  - 4.2.11 Kerry Viewpoint, 211 West Highland Drive
- 4.3 Proposals to create other exceptions to the park operating hours established in SMC 18.12.245 will be considered by DPR staff, who will forward a report to the Board of Park Commissioners. After holding a public hearing and considering the report, the Board will forward their recommendation to the Superintendent, who will issue a decision.
- 4.4 An exception declared by the Superintendent to the operating hours prescribed in SMC 18.12.245 shall be conveyed to the public by appropriate signage placed at the entrance and elsewhere in the park.
- 4.5 From time to time, at the request of the Superintendent, DPR staff will review whether the modified operating hours of a park or portion thereof have resulted in a threat to public

peace, in the potential for injury to the public, DPR employees or the park, or in an identified threat to the public health or safety. The review will include input from DPR security staff, SPD, DPR recreation and resource staff in the appropriate district, and affected or interested neighborhood or community organizations.

- 4.6 In the event the Superintendent determines prior to a staff review that the modified operating hours of a park or portion thereof are no longer warranted, she may notify the Board of Park Commissioners of the need to consider re-establishing the operating hours prescribed in SMC 18.12.245, or other operating hours she may deem appropriate.
- 4.7 Exceptions to the general park operating hours will be limited to 6 a.m. to 10 p.m. unless there are clearly identified extenuating circumstances justifying different hours.

## 5.0 DEFINITIONS

- 5.1 "Board of Park Commissioners," also referred to as the "Park Board," are citizens appointed by the Mayor whose function shall be to act in an advisory capacity to the Mayor, City Council, DPR and other City Departments with respect to park and recreation matters. The number of members of the Board, their terms of office and the manner in which they shall be appointed and may be removed, and their duties, are prescribed by ordinance.
- 5.2 "Modified Operating Hours" refers to a decision by the Superintendent to allow a park or a portion thereof to be open during hours other than those prescribed in SMC 18.12.245.

## 6.0 RESPONSIBILITIES

- 6.1 The Security staff will keep itself apprised of activities occurring in specific parks, coordinating both with SPD and DPR recreation and resource staff as appropriate.

The security staff will evaluate park problems from the standpoints of threat to public peace, the potential for injury to the public, DPR employees or the park, and danger to the public health or safety. When appropriate, the staff will recommend to the Superintendent that she authorize modified operating hours for specific parks, or portions thereof.

The security staff will order and maintain appropriate signage to alert the public to modified operating hours in a park, or portion thereof.

- 6.2 The Parks Superintendent will advise the Park Board of the need to consider authorizing modified operating hours for a park or portion thereof, or re-establishing for a park or portion thereof the operating hours prescribed in SMC 18.12.245. The Superintendent may authorize modified operating hours when she receives a request for such modified hours from a neighborhood or community organization representing the geographic area in which a park is located, an organization formed or functioning for the purpose of preserving and maintaining a park, or SPD or DPR security staff. She may consider factors such as:

Public safety;

The potential for injury to park users or DPR employees or to the park, or the potential for danger to the public health or safety.

Construction or other disruptive activity.

## 7.0 PROCEDURE

### 7.1 Security Staff

- 7.1.1 The staff will coordinate with SPD, DPR recreation and resource staff, neighborhood organizations and other concerned parties to evaluate requests to establish operating hours different from those prescribed in SMC 18.12.245.
- 7.1.2 Upon the Superintendent's decision to establish modified operating hours, or *to* establish the operating hours prescribed in SMC 18.12.245, the staff will order posting of appropriate signage and inform the Police of the Superintendent's decision.
- 7.1.3 The staff will maintain files and status information on parks for which the Superintendent has established operating hours different from those prescribed in SMC 18.12.245.
- 7.1.4 At the request of the Superintendent, the staff will evaluate and may submit a report in writing to the Superintendent evaluating whether to re-establish the operating hours prescribed in SMC 18.12.245, or other hours she may deem appropriate.

### 7.2 The Superintendent

- 7.2.1 The Superintendent will forward to the Park Board the staff report on whether to establish for a park, or a portion thereof, modified operating hours or to re-establish the operating hours prescribed in SMC 18.12.245.
- 7.2.2 The Superintendent will review the Park Board recommendation and take appropriate action.

- 7.2.3 When the Superintendent finds the immediate adoption, amendment or repeal of this rule is necessary for the immediate preservation of the public peace, prevention of injury to park users, DPR employees or the park, or to respond to an identified danger to the public health or safety, she may take such action effective upon filing such adoption, amendment or repeal with the City Clerk.

This filing will include a statement of the facts upon which the findings of an emergency and necessity are based. The adoption, amendment or repeal of a rule shall be for a period of between 60 and 270 days unless the notice and hearing procedures set forth above, and in 3.5 have been complied with during this time period, or unless there has been a more limiting statement placed within the rule itself.

### 7.3 The Park Board

- 7.3.1 The Park Board will make a recommendation to the Superintendent at the earliest opportunity after holding public hearing and considering the staff report on whether to establish for the park in question modified operating hours, or to re-establish the operating hours prescribed in SMC 18.12.245.
- 7.3.2 Except in the case of an emergency action to establish for a park or portion thereof specific operating hours, the Park Board will hold a public hearing and consider the report of the staff on whether to establish modified operating hours for a park or part thereof.



## **Parks Operating Hours Exceptions Policy**

### **PURPOSE OF POLICY**

1. Provide for reasonable exceptions to the park operating hours established in SMC 18.12.245.
2. Provide the Superintendent with the flexibility to respond to neighborhood-based requests for nighttime opening, and for re-closure of parks.

### **WHAT DOES IT MEAN TO MODIFY THE OPERATING HOURS OF A PARK?**

1. The park is open to the public during the hours of 4 a.m. to 11:30 p.m., which are the general park operating hours prescribed in SMC 18.12.245.
2. Any person present in the park when it is closed who is not participating in a DPR-sponsored or permitted activity, is subject to citation for trespassing.

### **HOW IS AN EXCEPTION TO GENERAL OPERATING HOURS INITIATED?**

1. Request by a neighborhood or community organization representing the geographic area in which a park is located, by an organization formed or functioning for the purpose of preserving and maintaining a park, by SPD, or by DPR security staff.
2. Concurrence by the public, SPD, and DPR security results in a staff report to the Superintendent to modify the operating hours of a park.
3. Park Board public hearing and recommendation to the Superintendent.
4. Superintendent issues an order.

### **HOW IS A DECISION TO MODIFY OPERATING HOURS EFFECTED?**

1. DPR security staff order posting of appropriate signage.
2. DPR security staff notify SPD.

### **HOW WILL DPR EVALUATE EFFECTIVENESS OR MODIFIED OPERATING HOURS?**

1. SPD reports problems are in evidence, or are under control.
2. Citizens report problems are in evidence, or are under control.
3. DPR recreation and resource staff report problems are in evidence, or are under control.

