

**TITLE IX
PUBLIC PEACE, SAFETY, AND MORALS**

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- 9.01 Reward for Information**
- 9.04 Speed Limit on Lakes**
- 9.05 Power Boats on Goss Lake Prohibited**
- 9.06 Discharge of Firearms Prohibited**
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Chapter 9.01

Reward for Information

Sections:

9.01.010 Reward Offered

9.01.020 Six-Month Limitation--Persons Excluded

9.01.030 Certification Required

9.01.040 Effective Date

9.01.010 Reward Offered

The Island County Board of Commissioners does hereby offer a standing reward of one-hundred dollars (\$100.00) for information leading to the arrest and conviction of persons vandalizing Island County roads or property, including signs.

(Ord. 757, May 11, 1970, vol. 13, p. 300)

9.01.020 Six-Month Limitation--Persons Excluded

This offer shall be good where the arrest is made within six (6) months from the commission of the offense but shall not be available to law enforcement officers or county employees employed by the County Highway Department.

(Ord. 757, May 11, 1970, vol. 13, p. 300)

9.01.030 Certification Required

Eligibility for payment shall be certified by either the sheriff of Island County or the prosecuting attorney of Island County.

(Ord. 757, May 11, 1970, vol. 13, p. 300)

9.01.040 Effective Date

This chapter shall be in full force and effect from and after its passage pursuant to law.

(Ord. 757, May 11, 1970, vol. 13, p. 300)

**Chapter 9.04
Speed Limit on Lakes**

Sections:

- 9.04.010 Speed Limit Established**
- 9.04.020 Prohibited Uses**
- 9.04.030 Punishment for Violation**

9.04.010 Speed Limit Established

It shall be unlawful for any person to operate a power driven boat on the waters of any lake in Island County, Washington, at a speed in excess of eight (8) miles per hour; **provided** that the speed limit on Lone Lake and Deer Lake shall be five (5) miles per hour; and **provided further** that between the hours of 2:00 p.m. and 6:00 p.m. Monday through Friday, and 11:00 a.m. and 4:00 p.m. on Saturdays, Sundays, and holidays, the maximum speed shall be forty-five (45) miles per hour two-hundred (200) or more feet from the shoreline with the exception of the first twenty-two (22) days of fishing season (which begins the fourth Sunday of April each year) at which time the maximum speed of power-driven boats on Lone Lake and Deer Lake shall not exceed five (5) miles per hour commencing at 12:01 a.m. on opening day and continuing until 2:00 p.m. on the fourth Monday after opening of fishing season.

(Ord. 58, October 14, 1958, vol. 1, p. 376; amended by Ord. C-17-89, March 13, 1989, vol. 29, p. 296; amended by Ord. C-32-90, March 26, 1990, vol. 31, p. 12)

9.04.020 Prohibited Uses

The following uses shall be prohibited on Lone Lake and Deer Lake:

- A. Speed in excess of five (5) miles per hour within two-hundred (200) feet of the shoreline
- B. More than four (4) boats at any one time going in excess of five (5) miles per hour during the allowed times
- C. Power boats with open headers/dry stacks
- D. Personal watercraft, which means a vessel of less than sixteen (16) feet which uses a motor powering a water jet pump as its primary source of motive power, and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

9.04.020

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E. Boats with above a sixty-five (65) decibel noise level

(Ord. C-17-89, March 13, 1989, vol. 29, p. 296; amended by Ord. C-32-90, March 26, 1990, vol. 31, p. 12; amended by Ord. C-70-93, August 23, 1993, vol. 36, p. 104)

9.04.030 Punishment for Violation

Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as prescribed by law.

(Ord. 58, October 14, 1958, vol. 11, p. 376)

Chapter 9.05

Power Boats on Goss Lake Prohibited

Sections:

9.05.010 Use of Power Boats Prohibited

9.05.020 Penalty for Violation

9.05.010 Use of Power Boats Prohibited

It shall be unlawful for any person to operate a boat powered by a gasoline or diesel engine or any other chemical-base fuel on the surface of the waters of Goss Lake, a more particular description of which is as follows:

That certain lake known as Goss Lake located within Section 31, Township 30 North, Range 3 East of the Willamette Meridian, all situate in Island County, Washington.

(Ord. CC-74-1, August 8, 1974, vol. 15, p. 67)

9.05.020 Penalty for Violation

Any persons who shall violate the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as described by applicable law.

(Ord. CC-74-1, August 8, 1974, vol. 15, p. 67)

Chapter 9.06

Discharge of Firearms Prohibited

Sections:

9.06.010 Prohibited Areas

9.06.020 Penalty for Violation

9.06.010 Prohibited Areas

The discharge, firing, shooting, and use of firearms is prohibited in the following described areas of Island County:

- A. **Lone Lake.** On the surface of Lone Lake and over the surface of the land within one-hundred (100) yards of the shoreline of said Lone Lake lying within Township 26 North, Range 3 East of the Willamette Meridian;
- B. **Goss Lake.** On the surface of Goss Lake and over the shoreline of said Goss Lake lying within Township 29 North, Township 30 North, Range 3 East of the Willamette Meridian;
- C. **Honeymoon Lake.** On the surface of Honeymoon Lake and over the surface of the land within one-hundred (100) yards of the shoreline of said Honeymoon Lake lying within Township 30 North, Range 2 East of the Willamette Meridian.
- D. **Deer Lagoon.** Discharge of firearms is prohibited on the Island County-owned Deer Lagoon property, described in the attached legal description, Attachment “A,”¹ the property that lies within Township 29 North, Range 2 East of the Willamette Meridian.

The prohibition of the discharge, firing, shooting and use of firearms provided above shall not abridge the right of the individuals guaranteed by Article I, Section 24 of the state Constitution to bear arms in defense of self or others or law enforcement officers in the performance of their official duties.

(Ord. CC-73-3, December 3, 1973, vol. 14, p. 461; amended by Ord. 118-09 [R-47-09], October 12, 2009, vol. 2009, p. 474)

9.06.020 Penalty for Violation

Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as provided by applicable law.

(Ord. 118-09 [R-47-09], October 12, 2009, vol. 2009, p. 474)

Chapter 9.08

Fireworks

(Chapter 9.08, Fireworks, Ord. 1, June 6, 1949, vol. 10, p. 329; Res., May 7, 1956, vol. 11, p. 172; and, Res., June 4, 1956, vol. 11, p. 177; repealed by Ord. PA-78-02, June 19, 1978, vol. 17, p. 251)

¹ Reviser’s Note: Copies of the legal description referred to as Attachment “A” may be obtained by contacting the Clerk of the Board of Island County Commissioners, and requesting a copy of Ord. C-118-09, adopted October 12, 2009.

**Chapter 9.12
Intoxicating Liquor^{1A}**

Sections:

9.12.010 Acquisition, Use, or Consumption by Minors Prohibited--Exception

9.12.020 Supplying to Minors Prohibited--Exception

9.12.030 Punishment for Violation

9.12.040 Effective Date

9.12.010 Acquisition, Use, or Consumption by Minor Prohibited--Exception

It shall be unlawful for any person under the age of twenty-one (21) years to acquire in any manner, consume, or have in his possession any intoxicating liquor as defined by section 3 of chapter 62 of the Laws of 1933, Extraordinary Session, as amended by chapter 158 of the Laws of 1935 of the State of Washington; **provided**, that the foregoing shall not apply in the case of liquor given or permitted to be given to such person under the age of twenty-one (21) years by his parent or guardian for medicinal purposes, or administered to him by his physician or dentist for medicinal purposes.

(Ord., September 8, 1953, vol. 10, p. 621)

9.12.020 Supplying to Minors Prohibited--Exception

It shall be unlawful for any person to give or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years or permit any person under age to consume intoxicating liquor on his premises or on any premises under his control, except as provided in ICC 9.12.010.

(Ord., September 8, 1953, vol. 10, p. 621)

9.12.030 Punishment for Violation

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor as defined under the laws of the State of Washington and, upon conviction thereof, shall be punished by a fine not exceeding one-hundred dollars (\$100.00) or by imprisonment in the county jail for not more than thirty (30) days.

(Ord., September 8, 1953, vol. 10, p. 621)

^{1A} For statutory provisions regarding liquor, see RCW 66.08.

9.12.040 Effective Date

This chapter shall take effect immediately upon its passage by the Board of County Commissioners pursuant to law.
(Ord., September 8, 1953, vol. 10, p. 621)

**Chapter 9.16
Curfew**

(Chapter 9.16, Curfew, Ord., July 3, 1961, vol. 12, p. 80; repealed by Ord. SO-83-01, June 13, 1983, vol. 21, p. 020)

**Chapter 9.20
Abandoned Wells²**

Sections:

- 9.20.010 Cover Required**
- 9.20.020 Punishment for Violation**
- 9.20.030 Effective Date**

9.20.010 Cover Required

All abandoned or unused well holes shall be filled or covered with material of sufficient strength so as to prevent the entrapment of human beings.
(Ord. 1, June 6, 1949, vol. 10, p. 329)

9.20.020 Punishment for Violation

Any owner or owners or authorized agents thereof who fail to comply with this chapter shall be guilty of a misdemeanor and shall be subject to a fine of not more than one-hundred dollars (\$100.00) or imprisonment of not more than ninety (90) days in the Island County Jail for each violation.
(Ord. 1, June 6, 1949, vol. 10, p. 329)

² For statutory provision regarding abandoned wells, see RCW 7.48.140(9).

9.20.030

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9.20.030 Effective Date

This chapter shall be effective and be enforced from and after its passage pursuant to law.
(Ord. 1, June 6, 1949, vol. 10, p. 329)

Chapter 9.24

Emergency Services

(Chapter 9.24, Emergency Services, Res. ES-72-01, June 5, 1972, vol. 14, p. 64, and Res. ES-75-01, April 7, 1975, vol. 15, p. 272; repealed by Ord. ES-83-01, June 6, 1983, vol. 21, p. 006)

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Chapter 9.24A
Emergency Management³

Sections:

- 9.24A.010 Purposes**
- 9.24A.020 Definitions**
- 9.24A.030 Emergency Services Advisory Council - Membership (Repealed)**
- 9.24A.040 Emergency Services Advisory Council - Powers and Duties (Repealed)**
- 9.24A.050 Director of Emergency Management - Powers and Duties**
- 9.24A.060 Disaster Powers**
- 9.24A.070 Department of Emergency Management - Composition**
- 9.24A.080 Divisions, Services, and Staff of ICDEM**
- 9.24A.090 Punishment for Violation**
- 9.24A.100 Repeal of Conflicting Ordinances or Resolutions**
- 9.24A.110 Effective Date**
- 9.24A.120 No Private Liability**
- 9.24A.130 Severability**
- 9.24A.140 Approval by State Emergency Management Division**

9.24A.010 Purposes

The purposes of this chapter are to provide for the preparation and carrying out of plans, including mock or practice drills, for the civil defense and protection of persons and property within this county in the event of a disaster, and to provide for the coordination of the emergency services functions of this county with all other public agencies and affected private persons, corporations, and organizations, and to comply with the provisions of RCW 38.52.070. Any expenditures made in connection with such emergency services, including mutual aid activities and mock or practice drills, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of Island County.

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006)

³ Chapter 38.52 RCW pertains to emergency management and provides the principal statutory authorization for this chapter of the Island County Code. Previous resolutions and ordinances of the Board of County Commissioners relating to emergency services are Res. ES-75-01, passed April 7, 1975, Res. ES-72-01, passed June 5, 1972, and resolutions dated July 6, 1955 and December 15, 1941.

9.24A.020 Definitions

- A. **Emergency Services.** As used in this chapter, the term “emergency services” shall mean the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to prevent, minimize, and repair injury and damage and to aid victims suffering from damage resulting from disasters. This term shall not include, nor does any provision of this chapter apply to, any condition relating to a labor controversy.
- B. **Disasters.** As used in this chapter, the term “disaster” shall mean actual or threatened enemy attack, sabotage, or other hostile action, extraordinary fire, flood, storm, epidemic, riot, earthquake, or other similar public calamity.

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006)

9.24A.030 Emergency Services Advisory Council--Membership

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006; repealed by Ord. C-47-90, April 9, 1990, vol. 31, p. 49)

9.24A.040 Emergency Services Advisory Council--Powers and Duties

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006; repealed by Ord. C-47-90, April 9, 1990, vol. 31, p. 49)

9.24A.050 Director of Emergency Management--Powers and Duties

There is hereby created the Island County Department of Emergency Management, to be headed by a director of emergency management. The director shall be appointed by the Board of County Commissioners and the director shall be directly responsible for the organization, administration, and operation of the Island County Department of Emergency Management. The Island County Department of Emergency Management shall represent only the political subdivision of Island County. The director of emergency management is empowered:

- A. To control and direct the effort of the Island County Department of Emergency Management (ICDEM) for the accomplishment of the purposes of this chapter;
- B. To direct coordination and cooperation between divisions, services, and staff of the ICDEM, and to resolve questions of authority and responsibility that may arise between them;
- C. To represent the ICDEM in all dealings with public or private agencies pertaining to emergency services; and

- D. To approve and sign contracts on behalf of Island County transferring equipment purchased by the County from funds received from Homeland Security, Law Enforcement Terrorism Prevention Program and Emergency Management Program grants to other Island County local government end users.

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265; amended by Ord. C-166-98, December 28, 1998, vol. 43, p. 125; amended by Ord. C-109-06, October 16, 2006, vol. 2006, p. 325; amended by Ord. C-49-08, May 12, 2008, vol. 2008, p. 165; amended by Ord. C-20-09, April 6, 2009, vol. 2009, p. 184; amended by Res. C-160-09, January 13, 2010, Board of County Commissioners' Work Session Minutes)

9.24A.060 Disaster Powers

In the event of disaster as herein provided, the director is hereby empowered:

- A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; **provided**, however, such rules and regulations must be confirmed at the earliest practicable time by the Board of County Commissioners;
- B. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of the life and property of the people, and bind the county for the fair value thereof, and, if required immediately, to commandeer the same for public use;
- C. To require emergency services of any county officer or employee, and to command the aid of as many citizens of this community as he thinks necessary in the execution of his duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered civil defense or emergency services worker volunteers; and
- D. To requisition necessary personnel or material of any county department or agency.

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006)

9.24A.070 Department of Emergency Management--Composition

All officers and employees of this county, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations, and persons, including persons pressed into service under the provisions of ICC 9.24A.060.C, who may by agreement or operation of law be charged with duties incident to the protection of life and property in this county during such disaster, shall constitute the Island County Department of Emergency Management.⁴

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006; amended by Ord. C-109-06, October 16, 2006, vol. 2006, p. 325)

⁴ All persons employed or associated in any capacity in any emergency management organization established under Chapter 38.52 RCW are required to take the oath prescribed by RCW 38.52.120.

9.24A.080

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9.24A.080 Divisions, Services, and Staff of ICDEM

The functions and duties of the ICDEM shall be distributed among such divisions, services, and special staff as the county commissioners shall prescribe by resolution.

(Ord. ES-82-01, June 6, 1983, vol. 21, p. 006; amended by Ord. C-109-06, October 16, 2006, vol. 2006, p. 325)

9.24A.090 Punishment for Violations

It shall be a misdemeanor, punishable by a fine not to exceed two-hundred-fifty dollars (\$250.00) or imprisonment for a maximum of ninety (90) days, or both, for any person during a disaster:

- A. To willfully obstruct, hinder, or delay any member of the ICDEM in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed on him by virtue of this chapter;
- B. To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of the inhabitants of this county, or to prevent, hinder, or delay the defense or protection thereof; or
- C. To wear, carry, or display without authority, any means of identification specified by the Washington State Emergency Management Division.

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006; amended by Ord. C-109-06, October 16, 2006, vol. 2006, p. 325)

9.24A.100 Repeal of Conflicting Ordinances or Resolutions

That certain resolution entitled "A County Resolution Relating to Civil Defense," dated and approved the 6th day of July, 1955, and all other ordinances and resolutions in conflict with this chapter, are hereby repealed; **provided**, that it is the intent of the Board of County Commissioners in enacting this chapter that it shall be considered a revision and continuation of the ordinance or resolution repealed by this chapter, and the status of volunteers shall not be affected by such repeal; nor shall civil defense or emergency services mutual aid plans and agreements, rules and regulations, or resolutions adopted pursuant to such repealed resolution be affected by such repeal until amended, modified, or suspended as provided in this chapter.

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006)

9.24A.110 Effective Date

This chapter is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and shall take effect immediately.

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006)

9.24A.120 No Private Liability

No individual, firm, association, corporation, or other party owning, maintaining, or controlling any building or premises who voluntarily and without compensation grants to Island County a

license or privilege or otherwise permits said county to inspect, designate, and use the whole or any part or parts of such building or premises for the purpose of sheltering persons during an actual, impending, mock or practice attack or other disaster, or their successors in interest, or the agents or employees of any of them, shall be subject to liability for injuries sustained by any person while in or upon said building or premises as a result of the condition of said building or premises or as a result of any act or omission in connection with the upkeep or maintenance thereof (except in cases of willful acts of misconduct), when such person has entered or gone into or upon said building or premises for the purpose of seeking refuge therein during destruction operations or attacks by enemies of the United States or during a mock practice attack or test ordered by lawful authority or during other disasters.

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006)

9.24A.130 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006)

9.24A.140 Approval by State Emergency Management Division

A copy of this ordinance shall be submitted to the director of the Washington State Emergency Management Division for evaluation and approval pursuant to law.

(Ord. ES-83-01, June 6, 1983, vol. 21, p. 006; amended by Ord. C-109-06, October 16, 2006, vol. 2006, p. 325)

Chapter 9.28

Prisoners Prohibited from Possessing Weapons

Sections:

- 9.28.010 Finding**
- 9.28.020 Possession of Weapons Forbidden**
- 9.28.030 Severability**
- 9.28.040 Effective Date**
- 9.28.050 Penalty**
- 9.28.060 Adoption**

9.28.010 Finding

The adoption of this ordinance is in the interest of the public safety of the citizens of Island County and is necessary for the protection of the county jail.

(Ord. P-2-76, September 9, 1976, vol. 16, p. 266)

9.28.020

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9.28.020 Possession of Weapons Forbidden

No person held in custody in the county jail shall possess or carry upon his person or have under his control a firearm, a knife, or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm.

(Ord. P-2-76, September 9, 1976, vol. 16, p. 266)

9.28.030 Severability

If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance or the application of the provisions to other persons or circumstances is not affected.

(Ord. P-2-76, September 9, 1976, vol. 16, p. 266)

9.28.040 Effective Date

This ordinance is necessary for the immediate preservation of the public peace and safety and shall take effect immediately.

(Ord. P-2-76, September 9, 1976, vol. 16, p. 266)

9.28.050 Penalty

The violation of this ordinance is a misdemeanor.

(Ord. P-2-76, September 9, 1976, vol. 16, p. 266)

9.28.060 Adoption

Adopted this 9th day of September, 1976.

(Ord. P-2-76, September 9, 1976, vol. 16, p. 266)

Chapter 9.32

Designation of Hazardous Materials Incident Command Agency

Sections:

9.32.010 Designation of Hazardous Materials Incident Command Agency

9.32.010 Designation of Hazardous Materials Incident Command Agency

The governing body of Island County designates the Washington State Patrol as the Hazardous Materials Incident Command Agency for all hazardous materials incidents within the unincorporated limits of Island County.

(Ord. CC-82-09, October 18, 1982, vol. 20, p. 334; amended by Ord. C-130-01, November 26, 2001, vol. 46, p. 16)

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Chapter 9.36

Regulations for the Use of the Clinton Fishing Pier and Float

Sections:

- 9.36.010 Applicability and Purpose**
- 9.36.020 Permitted Activities on the Clinton Pier**
- 9.36.030 Prohibited Activities on the Clinton Pier and Float**
- 9.36.040 Regulation of the Float at Clinton Pier**
- 9.36.050 Penalty**
- 9.36.060 Severability**

9.36.010 Applicability and Purpose

This chapter shall apply to the use of the Clinton fishing pier and float located next to the Washington State ferry dock in Clinton, Island County, Washington. This facility is provided by the Port of South Whidbey for the citizens of Island County for recreation, transportation, and cultural activities. Only those activities which are consistent with this provision should be allowed.

(Ord. CC-83-01, November 28, 1983, vol. 21, p. 326)

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9.36.020 Permitted Activities on the Clinton Pier

The following activities are permitted on the Clinton pier:

- A. Fishing;
 - B. Loading and unloading of passengers from the float attached to the pier.
- (Ord. CC-83-01, November 28, 1983, vol. 21, p. 326)

9.36.030 Prohibited Activities on the Clinton Pier and Float

It shall be unlawful for any person to commit the following acts on the premises or in connection with the use of the Clinton pier and float:

- A. The willful marking, marring, defacing, disfiguring, injuring, tampering with or displacing, moving, burning, cutting, carving, digging up, or damaging any portion of the Clinton fishing pier and float;
 - B. To permit any animals to enter or remain on the pier or float; **provided**, however, that this section shall not apply to “seeing-eye” dogs that are being used by blind persons for the purpose of aiding them in going from place to place;
 - C. To use or operate any wheeled vehicle upon the fishing pier or float, including but not limited to any motorcycle, bicycle, roller skates, or skate boards, motor scooter, or other motorized vehicles; **provided**, however, this section shall not apply to authorized police, fire, or public works vehicles, wheelchairs being used by handicapped persons, and carriages for entrance;
 - D. To litter, swim, or skin-dive on the pier or float.
- (Ord. CC-83-01, November 28, 1983, vol. 21, p. 326)

9.36.040 Regulation of the Float at Clinton Pier

No boat, craft, or other vessel or seaplane shall use the float attached to the Clinton pier for any purpose other than the loading and unloading of passengers, and in no event shall any boat, craft, or other vessel or seaplane be moored, tied to, or otherwise detained at said float for a period of longer than thirty (30) minutes.

(Ord. CC-83-01, November 28, 1983, vol. 21, p. 326)

9.36.050 Penalty

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by paying a fine of twenty-five dollars (\$25.00) and all costs incurred as a result of the impoundment of any vessel required to be impounded by any peace officer pursuant to the enforcement of this chapter.

(Ord. CC-83-01, November 28, 1983, vol. 21, p. 326)

9.36.060 Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance and its application to other persons or circumstances is not affected.

(Ord. CC-83-01, November 28, 1983, vol. 21, p. 326)

Chapter 9.40

Island County Parks Property Rules and Regulations

Sections:

- 9.40.010 Definitions**
- 9.40.020 Program—Purpose**
- 9.40.030 Administrative Rules--Hours and Conditions of Operation**
- 9.40.040 Permits for Group Usage--Required Reservations**
- 9.40.050 Special Permits—Required**
- 9.40.060 Cancellation of Permit**
- 9.40.070 Denial of Future Permits**
- 9.40.080 Parks Areas--Hours of Use**
- 9.40.090 Time Limit for Use of Camping Facilities**
- 9.40.100 Camping Occupancy--Number of Vehicles**
- 9.40.110 Camping Fees**
- 9.40.120 Camping--Occupancy Hours**
- 9.40.130 Use of Trailer Sites by Tent Campers**
- 9.40.140 Sites Considered Occupied When Paid For**
- 9.40.150 Camping in Designated Areas Only**
- 9.40.160 Tents, Shelters, Trailers, Campers, Motor Homes Prohibited on Beaches**
- 9.40.170 Food Waste, Washing of Clothes or Animals**

- 9.40.180 **Parking Lots and Roadways**
- 9.40.190 **Motor Vehicle and Trailer Parking**
- 9.40.200 **Motor Vehicle on Roads and Trails**
- 9.40.210 **Motor Vehicles--Speed Limits**
- 9.40.220 **Washing of Vehicles—Prohibited**
- 9.40.230 **Commercial Use of Motor Vehicles Prohibited—Exceptions**
- 9.40.240 **Commercial Watercraft Prohibited**
- 9.40.250 **Use of Marine Heads/Toilets Prohibited**
- 9.40.260 **Use of Park During Icy Weather Conditions**
- 9.40.270 **Fishing**
- 9.40.280 **Pets in County Park Facilities**
- 9.40.290 **Horseback Riding--Prohibited Unless Otherwise Posted**
- 9.40.300 **Swimming/Scuba Diving/Sunbathing Prohibited in Boat Launch Area**
- 9.40.310 **Trapping and Capturing of Animals Prohibited**
- 9.40.320 **Firearms, Weapons, Hunting Prohibited**
- 9.40.330 **False Alarm of Drowning Prohibited**
- 9.40.340 **Fires Prohibited**
- 9.40.350 **Moorage in Swimming Area Prohibited**
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**ISLAND COUNTY PARKS PROPERTY RULES
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9.40.010

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9.40.010 Definitions

Whenever used in this chapter, the following terms shall be defined as herein indicated:

- A. **Aircraft** means any machine or device designed to travel through the air including but not limited to airplanes, ultra-lights, helicopters, and hot-air balloons.
- B. **Associated marine area** means any water area within one-hundred (100) feet of any Island County park area or marine facility such as a dock, pier, float, buoy, log boom, or other object which is part of an Island County park area, provided that such area does not include private property.
- C. **Camper** means a motorized or non-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.
- D. **Camping** means erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.
- E. **Campsite** means designated camping sites which are designated for the use of tent campers, and which have no water and/or electrical facilities available for hookup to a trailer or a camper.
- F. **Department** means the Island County Parks and Recreation Department.
- G. **Director** means director of the Island County Parks and Recreation Department.
- H. **Discrimination** means any action or failure to act, whether by single act or part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, religion, national origin, age, sex, marital status, the presence of any sensory, mental, or physical handicap, or the use of a trained guide dog by a blind or deaf person.
- I. **Facility or facilities or park facility or park facilities** mean any building, structure, or park area operated by the Island County Parks and Recreation Department.
- J. **Facility manager** means a duly appointed Island County Parks and Recreation employee.

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- K. **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, all-terrain vehicles, jeeps, or similar type four-wheel-drive vehicles, and snowmobiles, whether or not they can legally be operated upon the public highways.
- L. **Park area** means any area under the ownership, management, or control of the Island County Department of Parks and Recreation.
- M. **Parks Board** means the Island County Parks and Recreation Board.
- N. **Person** means all natural persons, groups, firms, partnerships, corporations, clubs, and all associations, or combination of persons whenever acting for themselves or an agent, servant, or employee.
- O. **Personal Watercraft** means a vessel of less than sixteen (16) feet which uses a motor powering a water jet pump as its primary source of motive power, and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.
- P. **Rocket** means any device containing a combustible substance which, when ignited, propels the device forward.
- Q. **Trail** means any path, track, or right-of-way designated for use by pedestrians, bicycles, equestrians, or other non-motorized modes of transportation.
- R. **Trailer** means a towed vehicle which contains sleeping or housekeeping accommodations.
- S. **Trailer site** means a designated camping site which is designed for the use of persons with trailers, campers, or motor homes.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60; amended by Ord. C-70-93, August 23, 1993, vol. 36, p. 104)

9.40.020 Program--Purpose

The playgrounds, activity centers, and other facilities of the Department are established by law for public recreation purposes.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.030 Administrative Rules--Hours and Conditions of Operation

The director, with approval of the Parks Board, shall promulgate rules setting forth the times and conditions upon which the Island County parks and recreation facilities will be open, closed, and used by the public.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.040 Permits for Group Usage--Required Reservations

- A. Any group of fifty (50) or more persons must apply to the Department for a permit to meet or conduct activities in the Department's buildings, including shelters, or in the Department's other facilities. All such permits must be approved by the director. If approved, the permit will be issued without charge if all the following conditions are satisfied:
1. Conducted in accordance with the Department's standards
 2. Held without admission charge
 3. Not conducted for financial gain
 4. Open to the general public without discrimination
 5. Scheduled during hours when the facility is regularly open
- B. Facilities cannot be reserved more than ninety (90) days in advance unless otherwise authorized by the director.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.050 Special Permits--Required

Groups which do not meet all of the requirements set forth in 9.40.040.A.1 through 5 may be granted special permits by the Department, but may be charged a fee. When appropriate, special conditions of use will be established by the Department and so noted on the special use permit. A schedule for the charges for special services in Island County recreational facilities will be established by the director with the approval of the Parks Board and the Island County Board of Commissioners.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.060 Cancellation of Permit

The Department reserves the right to cancel a permit for cause or if the Department wishes to make use of the facility, which need, in the judgment of the director, is paramount to that of the permittee. Notice of the Department's cancellation of the permit for priority use shall be given at least twenty-four (24) hours in advance. Notice of cancellation for cause may be given at any time. When the permit is cancelled, the park facility cannot be used under such permit.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.070 Denial of Future Permits

The misuse of a park facility or the failure to conform with these regulations, the instructions of Department employees, or the conditions of any permit will be sufficient reason for denying any future permit applications.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.080 Parks Areas--Hours of Use

Persons using Island County parks facilities must comply with the rules regarding times of closure set by the Department unless otherwise previously approved in writing by the Department. Said written permission from the Department shall be kept at the park facilities for display upon request.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.090 Time Limit for Use of Camping Facilities

Continuous occupancy of park camping facilities by the same person or persons shall be limited to a maximum of seven (7) days. A shorter limitation of the length of occupancy may be established and posted by the Department at any individual park facility or park area.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.100 Camping Occupancy--Number of Vehicles

The number of vehicles occupying camping facilities shall be limited to a maximum of one (1) car or one (1) camper, or one (1) vehicle with trailer, per camp or trailer site. A greater number may be authorized by the Department in specific areas when constructed facilities so warrant and the area is so posted.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.110 Camping Fees

Fees for the use of campsites or trailer sites are due and payable daily. The daily fee covers use of facilities until 11:00 a.m. of the following day. The fee schedule will be established by the Island County Board of Commissioners.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.120 Camping--Occupancy Hours

Occupants shall vacate park camping facilities by removing all personal property prior to 11:00 a.m. if the applicable use fee has not been paid or if the maximum 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 park's normal closing time. Failure to vacate the park camping facility by the appropriate time shall subject the occupant to an additional daily use fee.
(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.130 Use of Trailer Sites by Tent Campers

Trailer sites shall only be occupied by persons using campers, trailers, and motor homes; **provided**, that other persons may occupy a trailer site with written permission of Department personnel. In all cases, use of trailer sites shall be subject to payment of the trailer site fee.
(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.140 Sites Considered Occupied When Paid For

A trailer site or campsite is considered occupied when it is being used for purposes of camping by a person who has paid the daily use fee. No person shall take or attempt to take possession of a campsite or trailer site when it is being occupied by another party or when informed by Department personnel that such campsite or trailer site is occupied.
(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.150 Camping in Designated Areas Only

No person shall camp in any Island County park area or park facilities except in areas specifically designated and marked for that purpose.
(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.160 Tents, Shelters, Trailers, Campers, Motor Homes Prohibited on Beaches

No person shall erect, maintain, use, or occupy a tent, shelter, camper, trailer, or motor home on any beach in any Island County parks area.
(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.170 Food Waste, Washing of Clothes or Animals

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, except at specifically designated areas in any Island County park area.
(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.180

PUBLIC PEACE, SAFETY, AND MORALS

9.40.180 Parking Lots and Roadways

Use of parking lots and roadway for games is prohibited, to include, but not be limited to, football, baseball, games of catch.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.190 Motor Vehicle and Trailer Parking

No operator of any motor vehicle, trailer, or boat trailer shall park such vehicle or trailer in any Island County park area, except when the operator is using the park for the designated recreational purpose and the vehicle is parked either in the designated parking area, or in another area with the permission of Department personnel. No person shall park or leave a vehicle in any Island County park area after the designated closing time except when camping in a designated area, parking of vehicles with boat trailer adjacent to ramp areas while boats are in use, or with written permission of department personnel. In addition to the penalties found in section 9.40.440 of this ordinance, any vehicle found parked in violation of this section may be towed away at the owner's expense.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.200 Motor Vehicle on Roads and Trails

No person shall operate any motor vehicle on a trail in any Island County park area unless such trail has been specifically designated and posted for such use, except that this section shall not apply to emergency vehicles or maintenance vehicles authorized by the director. Subject to the provisions of this section, no person shall operate a motor vehicle within the boundaries of an Island County park area except on roads, streets, highways, parking lots, and parking areas that are open to public vehicular travel.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.210 Motor Vehicles--Speed Limits

- A. No person shall drive a motor vehicle within any Island County park boundaries at a speed greater than fifteen (15) miles per hour or as otherwise posted, having due regard for pedestrian and vehicular traffic, the surface and width of the road, and weather condition. In no event shall a speed be attained which endangers the safety of persons, property, or wildlife.
- B. In no event shall a motor vehicle be driven at a speed greater than ten (10) miles per hour in camp, picnic, utility, or headquarters areas, or in areas of general public assemblage.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.220 Washing of Vehicles--Prohibited

No person shall clean or wash any automobile or other motor vehicle, trailer, camper, or motor home in any Island County park area.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.230 Commercial Use of Motor Vehicles Prohibited-- Exceptions

- A. No person shall cause a truck or other motor vehicle while being used for commercial purposes to enter upon, use, or traverse any portion of any Island County park area or any park road, except in the service of the Department at the request of the Department, or by express written permission of the director for a special activity not inconsistent with Island County park use; **provided** that, the provisions of this section shall not apply to county roads or state highways.
- B. Special permits for one time use of a motor vehicle for commercial purposes on parks property may be authorized by the Island County Board of Commissioners, at the Board's sole discretion, and the applicant for the special permit must comply with requirements imposed for bonding, insurance, hold harmless and indemnity agreements.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.240 Commercial Watercraft Prohibited

Use of marine areas and marine facilities by commercial watercraft is prohibited. For the purpose of this rule "commercial watercraft" means watercraft used for any commercial purpose but shall not include a commercial watercraft operated within the terms of a concession lease with the Department.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.250 Use of Marine Heads/Toilets Prohibited

No person shall use or flush any marine head or toilet which, when flushed, emits its contents directly into the waters of a lake, or any other body of water, nor cause nor allow any human or animal waste to be dumped into the waters while moored, anchored, docked, or berthed in any Island County park area or associated marine area.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.260 Use of Park During Icy Weather Conditions

No person shall go out onto ice in any Island County park or park area. This includes, but is not limited to, lakes and ponds.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.270 Fishing

- A. All laws, rules, and regulations of the State Game Commission relating to season, limits, and methods of fishing are applicable to fishing for game fish in Island County park areas. No person may fish for or possess any fish taken from any dike, bridge, dock, boat land, or beach, which is posted with a sign prohibiting fishing.
- B. Shellfish and food fish. All laws, rules, and regulations of the State Department of Fisheries relating to season, limits, and methods of taking are applicable to the taking of shellfish or food fish in Island County park areas, and in addition to such laws, the Island County park system may close certain Island County park areas to the taking of shellfish for specific periods of time. Such closed areas shall be posted with appropriate signs.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.280 Pets in County Park Facilities

- A. Dogs, pets, or other domestic animals are not permitted on any designated swimming beach, picnic, or play areas in any Island County park or in any building unless specifically permitted by posting, provided that this section shall not apply to guide dogs or service animals.
- B. On-Leash and Off-Leash Areas
 - 1. Authorized On-Leash Areas. In areas specifically permitted by posting, dogs and other pets and domestic animals must be kept on a leash no greater than eight (8) feet in length, and under control at all times.
 - 2. Authorized Off-Leash Areas. A dog or dogs, not in heat, accompanied by the dog owner or custodian who is in voice control of the dog (i.e. the dog will immediately come when called by the owner/custodian), may roam and be off-leash in the portion of the following designated Island County Park areas posted by the Island County Parks and Recreation Department Director for such use:
 - a) Double Bluff Beach Access – designated beach area west of developed park area, Assessor’s Parcel Nos. R22923-078-3270 and R22923-056-2990 located in Section 23, Township 29 North, Range 2 East of the Willamette Meridian;
 - b) Marguerite Brons Memorial Park - designated area, Assessor’s Parcel No. R32917-035-0330 located in Section 17, Township 29 North, Range 3 East of the Willamette Meridian;
 - c) Island County Patmore Site, Assessor’s Parcel No. R13111-463-4620 located in Section 11, Township 31 North, Range 1 East of the Willamette Meridian;

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- d) English Boom Waterfront Trail Property – beach area only, Assessor’s Parcel No. R33216-235-0300 located in Section 16, Township 32 North, Range 3 East of the Willamette Meridian;
 - e) Oak Harbor Off Leash Area - Designated area at East end of Technical Road in Oak Harbor, Assessor's Parcel No. R13326-149-3870 located in Section 26, Township 33 North, Range 2 East of the Willamette Meridian;
 - f) Clover Valley Off Leash Area - Designated area adjacent to North Whidbey Parks and Recreation Ballfield complex, Assessor's Parcel No. R13323-026-0730 located in Section 23, Township 23 North, Range 2 East of the Willamette Meridian.
- C. Any person whose dog, pet, or other domestic animal is in any Island County park area shall be responsible for the conduct of the animal and for immediately removing feces deposited by such animal and removed from the park area.
- D. Disturbances by animal prohibited. No person shall allow his or her dog or other pet or domestic animal to bite or in any way molest or annoy park visitors. No person shall permit his or her dog or other pet or domestic animal to bark continuously or otherwise disturb the peace and tranquillity of the park users and said dog, other pet, or domestic animal shall be immediately removed from the park by the owner or custodian of the animal should this occur.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60; amended by Ord. C-28-99, April 5, 1999, effective June 7, 1999, vol. 43, p. 250; amended by Ord. C-102-02, January 6, 2003, vol. 47, p. 2)

9.40.290 Horseback Riding--Prohibited Unless Otherwise Posted

Horseback riding is prohibited in or on parks facilities unless otherwise posted. When posted to allow riding, no person shall ride any horse or other animal in such a manner that could cause physical harm to any person or property.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.300 Swimming/Scuba Diving/Sunbathing Prohibited in Boat Launch Area

Swimming and scuba diving in waters adjacent to boat launch areas is prohibited. No person shall sunbathe in any designated boat launching area.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.310 Trapping and Capturing of Animals Prohibited

Capturing, trapping and injuring animals on county parks property is prohibited.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.320 Firearms, Weapons, Hunting Prohibited

No person, except duly authorized law enforcement personnel, shall possess a firearm in any park area. No person shall discharge across, in, or into any park area 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, except, when the department has authorized a special recreational activity allowing such use or uses.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.330 False Alarm of Drowning Prohibited

No person shall give or transmit a false signal or false alarm of a person in danger of drowning.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.340 Fires Prohibited

Fires are prohibited on all beaches and in other park areas except in fire pits installed by the Department.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.350 Moorage in Swimming Area Prohibited

No person or persons shall moor, dock, or berth a boat or other object to a log boom or float line which delineates a swimming area in an Island County park area.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.351 Motorboats and Personal Watercraft Prohibited in Swimming Areas

No person shall operate a motorboat or personal watercraft in a designated swimming area in an Island County park area.

(Ord. C-70-93, August 23, 1993, vol. 36, p. 104)

9.40.360 Damage to Property Prohibited

No person shall cut, destroy, or in any way injure any shrub, tree, vine, grain, grass, or crop, standing or growing, or which has been cut down, in any Island County park area unless authorized in writing to do so by the Department. No person shall deface, remove, damage, or destroy any property, material, or equipment on any park property.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.370 Disposal of Waste Prohibited

No person shall deposit any household or commercial garbage, refuse, waste, or rubbish in any Island County park area.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.380 Disposal of Waste from Vehicles Prohibited Except for Designated Dump Sites

No person shall drain or dump refuse or waste from any trailer, camper, automobile, or other vehicle, except in designated disposal areas or receptacles in any Island County park area.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.390 Littering Prohibited

No person shall leave, deposit, drop, or scatter bottles, broken glass, ashes, food, waste paper, cans, or other rubbish in an Island County park area, except in a garbage can or other receptacle designated for such purposes.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.400 Restriction on Aircraft Usage

- A. Aircraft landing. No aircraft shall land on or take off from any body of water or land area in an Island County park area.
- B. Model aircraft and rockets
 - 1. No person shall fly rockets or model aircraft in any Island County park area except in areas specifically designated and posted by the Department for that purpose.
 - 2. All engines over .25 cubic inches used in model aircraft being flown in designated Island County park areas shall be muffled.
 - 3. All persons flying model aircraft in designated Island County park areas shall abide by the Official Academy of Model Aeronautics Safety Code.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.410 Solicitation and Use of Amplifying Devices

No person shall solicit, sell, or peddle any goods, services, wares, merchandise, liquids, or edibles for human consumption, or distribute any commercial handbills, circulars, or signs, or use any loud-speakers or other amplifying devices in any Island County park area, except by concession contract or by special use permit issued by the Department.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.420 Fireworks Prohibited

No person shall possess, discharge, set off, or cause to be discharged, any firecracker, torpedo, rocket, firework, or other explosive on or into any Island County park area, unless authorized by the director in writing.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.430 Enforcement Responsibilities

Enforcement of this ordinance is the responsibility of both the Island County Sheriff’s Office and the Department. Specific responsibilities include the following:

A. Parks and Recreation Department

1. Enforcing rules of conduct set forth in the ordinance for which Department personnel have appropriate authority;
2. Developing and implementing public educational awareness programs regarding the purpose of the facilities and the rules governing their use;
3. Encouraging voluntary compliance with rules based on awareness;
4. Training Department personnel in the appropriate use of administrative sanctions as a means of park rule enforcement;
5. Notifying of law enforcement officers who have primary jurisdiction in a particular geographic area whenever:
 - a) Department personnel observe violations of park rules requiring further law enforcement authority or observed other violations of local, state, or federal laws;
 - b) Department personnel observe an emergency requiring law enforcement assistance; or
 - c) Department personnel need assistance in executing their responsibilities pursuant to this ordinance.

B. Island County Sheriff’s Office

1. Train sheriff’s office personnel authorized to issue notices of infractions and citations for misdemeanor offenses;
2. Provide patrol of Island County parks facilities when feasible, as jointly determined by the director of the Parks and Recreation Department and the Island County Sheriff;
3. Respond, as appropriate, to requests from Department personnel for assistance.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.440 Enforcement Methods/Civil Infractions/Criminal Violations

- A. The primary method of enforcing these park rules and regulations shall be through requesting voluntary compliance of park users or by the use of administrative sanctions by Parks and Recreation Department personnel. Enforcement through the issuance of notice of civil infraction and misdemeanor citation or complaint of violations or park ordinances shall be executed solely by law enforcement personnel and/or the prosecuting attorney.
- B. Civil Infractions
1. Failure to perform any act required by this ordinance and performance of any act prohibited by this ordinance shall be a civil infraction except as provided in subsection C below.
 2. Any notice of infraction of this parks ordinance shall be processed pursuant to the provisions of RCW chapter 7.80 and any adopted rules of the Washington Supreme Court and any adopted local court rules.
 3. Penalties for the civil infractions shall be as follows:

Class 1

(\$250 Penalty)

- | | |
|------------|--|
| 9.40.210 | Violation of speed limit (21 or more MPH over limit) |
| 9.40.310 | Trapping, capturing animals |
| 9.40.320 | Unlawful possession/use of firearms and other weapons |
| 9.40.400.A | Aircraft landing or taking off |
| 9.40.420 | Discharge fireworks without written permission of Parks Department |

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**ISLAND COUNTY PARKS PROPERTY RULES
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9.40.440

Class 2

(\$125 Penalty)

- 9.40.060 Use of parks after permit cancelled
- 9.40.080 Violation of park area hours of use
- 9.40.140 Occupying campsite already occupied by another
- 9.40.200 Operating motor vehicle off roads
- 9.40.210 Violation of speed limit (16-20 MPH over limit)
- 9.40.250 Flushing marine head/toilet in parks water
- 9.40.270 Fishing in closed area
- 9.40.340 Prohibited fires
- 9.40.360 Damage property
- 9.40.370 Dumping household or commercial garbage
- 9.40.380 Dumping waste from vehicles

Class 3

(\$50 Penalty)

- 9.40.040 Permit for group usage required
- 9.40.050 Special permits
- 9.40.090 Violations of time limit for use of camping facilities
- 9.40.120 Violation of camping occupancy hours
- 9.40.130 Tent campers using trailer sites without permission
- 9.40.150 Camping in non-designated area
- 9.40.160 Tents, shelters, campers, motor homes, on beaches
- 9.40.190 Unlawful parking of vehicles and trailers
- 9.40.210 Violation of speed limit (11-15 MPH over limit)
- 9.40.280 Animal/pet violations

9.40.440

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- 9.40.290 Prohibited horseback riding
- 9.40.300 Swimming, scuba diving, sunbathing in boat launch area
- 9.40.330 False alarm of drowning
- 9.40.390 Littering
- 9.40.410 Commercial solicitation or sale/use of amplified devices

Class 4

(\$25 Penalty)

- 9.40.100 Violation of maximum number of vehicles at campsite
- 9.40.170 Cleaning fish, washing clothes, animals in non-designated areas
- 9.40.180 Playing games in parking lots and roadways
- 9.40.210 Violation of speed limit (0-10 MPH over limit)
- 9.40.220 Washing vehicle in park
- 9.40.230 Vehicles used for commercial purposes in park
- 9.40.240 Watercraft used for commercial purposes on park marine area
- 9.40.260 Going onto frozen body of water
- 9.40.350 Unlawful boat moorage
- 9.40.400.B Flying model aircraft/rockets outside designated areas

C. **Misdemeanors.** Any person committing a third or subsequent violation of provisions of this ordinance within a five (5) year period is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one-thousand dollars (\$1,000), or by imprisonment in the county jail for not more than ninety (90) days, or both.

D. **Administrative Sanction.** In addition to any of the prescribed penalties, any person failing to comply with any provision of this ordinance shall be subject to the loss of county park and recreation facility use privileges and ejection from the county park area and associated marine park area.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.450 Severability

Should any section, subsection, paragraph, sentence, clause, or phrase of this chapter be found unconstitutional or invalid for any reason, such finding shall not affect the validity of the remaining portion of this ordinance.

(Ord. C-44-90, adopted April 9, 1990, effective May 15, 1990, vol. 31, p. 60)

9.40.460 Introduction – Adopt-A-Park Program

A. Purpose

To provide guidance for administration of the Adopt-A-Park Program in Island County Parks.

B. Definitions

1. **Adopt-A-Park Program.** A County wide clean-up and grounds maintenance program whereby individuals or groups may contribute to cleaner and more attractive County Parks, by adopting individual Parks and performing clean-up and grounds maintenance activities.
2. **Adopt-A-Park Sign.** A sign in a County Park referring to the Division’s Adopt-A-Park Program and identifying the volunteer organization responsible for clean-up and/or grounds maintenance.
3. **Adopt-A-Park Agreements.** A contract agreement between Island County and a volunteer organization participating in the Adopt-A-Park Program that delineates the responsibility of both parties.
4. **Volunteer or Volunteer Organization.** Any individual or group who enters into a contractual agreement in which volunteers clean up and perform grounds maintenance in a County Park.

(Ord. C-116-09 [R-49-09], October 19, 2009, vol. 2009, p. 483; superseded by Ord. C-19-10, April 12, 2010, vol. 2010, p. 71)

9.40.470 Policy – Adopt-A-Park Program

Island County shall work in partnership with volunteer organizations to enhance clean-up and improve grounds maintenance in the County Park system in Island County. This does not cover State Parks, private parks, or parks not designated under the program.

(Ord. C-116-09 [R-49-09], October 19, 2009, vol. 2009, p. 483; superseded by Ord. C-19-10, April 12, 2010, vol. 2010, p. 71)

9.40.480 Responsibilities – Adopt-A-Park Program

A. County. The County is responsible to:

1. Provide safety training and control and disposal training for crew leaders prior to their park cleanup or grounds maintenance activities;

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PUBLIC PEACE, SAFETY, AND MORALS

2. Provide personnel policy and procedures training for all volunteers;
3. Provide portable warning signs to be placed on the roadsides by the volunteer organization during the period of clean-up or grounds maintenance activities;
4. Provide hard hats and vests to be worn by volunteers;
5. Provide Worker's Compensation Act coverage for volunteers for medical treatment only (not for loss of time due to injury or illness, or for lasting disability or death);
6. Provide public appreciation by way of an Adopt-A-Park Sign acknowledging the contribution of each volunteer organization; and
7. Evaluate performance of volunteer organizations throughout the year. Groups who have not been able to satisfactorily maintain park may be replaced.

B. Volunteer Organization. The volunteer organization is responsible to:

1. Assign a leader to each cleanup and/or maintenance crew, and that crew leader shall have a copy of the Adopt-A-Park Program Agreement with him/her during the cleanup/maintenance activity;
2. Sign the Adopt-A-Park Program Agreement, have each volunteer complete and sign the Registration, Release and Indemnity form, and furnish the original to the Parks Division before beginning any cleanup or maintenance activity;
3. Comply with all rules contained in ICC 9.40.490; and
4. Provide the Parks Division with a Medical Aid Coverage Record roster of individual participants in the cleanup within seven (7) calendar days following the cleanup activity.

(Ord. C-116-09 [R-49-09], October 19, 2009, vol. 2009, p. 483; superseded by Ord. C-19-10, April 12, 2010, vol. 2010, p. 71)

9.40.490 Rules. – Adopt-A-Park Program

Any individual or organization which volunteers to participate in the Adopt-A-Park Program by performing clean-up or grounds maintenance activities within an assigned Park in accordance with the terms prescribed on the Adopt-A-Park Agreement shall do so subject to the following rules:

**ISLAND COUNTY PARKS PROPERTY RULES
AND REGULATIONS**

9.40.490

- A. Volunteer organizations shall be assigned a Park on a “first come first served” basis.
- B. Adopt-A-Park Agreements will terminate two (2) years from the date of execution unless canceled by either party. The Adopt-A-Park Agreements may be terminated by either party upon thirty (30) days written notice. The volunteer organization shall have the first right of renewal of its assigned section.
- C. Volunteer organization shall have all participants wear hard hats and vests furnished by the County during cleanup or while performing grounds maintenance activities in the right-of-way.
- D. Volunteer organization shall obtain and return supplies and materials from the County during regular business hours, or at times and places determined by prior arrangement.
- E. Volunteer organization shall dispose of all bags of litter or weeds and other picked up litter at the appropriate site(s) (i.e., Solid Waste Complex at Coupeville and Camano Transfer Station) and keep separate materials which can be recycled. Only litter or noxious weeds in bags provided by the County will be accepted at these sites at no charge to the volunteer organization.
- F. Volunteer organization shall ensure no member of the cleanup or grounds maintenance crew is under sixteen (16) years of age. All participants shall sign the “Registration, Release and Indemnity” form.
- G. Volunteer organization shall furnish supervision by one or more adults for every eight (8) minors (under 18 years of age) participating in the cleanup or grounds maintenance activity.

(Ord. C-116-09 [R-49-09), October 19, 2009, vol. 2009, p. 483; superseded by Ord. C-19-10, April 12, 2010, vol. 2010, p. 71)

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Chapter 9.44

Airport and Aircraft Operations Noise Disclosure Ordinance

Sections:

- 9.44.010 Legislative Intent**
- 9.44.020 Applicability**
- 9.44.030 Definitions**
- 9.44.040 Airport Noise Zones**
- 9.44.050 Disclosure Statement**
- 9.44.060 Limitation of Liability**
- 9.44.070 Severability**
- 9.44.080 Effective Date of Adoption**

9.44.010 Legislative Intent

The Board of County Commissioners of Island County has considered, among other things, the character of the operations conducted and proposed to be conducted at airports within Island County, the current uses of surrounding property and the uses for which it is adaptable; the Board of County Commissioners finds:

- A. There exist airports within Island County whose operations may impact the health, safety and general welfare of the citizens of Island County.
- B. The purpose of this ordinance is to protect the public health, safety and general welfare by providing for the full disclosure of the noise associated with the operation of aircraft from the existing airports.

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

9.44.020 Applicability

The noise disclosure statement set forth herein is applicable to all lands within the delineated areas set forth on Airport Environs Map, and those maps that may be adopted by Island County in the future, a representation map of which is attached hereto and adopted by this reference.

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

9.44.030

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9.44.030 Definitions

As used in this ordinance, unless the context otherwise requires, the following definitions apply:

- A. **AIRPORT:** Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes.
- B. **AIRPORT ENVIRONS MAP:** Those mapped areas which have been identified as being impacted by airport noise or aircraft operation.
- C. **AIRPORT NOISE ZONE:** Those areas which have been identified as being significantly impacted by airport noise.
- D. **DAY-NIGHT AVERAGE SOUND LEVEL (LDN):** A basic measure for quantifying noise exposure, namely: The A-weighted sound level averaged over a 24 (twenty-four) hour time period, with a 10 (ten) decibel penalty applied to nighttime (10:00 P.M. to 07:00 A.M.) sound levels.
- E. **DBA:** The unit of corrected noise level measured in accordance with the “A-weighting scale” which replicates the response characteristics of the ear.
- F. **DECIBEL:** A unit for measuring the relative loudness of sound or sound pressure equal approximately to the smallest degree of difference of loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 (one-hundred-thirty) decibels on a scale beginning with 1 (one) for the faintest audible sound.
- G. **PERSON:** Any individual, firm, co-partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee or their similar representative thereof.

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

9.44.040 Airport Noise Zones

Airport Noise Zones are hereby established as follows:

Airport Noise Zone	Ldn Values
2.....	65 to 75
3.....	Greater than 75

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

9.44.050 Disclosure Statement

No person shall sell, lease, or offer for sale or lease any property within an Airport Environs Mapped Impacted Areas unless the prospective buyer or lessee has been given notice substantially as follows: TO: The property at _____ is located within Airport Environs mapped impacted area. There are currently 5 (five) active airport facilities in Island County. The

**AIRPORT AND AIRCRAFT OPERATIONS NOISE
DISCLOSURE ORDINANCE**

9.44.050

Oak Harbor Airpark, the South Whidbey Airpark, and the Camano Airpark are general aviation facilities and are identified on the attached map. Ault Field and OLF Coupeville are tactical military jet aircraft facilities and are also identified on the attached map. Both Ault Field and OLF Coupeville are used for Field Carrier Landing Practice (FCLP) purposes. Practice sessions are routinely scheduled during day and night periods.

Property in the vicinity of Ault Field and OLF Coupeville will routinely experience significant jet aircraft noise. As a result airport noise zones have been identified in the immediate area of Ault Field and OLF Coupeville. Jet aircraft noise is not, however, confined to the boundaries of these zones.

Additionally, the noise generated by the single flyover of a military jet may exceed the average noise level depicted by the airport noise zones and may exceed 100 (one-hundred) dba.

More specific information regarding airport operation and aircraft noise can be obtained by calling the Community Planning Liaison Office at NAS Whidbey Island and the Island County Planning and Community Development Department.

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

9.44.060 Limitation of Liability

This chapter is not intended to create any class of persons to be benefited or protected nor to create any reliance relationship between Island County and landowners, land purchasers, their successors, occupants, or users of structures built with or without a building permit, or any other persons. This chapter is not intended to create any duty running in favor of particular persons. The obligation to comply with the provisions of this chapter are upon the property owner and their agents. Acts or omissions to act by Island County, its officials or employees under this chapter shall not create any liability on the part of Island County or its officials or employees.

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

9.44.070 Severability

If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect with the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

9.44.080 Effective Date of Adoption

This chapter shall be in full force and effect immediately.

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

Chapter 9.48

False Alarms to Sheriff's Office

Sections:

- 9.48.010 Purpose
- 9.48.020 Definitions
- 9.48.030 Duty to Maintain Alarm System
- 9.48.040 False Alarms--Civil Infraction/Penalty
- 9.48.050 Enforcement--Process
- 9.48.060 Limitation of Liability

9.48.010 Purpose

This ordinance is an exercise of police power and is promulgated to increase safety and increase the efficiency of providing law enforcement services by reducing the frequency of false alarms. (Ord. C-119-93, February 7, 1994, vol. 36, p. 466)

9.48.020 Definitions

Whenever used in this chapter, the following terms shall be defined as herein indicated:

- A. **Alarm Monitoring Facility** means any facility that receives signals from alarm systems that indicate emergencies such as fire, burglary, robbery, and medical problems, that analyzes such signals, and that then sends requests for response to the Island County Sheriff's dispatch center.
- B. **Alarm System** means detection signaling system that is the combination of interrelated signal initiating devices, signal transmitting devices, signal indicating devices, control equipment, and interconnecting wiring installed for a particular application.
- C. **False Alarm** means request for response received by the Island County Sheriff's dispatch center from an alarm monitoring facility, which response is subsequently determined to be for reasons other than unlawful entry, attempted unlawful entry, fire, smoke, or medical emergency. Alarms resulting from severe environmental conditions are not false alarms.
- D. **Person** means any person, partnership, association, corporation, or other entity which installs, maintains, operates or uses an alarm system.

(Ord. C-119-93, February 7, 1994, vol. 36, p. 466)

9.48.030 Duty to Maintain Alarm System

It is the duty of every person who owns an alarm system to obtain, maintain, and operate the system so that it will not generate false alarms.

(Ord. C-119-93, February 7, 1994, vol. 36, p. 466)

9.48.040 False Alarms--Civil Infraction Penalty

- A. If an alarm or alarm system generates and transmits more than one false alarm to which the Island County Sheriff’s Office has responded in any one-hundred-eighty-day period, the owner of the alarm system shall be liable for a Class 3 civil infraction penalty of up to \$50.
- B. If an alarm or alarm system generates and transmits more than two false alarms to which the Island County Sheriff’s Office has responded in any one-hundred-eighty-day period, the owner of the alarm system shall be liable for a Class 3 civil infraction penalty of up to \$125.
- C. If an alarm or alarm system generates and transmits more than three false alarms to which the Island County Sheriff’s Office has responded in any one-hundred-eighty-day period, the owner of the alarm system shall be liable for a Class 3 civil infraction penalty of up to \$250.

(Ord. C-119-93, February 7, 1994, vol. 36, p. 466)

9.48.050 Enforcement--Process

- A. The Island County Sheriff and his deputies are authorized to enforce the provisions of this chapter.
- B. Notices of civil infraction shall be issued and processed in accordance with the provisions of chapter 7.80 RCW.

(Ord. C-119-93, February 7, 1994, vol. 36, p. 466)

9.48.060 Limitation of Liability

This chapter is not intended to create any class of persons to be benefited or protected nor to create any reliance relationship between Island County and persons owning alarm systems. This chapter is not intended to create any duty running in favor of particular persons. The obligation to comply with the provisions of this chapter are upon the person owning the alarm system. Acts or omissions to act by Island County, its officials or employees under this chapter shall not create any liability on the part of Island County or its officials or employees.

(Ord. C-119-93, February 7, 1994, vol. 36, p. 466)

Chapter 9.52

Making False Reports to Police Prohibited

Sections:

9.52.010 Making False Police Reports Prohibited

9.52.020 Definition of Law Enforcement Agency

9.52.030 Penalty/Restitution

9.52.040 Effective Date

9.52.010 Making False Police Reports Prohibited

It is unlawful for any person to cause or make any willfully untrue, false, misleading, unfounded or exaggerated statement or report to a law enforcement agency, or to any officer or representative thereof, or to willfully hinder, delay or obstruct any public officer in the discharge of his official powers or duties.

(Ord. C-78-93, September 13, 1993, vol. 36, p. 155)

9.52.020 Definition of Law Enforcement Agency

The term law enforcement agency, as used in this chapter, means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department or division of government having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and includes the Island County Sheriff's Department, the Washington State Patrol, the Oak Harbor Police Department, the Coupeville Police Department and the Langley Police Department.

(Ord. C-78-93, September 13, 1993, vol. 36, p. 155)

9.52.030 Penalty/Restitution

Any person who shall violate any of the provisions of section 9.52.010 ICC shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine in a sum not exceeding five-hundred dollars (\$500), or by imprisonment for a term not exceeding ninety (90) days or both such fine and imprisonment and shall be liable for the expense of the investigation conducted by the law enforcement agency in response to the false report.

(Ord. C-78-93, September 13, 1993, vol. 36, p. 155)

9.52.040

PUBLIC PEACE, SAFETY, AND MORALS

9.52.040 Effective Date

This ordinance is one to provide for the immediate preservation of the public peace, property, health, safety and welfare of the people of Island County and this ordinance shall be in full force and effect immediately upon its passage and approval.

(Ord. C-78-93, September 13, 1993, vol. 36, p. 155)

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Chapter 9.56

Non-Motorized Trail Use Regulations

- 9.56.010 Purpose**
- 9.56.020 Hours of Operation**
- 9.56.030 Non-Motorized Trail Use Speed Limit**
- 9.56.040 Code of Conduct**
- 9.56.050 One-Way Trails**
- 9.56.060 Gates**
- 9.56.070 Saddle Animals**
- 9.56.080 Bicycles**
- 9.56.090 Walk-Only Trails**
- 9.56.100 Trespass on Private Lands**
- 9.56.110 Harvesting and Planting**
- 9.56.120 Hunting and Shooting**
- 9.56.130 Dogs**
- 9.56.140 Disturbance or Injury to Wildlife**
- 9.56.150 Natural, Historic and Cultural Resources**
- 9.56.160 Geological Features**
- 9.56.170 Vandalism and Unlawful Encroachment**
- 9.56.180 Unlawful Maintenance**
- 9.56.190 Littering**
- 9.56.200 Parking Restrictions**
- 9.56.210 Operation of Motor Vehicles**
- 9.56.220 Prohibited Areas**
- 9.56.230 Special Use Permits**
- 9.56.240 Penalty**
- 9.56.250 Severability**

9.56.010

PUBLIC PEACE, SAFETY, AND MORALS

9.56.010 Purpose

- A. This chapter constitutes the general regulations which will be in effect for those County Non-Motorized Trails in unincorporated areas of Island County as follows: Kettles Trail and Greenbank Farms Trail. Refer to Attachment "A" and "B" Maps.⁵ These general regulations are in addition to other applicable County, State, and Federal laws.
- B. Definition: A County Non-Motorized Trail includes the constructed trail, trail easement, County trail right-of-way and County owned land within one-hundred fifty (150) yards of the centerline of the constructed trail.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274; amended Ord. C-42-98, R-17-98, May 4, 1998, vol. 42, p. 162)

9.56.020 Hours of Operation

The County Non-Motorized Trail system is for day-use only, except that portion of the Kettles Trail located within the right-of-way of SR 20.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.030 Non-Motorized Trail Use Speed Limit

The following speed limits are established to protect trail users from conflict and injury and to protect the trail tread from abuse which will lead to higher maintenance, closure or exclusion of a class of user.

- A. The maximum speed for all trail uses is ten (10) miles per hour, unless otherwise posted; however, speeds shall be reduced as conditions warrant.
- B. Equestrian use of the trail shall be limited to a walking gait only. In no case shall a person ride a horse at faster gaits such as trot, canter, or gallop.
- C. Bicyclists and equestrians are required to slow to five (5) miles per hour when passing others or approaching blind turns. In no case shall a person operate a bicycle, or ride a horse or other such animal at a speed greater than is reasonable, prudent, or safe.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.040 Code of Conduct

- A. 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.
- B. No group of trail users, including their animal(s), shall occupy more than one half (1/2) of the trail, so as to impede the normal and reasonable movement of trail users.

NON-MOTORIZED TRAIL USE REGULATIONS

9.56.040

⁵ **Reviser's Note:** Attachment "A" and "B" Maps may be located at pages 408.9 and 408.10 of the Island County Code.

C. Passing:

1. Every user shall give an audible warning signal before passing another trail user.
2. 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.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.050 One-Way Trails

No person shall operate a bicycle or similar device, or ride or lead a saddle horse, pony, mule, or other such animal on a one-way trail in a direction of travel opposite the designated direction of travel.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.060 Gates

Any person opening a gate shall close the gate.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.070 Saddle Animals

- A. No person shall ride, drive, or lead a saddle or pack horse, pony, mule, llama or other animal in any area designated or signed to restrict such use. Saddle or pack horses, ponies, mules, or any other animals must stay on designated trails.
- B. Pedestrians have the right of way at all times.
- C. Unsafe Use. No person shall ride, drive, or lead any saddle or pack animal in a reckless or negligent manner so as to endanger public property, or the life, limb, or property of any person or animal. No person shall allow his or her saddle or pack animal to stand unattended or insecurely tied.
- D. Carts and Wagons. No person shall have or allow a cart, wagon, or similar device attached to a horse, mule, donkey, or other animal on a County Non-Motorized Trail without written permission.
- E. Helmets. It is recommended that no person ride a saddle animal on a County Non-Motorized Trail without wearing an approved riding helmet for head protection.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.080

PUBLIC PEACE, SAFETY, AND MORALS

9.56.080 Bicycles

- A. No person shall operate a bicycle or similar device on a County Non-Motorized Trail in areas designated or signed to restrict such activity. Bicycles must stay on designated trails. Pedestrians and saddle animals have the right-of-way at all times.
- B. Unsafe Operation
 - 1. No person shall operate a bicycle in a reckless or negligent manner so as to endanger public property, or the life, limb, or property of any person or animal.
 - 2. Helmets. It is recommended that no person operate a bicycle or similar device on a County Non-Motorized Trail without wearing an A.N.S.I. or Snell-approved helmet for head protection.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.090 Walk-Only Trails

- A. No person shall ride a bicycle or saddle animal on a trail designated or signed as a walk-only trail. Any person may dismount and walk only a bicycle through a walk-only zone.
- B. The following trail is a walk-only trail: Kettles Trail - Sherman Road to the National Park Service Ebey's Landing Overlook.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.100 Trespass on Private Lands

The following acts, among others, are declared to be unlawful by this chapter. No person shall enter any private lands whether posted or not posted, enclosed by a fence or not enclosed by a fence, and all private roads and private trails entering to the County Non-Motorized Trail from such lands, without the permission of the owner of such land, his or her agent, or of the person in lawful possession, and no person shall:

- A. refuse or fail to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by the owner, his or her agent, or the person in lawful possession thereof;
- B. tear down, mutilate, or destroy any sign, signboard, or notice forbidding trespass or hunting on such lands;
- C. remove, injure, unlock, or tamper with any lock or any gate on or leading into such lands; or
- D. discharge any firearm.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.110 Harvesting and Planting

No person shall plant, cultivate, harvest, or attempt to plant, cultivate, or harvest any plant or agricultural crop on a County Non-Motorized Trail except with written permission.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.120 Hunting and Shooting

- A. No person shall hunt, pursue, molest, disturb, injure, trap, take, net, poison, or harm any animal, living or dead, or remove, destroy, or in any manner disturb the natural habitat of any animal on any County Non-Motorized Trail, except with written permission.
- B. Except as provided in RCW 77.16.290, it is unlawful to shoot a firearm or weapon from, across, or along a County Non-Motorized Trail.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.130 Dogs

Island County Codes Chapter 6.04 and 6.08 regulating the licensing, control, and abandonment of dogs are applicable on County Non-Motorized Trails. Persons with a dog or dogs shall maintain strict control over the dog(s) when passing by or near a horse. Dogs which threaten or molest horses shall be removed from the County Non-Motorized Trail.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.140 Disturbance or Injury to Wildlife

No person shall allow a dog, cat, or domesticated animal, even if leashed, to disturb, chase, molest, injure, or take any kind of native wildlife, whether living or dead, or remove, destroy, or in any manner disturb the natural habitat of any animal on a County Non-Motorized Trail.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.150 Natural, Historic and Cultural Resources

- A. Plants. Except as part of an authorized maintenance program, no person shall damage, injure, take, place, plant, collect, or remove any plant, tree, or portion thereof, whether living or dead, including, but not limited to flowers, mushrooms, bushes, vines, grass, and deadwood located on County Non-Motorized Trail.
- B. Historic and Cultural
 - 1. No person shall knowingly damage, injure, take, place, collect or remove any object of paleontological, archeological, or historical interest located on a County Non-Motorized Trail.

9.56.150

PUBLIC PEACE, SAFETY, AND MORALS

2. Special permission may be granted to remove, treat, disturb, or otherwise affect plants, animals, or geological, historical, archeological, or paleontological materials for research, interpretive, educational, or operational purposes.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.160 Geological Features

No person shall damage, injure, take, collect, remove, or attempt to damage, injure, take, collect, or remove earth, rocks, sand, gravel, fossils, or minerals on a County Non-Motorized Trail.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.170 Vandalism and Unlawful Encroachment

No person shall cut, carve, deface, write, paint, mark, or alter any natural feature, or any fence, wall, sign, building, monument, or other property on a County Non-Motorized Trail.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.180 Unlawful Maintenance

No person shall perform, or cause any mowing, trimming, cutting, grooming, spraying or modification of a County Non-Motorized Trail or perform any such grounds maintenance for any purpose except by written permission.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.190 Littering

- A. No person shall litter or cause to be littered, or dump or cause to be dumped any material or waste matter in or upon any County Non-Motorized Trail. It shall be unlawful to place, deposit, or dump, or cause to be placed, deposited or dumped, any rocks, dirt, or fill material in or upon any a County Non-Motorized Trail except by written permission.
- B. Definitions:
 1. Littering is defined as the willful or negligent throwing, dropping, placing, or depositing of any waste matter on a County Non-Motorized Trail in other than appropriate storage containers or areas designated for such purposes.
 2. Waste matter is defined as discarded, used, or leftover substances including, but not limited to, a lighted or unlighted cigarette, cigar, match, or any flaming or glowing material, or any garbage, trash, refuse, paper, container, packaging or construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person, damage property, or create a hazard.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

NON-MOTORIZED TRAIL USE REGULATIONS

9.56.200

9.56.200 Parking Restrictions

No person shall park a motor vehicle on any County Non-Motorized Trail, except an authorized emergency vehicle, or when in compliance with the directions of a peace officer or County employee.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274; amended by Ord. C-28-97, R-36-97, June 23, 1997, vol. 40, p. 469)

9.56.210 Operation of Motor Vehicles

- A. No person shall operate, propel, or leave standing a motor vehicle on a County Non-Motorized Trail. Motor vehicle includes, but is not limited to, automobiles, trucks, tractors, motorcycles, off-road vehicles, "dirt bikes," and similar vehicles.
- B. Exceptions. This section shall not apply to:
1. maintenance, law enforcement and emergency vehicles operated within the scope of official use;
 2. roads, trails, or paths, which may from time to time be set aside and posted by the County for the use of specifically designated vehicles;
 3. roads and parking areas open to the public during regular open hours; and
 4. motorized wheelchairs or similar motorized devices being operated by persons of disability.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.220 Prohibited Areas

The Public Works Director or an authorized representative may from time to time and without notice declare an area closed, prohibited, or limited to further entry. Closure shall be as necessary to insure the safety and health of persons, to avoid interference with development, construction, and management, to facilitate trail maintenance and repair, for emergency purposes, in times of extreme fire danger, or to provide for security, safeguarding, and preservation of a County Non-Motorized Trail and facilities. A trail segment may be declared temporarily closed at the discretion of the Public Works Director or authorized representative at the specific written request from a property owner adjacent to the trail. A temporary closure shall be for no longer than 72 hours and shall occur no more than once a week.

The declaration may include such reasonable classes of persons who may enter, in the conduct of proper activities or official duties, as the Public Works Director or an authorized representative may prescribe.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.230

PUBLIC PEACE, SAFETY, AND MORALS

9.56.230 Special Use Permits

The Public Works Director or an authorized representative may issue written permits for activities requiring specific written permission as described in this chapter. Permits shall be issued only during the hours of county business.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.240 Penalty

- A. Failure to perform any act required or the performance of any act prohibited by this Chapter shall be a Class 2 infraction and shall be enforced by the Island County Sheriff.
- B. A second or subsequent violation within a five (5) year period is a Class 1 civil infraction.
- C. Any notice of infraction of this ordinance shall be processed pursuant to the provisions of Chapter 7.80 RCW and any adopted rules of the Washington Supreme Court and any adopted local court rules.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

9.56.250 Severability

If any portion of this ordinance is held invalid, such decision shall have no effect upon the validity of the remaining portion of this ordinance. The Board of Island County Commissioners hereby declares that it would have adopted this ordinance and each respective part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts, or portions thereof be declared invalid or unconstitutional.

(Ord. C-62-96, R-67-96, January 27, 1997, vol. 40, p. 274)

Chapter 9.60

Public Disturbance Noise Control

Sections:

- 9.60.010 Declaration of Policy**
- 9.60.020 Purpose -- Limitation of Liability**
- 9.60.030 Public Disturbance Noises**
- 9.60.040 Penalties -- Enforcement**
- 9.60.050 Provisions Not Exclusive**

9.60.010 Declaration of Policy

It is hereby declared to be the policy of the county to minimize the exposure of citizens to the harmful nuisance, physiological, and psychological effects of excessive noise. It is the express intent of the Board of County Commissioners to control the level of noise in a manner which promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment.

(Ord. C-68-98, July 13, 1998, vol. 42, p. 269)

9.60.020 Purpose- Limitation of Liability

- A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be specially protected or benefited by the terms of this chapter.

- B. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the county, its officers, employees or agents, for any injury or damage resulting from the failure of anyone to comply with the provisions of this chapter, or by reason or in consequence of the implementation or enforcement pursuant to this chapter, or by reason of any action or inaction on the part of the county related in any manner to the enforcement of this chapter by its officers, employees or agents.

(Ord. C-68-98, July 13, 1998, vol. 42, p. 269)

9.60.030 Public Disturbance Noises

- A. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance which unreasonably disturbs or interferes with the peace, comfort and repose of property owners or possessors. The following sources of sound when they unreasonably disturb or interfere with the peace, comfort and repose of property owners or possessors shall be prohibited public disturbance noises:
1. Frequent, repetitive or continuous noise made by any animal, except that such sounds made in animal shelters, or commercial kennels, veterinary hospitals, pet shops or pet kennels licensed under and in compliance with ICC Titles 16 and 17 shall be exempt from this subsection; provided, that notwithstanding any other provision of this chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of this subsection, the animal shall be impounded by the county animal control officer subject to redemption in the manner provided by ICC 6.08.170;
 2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle between the hours of ten (10) p.m. and seven (7) a.m., except as a warning of danger or as specifically permitted or required by law;
 3. The creation of frequent, repetitive or continuous noise between the hours of ten (10) p.m. and seven (7) a.m. in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine on Residential and Rural Residential zoned property;
 4. Frequent, repetitive or continuous yelling, shouting, hooting, whistling or singing, between the hours of ten (10) p.m. and seven (7) a.m.;
 5. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, such as sounds from audio sound systems, band sessions or social gatherings;
 6. Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so that it unreasonably disturbs or interferes with the peace, comfort and repose of property owners or possessors;
 7. Sound from audio equipment, such as tape players, radios and compact disc players, operated at a volume so that it unreasonably disturbs or interferes with the peace, comfort and repose of property owners or possessors; and
 8. Sound created by the discharge of firearms during evening and nighttime hours between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise except for discharge on authorized shooting ranges.

- B. The provisions of subsection A above shall not apply to:
1. Regularly scheduled events at parks, such as public address systems for baseball games or park concerts or other authorized activities in parks;
 2. Sounds originating from aircraft in flight and sounds that originate at airports and airfields which are directly related to flight operations; and
 3. Sounds originating from officially sanctioned parades and other public events;
 4. Sounds originating from agricultural operations, forestry operations and licensed businesses;
 5. Sounds originating between the hours of seven (7) a.m. and ten (10) p.m. from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances;
 6. Sounds originating between the hours of seven (7) a.m. and ten (10) p.m. from temporary construction sites as a result of construction activity;
 7. Sounds from the operation of motor vehicles on highways which are regulated under chapter 173-62 WAC; and
 8. Sounds created by blasting between the hours of seven (7) a.m. and ten (10) p.m.

(Ord. C-68-98, July 13, 1998, vol. 42, p. 269)

9.60.040 Penalties-Enforcement

- A. Punishment for Violations
1. The first violation of provisions of section 9.60.030 by a person within the past year shall be a Class 4 civil infraction carrying a monetary penalty of twenty-five dollars (\$25) plus statutory assessments.
 2. The second violation of provisions of section 9.60.030 by a person within a one (1) year period shall be a Class 2 civil infraction carrying a monetary penalty of one hundred twenty-five dollars (\$125) plus statutory assessments.
 3. A third or subsequent violation of provisions of section 9.60.030 by a person within a one (1) year period shall constitute a criminal misdemeanor punishable by a fine of up to one thousand dollars (\$1,000), ninety (90) days in jail, or both.
- B. In any prosecution for a civil infraction or criminal misdemeanor evidence of a sound level through use of a sound-level meter reading shall not be necessary to establish the commission of the offense.

9.60.040

PUBLIC PEACE, SAFETY, AND MORALS

- C. Civil Infractions under this Ordinance shall be enforced pursuant to chapter 7.80 RCW and the court rules. For the purposes of both civil and criminal enforcement the Island County Sheriff and the Sheriff's deputies shall be enforcement officers.

(Ord. C-68-98, July 13, 1998, vol. 42, p. 269)

9.60.050 Provisions Not Exclusive

The provisions of this chapter shall be cumulative and nonexclusive, and shall not affect any other claim, cause of action or remedy; nor, unless specifically provided, shall this chapter be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise.

(Ord. C-68-98, July 13, 1998, vol. 42, p. 269)

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