

SKOKOMISH PUBLIC PARKS ORDINANCE

Adopted by Resolution No. 05-69 (June 15, 2005)

TABLE OF CONTENTS

RULES APPLYING TO ALL PUBLIC PARKS

6.10.001 Rules Applying to All Public Parks

VIOLATIONS--PENALTY

6.10.010 Violation--Penalty

ENFORCEMENT

6.10.020 Power of Enforcement

6.10.021 Notice of Violation

6.10.022 Service of Notice

6.10.023 Procedure

Rules Applying to All Public Parks

6.10.001 Rules Applying to All Public Parks

The following rules shall apply and be enforced in all public parks

- (a) No alcoholic beverages shall be allowed.
- (b) There shall be no loitering in or about the vicinity of bathhouses or restroom facilities.
- (c) There shall be no overnight camping.
- (d) No fireworks shall be allowed except for licensed displays.
- (e) No firearms, airguns or weapons shall be displayed or used, except when displayed or used by duly authorize law enforcement officers in the performance of their duties.
- (f) No privately owned motor-powered vehicles shall be allowed in other than designated parking or loading areas.
- (g) No pets shall be allowed that are not under the restraint of a leash, tether or chain, no longer than ten feet, within 35 feet of its owner or keeper or a competent person authorized its owner or keeper to the command whom it promptly responds; no pets shall be allowed which are annoying bystanders or other animals or causing physical damage.
- (h) No fires shall be allowed in other than provided fire pits or approved outdoor cooking equipment used designated areas.
- (i) Park sites shall be closed between 10:00 p.m. and 6:00 a.m., except for approved activities pre-arranged with the Skokomish Department of Public Safety.

(j) No animals other than domesticated pets complying with subsection (g) of this section shall be allowed.

(k) All dog feces shall be picked up by the dog's owner or keeper and removed from the public park and/or adjacent property.

(l) No loud music or vulgar language shall be allowed.

(m) No littering of any type, including throwing away of cigarette butts, shall be allowed.

Violation—Penalty

6.10.010 Violation--Penalty

Violation of the Skokomish Public Parks Ordinance shall constitute an infraction punishable by a fine not to exceed \$500.00.

Enforcement

6.10.020 Power of Enforcement

The Director of the Department of Public Safety is charged with the enforcement of this ordinance and is authorized to employ, deputize, or cross-deputize enforcement officers for this purpose. Any person authorized to enforce this ordinance shall issue a notice of violation:

- (a) When a violation of this ordinance occurs in the enforcement authority's presence; or,
- (b) When the enforcement authority investigating a report of a violation of this ordinance finds probable cause to believe that a violation has been occurred.

6.10.021 Notice of Violation

The Tribe, through its enforcement authorities, shall give a written notice to anyone who violates this ordinance. The notice of violation shall:

- (a) Specify the nature of the violation, the location of the violation, the date and time of the violation (or the date and time when the violation was discovered), and the section(s) of this ordinance that was violated;
- (b) Set a date for hearing before the Skokomish Tribal Court, which shall be no sooner than ten (10) days after service of the notice;
- (c) Specify the amount of the fine which may be paid by the violator to the Court in order to avoid a hearing;
- (d) Notify the violator that if the violator does not pay the amount of the fine and does not appear before the Tribal Court on the date set for hearing, the court may declare the defendant to be in default and award any appropriate relief as provided by this ordinance.

6.10.022 Service of Notice

The notice of violation shall be served upon the defendant in the following manner:

- (a) By delivering a copy personally to the defendant or the defendant's authorized representative.
- (b) If, after reasonable effort is made, the defendant cannot be personally served, service may be made by sending a copy of the notice to the defendant's last known address by certified mail, return receipt requested, and sending an additional copy by regular mail.

A certificate of service filed with the Skokomish Tribal Court shall constitute proof of service of the notice of violation.

If service is made in the manner described in subsection (c) of this section, the certificate must describe the efforts that were made to personally serve the defendant.

6.10.023 Procedure

- (a) Tribal Court to Have Jurisdiction.
The Skokomish Tribal Court shall have jurisdiction over violations of this ordinance.
Hearings
on civil infractions under this ordinance shall conform to the applicable Rules of the Skokomish Tribal Court, S.T.C. 3.01, in particular the Rules of Civil Procedure except as inconsistent with this ordinance.
- (b) No Right to Jury Trial. There is no right to a jury trial in proceedings held pursuant to this ordinance. The Court, sitting without a jury, shall hear and decide such proceedings.
- (c) Appeals. Any party may appeal any final order under this ordinance. All appeals shall be governed by the applicable Rules of the Skokomish Tribal Court, S.T.C. 3.01, in particular the Rules of Appellate Procedure.
- (d) Power of the Court.
 - (1) If the Court finds by a preponderance of the evidence that a violation of this ordinance has been committed, it may require the violator to pay a civil penalty in an amount not to exceed the maximum penalty allowed for the infraction.
 - (2) Upon a showing of financial hardship, the Court may sentence a violator to perform community service hours in lieu of payment of a fine. Each hour of community service shall reduce the fine by the amount of federal minimum wage at the time of sentencing. Adequate supervision must be available before community service hours are imposed.