

SEATTLE PUBLIC UTILITIES OPEN SPACE RULES 2014 DEC 28 PM 1:45

I. PURPOSE.

CITY CLERK

The purpose of the Seattle Public Utilities Open Space Rules is to establish special rules regulating activity on open space owned and operated by Seattle Public Utilities ("SPU"), including 1) hours of operation, 2) rules of conduct and prohibited activity, and 3) establishing an exclusion and appeal process.

II. REFERENCES.

These rules are intended to supplement any applicable rules which are already in force, as well as all applicable chapters or portions of the Seattle Municipal Code and the Revised Code of Washington. These rules apply to all properties and facilities thereon, which are owned and/or operated by SPU.

III. DEFINITIONS.

A. Unless clearly inconsistent with the context in which used, the following definitions apply:

1. **"Office"** means the Office of Security and Emergency Management.
2. **"Director"** means the Director of SPU's Office of Security and Emergency Management.
3. **"Explosive"** means and includes any chemical compound or mechanical mixture that is commonly used or intended for the purposes of producing an explosion of any kind.
4. **"Incendiary"** means and includes any ignitable compound or mechanical mixture commonly used or intended for producing an explosion or fire of any kind. Incendiary devices include fireworks.
5. **"Open Space"** means land owned, operated and occupied by SPU, either improved or unimproved, including land predominantly in its natural state, riparian areas, watersheds or other habitat areas, which are preserved from urbanization and with which a public right of way is associated. Open space does not include parks.

IV. OPEN SPACE HOURS OPEN TO THE PUBLIC.

The following rules apply to all SPU properties that are open to the public unless otherwise posted:

- A. The unrestricted areas of properties owned and operated by SPU will be open to the public between the hours of 4:00 a.m. and 11:00 p.m. Monday through Sunday.

- B. The Director has discretion to include and subject additional properties owned and operated by SPU to these rules at any time.

V. RULES GOVERNING CONDUCT ON SPU OPEN SPACE.

- A. General Rules. The following rules apply to all properties owned and operated by SPU and are in force unless otherwise posted:

1. A pack-in, pack-out policy shall be observed on SPU open space property. Leaving trash, animal droppings, etc. or littering of any kind is prohibited.
2. Removal or destruction of plant-life, soil, sod, barricades, fencing or other physical characteristics of SPU open space is prohibited.
3. Entrance into any area designated "for official use only," "no trespassing" or "no admittance" is prohibited.
4. Erection of any kind of structure, including but not limited to tents, barricades, and fencing, is prohibited.
5. Obstruction of ingress into or egress from an open space is prohibited.
6. Unleashed animals are prohibited.
7. Abandonment of animals is prohibited.
8. The possession or consumption of liquor is prohibited.
9. Dumping is prohibited.
10. Skateboarding is prohibited.
11. Camping is prohibited.
12. Soliciting is prohibited.
13. The use of sound amplifying devices is prohibited.
14. Urinating or defecating in any area other than a toilet facility is prohibited.
15. The use or possession of weapons, airguns, bows, arrows and slingshots is prohibited.
16. Hunting is prohibited.
17. Fishing is prohibited.
18. The feeding of wild animals is prohibited.
19. Unless necessary to assist in mobility or for official use, the use of motorized vehicles is prohibited.
20. The use of watercraft is prohibited.
21. The use or possession of explosives or incendiary devices is prohibited.
22. Fires are prohibited.
23. The posting of signs or posters to any structure is prohibited.
24. The placement of graffiti on property, buildings or any structure is prohibited.

B. Rules of conduct for use of automatic and/or portable public toilets (toilets). The following rules apply to all toilets on any property owned or operated by SPU, unless otherwise posted:

1. Only one (1) person at a time may occupy a toilet, except when assisting a disabled person as defined by SMC 14.06.020(J) or parent/guardian helping a minor child in the permissible use of toilet facilities in accordance with these rules.
2. Destruction of any part of the toilet facility is prohibited.
3. Graffiti is prohibited.
4. Consumption of alcoholic beverages is prohibited.
5. The use, possession, or sale of illegal substances, including but not limited to drugs or drug paraphernalia, is prohibited.
6. Littering except in appropriate receptacles is prohibited.
7. Soliciting is prohibited.
8. Loitering in or around toilets and toilet entrances is prohibited.
9. The sale of goods and/or the commencement of commercial activities is prohibited, unless allowed by issued permit.
10. Prostitution is prohibited.
11. Use of toilets for the purpose of commencing in any illegal activity is prohibited.
12. Do not stay in unit longer than allowed time to a maximum of 10 minutes.
13. Re-activation or alteration of toilet timer is prohibited.

C. The Director has discretion to, and at any time may modify, suspend or alter any rule, penalty or provision listed herein.

VI. OTHER AUTHORIZATION.

These rules are not meant to apply to personnel of local, state or federal law enforcement agencies. Any SPU employee or law enforcement officer lawfully acting in the course and scope of his or her duties is exempt from the restrictions of these rules.

VII. ENFORCEMENT.

Any violation of these rules or other applicable law may result in 1) revocation of a person's permission to remain on SPU open space, 2) exclusion or banning from same, 3) issuance of a warning or citation, and/or 4) arrest.

VIII. EXCLUSION FROM SPU OPEN SPACE.

A. Any employee or agent of SPU or any law enforcement officer may, by delivering a Notice of Exclusion to the violator, exclude any person from an open space who 1)

violates any open space rule as listed herein, or 2) violates any provision of the Seattle Municipal Code or the Revised Code of Washington.

- B. The Notice of Exclusion shall be in writing and shall be signed by the issuing individual. It shall specify the date of issuance and the length and places of exclusion. Warning of the consequences for failure to comply shall be prominently displayed on the notice. The Notice of Exclusion shall describe the process for appeal.
- C. A violator need not be charged, tried or convicted of any crime or infraction in order for a Notice of Exclusion to be issued or effective. The exclusion may be based upon observation by an employee or agent of SPU or the City of Seattle, or by law enforcement, surveillance device, or any other form of observation ordinarily relied upon by law enforcement.
- D. If a violator has not been excluded from any SPU open space by a Notice of Exclusion within the preceding 30 days, and the violation does not constitute a felony or a weapons violation, the violator may be excluded for up to 14 days from the date of the Notice of Exclusion.
- E. If a violator has been the subject of only one (1) Notice of Exclusion issued within one year prior to the current violation, and neither violation constitutes a felony or a weapons violation, the violator may be excluded for up to 30 days from the date of the Notice of Exclusion.
- F. If a violator has been the subject of two (2) or more Notices of Exclusions issued within one (1) year prior to the current violation, and none of the violations constitutes a felony or weapons violation, the violator may be excluded from the premises for up to one (1) year from the date of the Notice of Exclusion.
- G. If a violator has been the subject of three (3) or more Notices of Exclusion issued within one (1) year prior to the current violation, the violator may be permanently banned from the premises.
- H. If a violation constitutes a felony or weapons violation, the violator may be permanently banned from the premises.

IX. APPEALING EXCLUSION FROM SPU OPEN SPACE.

- A. Any person receiving a Notice of Exclusion for a period exceeding 14 days may submit a timely appeal. An appeal must be made in writing within seven (7) business days from the issue date of the notice. All appeals must be sent to:

Seattle Public Utilities
Director of Security and Emergency Management
P.O. Box 34018
Seattle, WA 98124-4018

- B. Appeals will be reviewed by the Office Director, after which time the Director will render a final decision. Responses to appeals will be sent in writing within 14 business days from the date an appeal is received by the Office, unless the investigation process or other circumstance warrants additional time.

Signed this 19th day of December, 2006



CHUCK CLARKE

Director, Seattle Public Utilities

