

**CITY OF GOLD BAR, WASHINGTON  
ORDINANCE #713**

**AN ORDINANCE FOR THE CITY OF GOLD BAR, WASHINGTON, AMENDING TITLE 2 OF THE GOLD BAR MUNICIPAL CODE.**

**WHEREAS**, parks within City limits have seen an increase in prohibited conduct; and

**WHEREAS**, parks within City limits have seen an increase in usage; and

**WHEREAS**, current municipal code limits the ability of the Snohomish County Sheriff's Department to effectively respond to behavior in City parks;

**NOW THEREFORE, THE COUNCIL FOR THE CITY OF GOLD BAR ORDAINS** that Title 12 is amended as follows.

**Section I, Title 12.05.010, Definitions**

**Section II, Title 12.05.060, Alcohol prohibited in public areas**

**Section III, Title 12.05.150, Posting of signs**

**Section IV, Title 12.05.160, Penalty**

**Section V, Severability**

**Section VI, Effective Date**

**Section I, Title 12.05.010, Definitions**

"Camping" shall mean erecting a tent or other shelter, or arranging bedding, or parking a trailer, camper, or other vehicle, for the purpose of remaining overnight; or where the person is over the age of twelve (12) years old, for the purpose of sleeping in or upon any park structure, bench, walkway, or table.

"Open alcoholic beverage container" shall mean any container that is open, unsealed, or has been opened and resealed, *and*:

A. contains any quantity, including trace amounts, of alcoholic beverages; *or*

B. has been labeled and manufactured for the purpose of containing an alcoholic beverage and previously contained such alcoholic beverage, such as a beer can or wine/liquor bottle. This shall not include a box which once contained other alcoholic beverage containers but did not directly, contain the beverage, such as a box which once contained bottles of liquor.

"Public parks" mean and include all the properties owned and/or controlled and maintained by the city of Gold Bar, and operated as an area available for the use of the public. This includes, but is not limited to, the WSDOT right-of-way on the south side of US-2 between 9th Street, and the west city limit and the Gold Bar Elementary School grounds, but only for purposes of enforcement of this chapter. This does not include the streets and easements of the city.

The term "unlawful public area conduct" shall include any riotous, threatening or indecent conduct, or any language that a reasonable person would consider abusive, threatening or profane, unless otherwise protected by the First Amendment of the United States Constitution.

**Section II, Title 12.05.060, Alcohol prohibited in public areas**

No person shall keep, possess, sell, offer for sale, give, trade, deliver, or consume any alcoholic beverage or any open alcoholic beverage container, in any public area.

**Section III, Title 12.05.150, Posting of signs**

The city shall cause to be made and posted in a conspicuous manner within city parks, signs which shall reflect the rules and regulations governing all public areas located within the city of Gold Bar. The lack of signs does not affect the enforcement of this chapter. Where signs are not posted, the first violation by any person in a twelve (12) month period shall incur no penalty other than a warning, either verbal or written.

**Section IV, Title 12.05.160, Penalty**

A. Any person committing a violation of this chapter shall be subject to the general penalty of Section 1.16.010 except where prescribed by the Revised Code of Washington (RCW); or where Gold Bar Municipal Code (GBMC) 12.05.150 prescribes a warning for the first violation within a twelve (12) month period, in which case the person shall be subject to the general penalty for a second violation of this chapter.

B. Any person who violates any provision of this chapter after having received a notice of infraction for any violation of this chapter within the preceding twelve (12) months is guilty of a misdemeanor, regardless of whether the preceding infraction was found by a court to have been committed.

**Section V, Severability**

This ordinance is severable and if any portion of it shall be declared invalid or unconstitutional, the remaining portion shall remain valid and enforceable.

**Section VI, Effective Date**

This ordinance shall take effect from, and after, its passage, approval, and publication as provided by law.

Passed by the City Council of the City of Gold Bar this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Attest:

Attest:

\_\_\_\_\_  
Lisa Stowe, Clerk/Treasurer

\_\_\_\_\_  
William Clem, Mayor

First Reading: \_\_\_\_\_

Posted: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Passed: \_\_\_\_\_

Published: \_\_\_\_\_