

**ORDINANCE NO. 2016-10**

**AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING TITLE 12 OF THE EATONVILLE MUNICIPAL CODE BY ADDING A NEW CHAPTER 12.21 RELATING TO TRAILS AND REMOVING TRAILS FROM CHAPTER 12.20 OF THE EATONVILLE MUNICIPAL CODE**

**WHEREAS**, the Town of Eatonville, for the past several years, has been developing a network of trails throughout the Town with regional connections to attractions and points of interest; and

**WHEREAS**, as the trail system continues to grow and use increases the Eatonville Town Council finds that rules and regulations regarding use of the trails is appropriate to ensure the continued future use and enjoyment of the trails by citizens of the Town as well as visitors to the Town; and

**WHEREAS**, the Town Council has reviewed the rules and regulations contained in the new code section set forth below and find them to be in the best interest of the Town and the trail network; and

**WHEREAS**, the Town Parks/Cemetery Committee has also reviewed the rules and regulations contained in the new code section set forth below and find them to be in the best interests of the Town and the trail network; and

**WHEREAS**, the addition of a new Chapter specifically dealing with trails to Title 12 of the Eatonville Municipal Code necessitates the removal of “trails” from the general definition of “Parks,” as set forth in EMC 12.20.010; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:**

**Section 1.** Eatonville Municipal Code Section 12.20.010, is hereby amended to read as follows:

**12.20.010 Definitions.**

The terms used in this chapter, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

“Electronic cigarettes” means any device that employs a battery or other mechanism to heat a solution or substance, including but not limited to concentrated nicotine, to produce a vapor or aerosol intended for inhalation.

“Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

“Marijuana-infused products” means products that contain marijuana or marijuana extracts, have a THC concentration greater than 0.3 percent, and are intended for human use.

“Off-leash area” means an area where licensed dogs excluding dangerous dogs as listed in EMC ~~6.30.240~~ may be allowed to be accompanied by their owner in town parks without being tethered to a leash.

“On-leash area” means an area of town parks where all pets must be kept on a leash no longer than eight feet in length at all times.

“Park” means and includes all parks, squares, drives, parkways, boulevards, rivers, playgrounds, ~~trails,~~ and recreation areas of the town. The term also includes any area, indoor or outdoor, within a park.

“Person” shall have the same meaning as RCW 1.16.080.

Whenever consistent with the context of this chapter, words in the present, past or future tenses shall be construed to be interchangeable with each other; and words in the singular number shall be construed to include the plural.

**Section 2.** The Eatonville Municipal Code is hereby amended by the addition of Chapter 12.21, entitled “Trails,” which shall read as follows:

**Chapter 12.21**  
**Trails**

Sections:

<b>12.21.010</b>	<b>Application</b>
<b>12.21.020</b>	<b>Methods of travel</b>
<b>12.21.030</b>	<b>Travel restrictions</b>
<b>12.21.040</b>	<b>Obstructions prohibited</b>
<b>12.21.050</b>	<b>Application of general park rules</b>
<b>12.21.060</b>	<b>Violations</b>

**12.21.010 Application**

This chapter shall apply to any trail which may be found on public land, or within a public easement or right-of-way, within the Town of Eatonville which does not meet the definition of a Park as set forth in Eatonville Municipal Code section 12.20.010.

**12.21.020 Methods of travel**

Trails shall be open to all non-motorized users. Pedestrians, bicyclists and equestrians are permitted on all maintained soft surface pathways unless otherwise posted and designated. Trail restrictions may be posted at park entrances, trailheads, or along individual trails.

**12.21.030 Travel restrictions**

(1) No person shall travel on a trail at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be controlled as may be necessary to avoid colliding with others who are complying with the law and using reasonable care. Travel at speeds in excess of 10 miles per hour shall constitute prima facie evidence of a violation of this section.

(2) No person shall travel on a trail in a negligent manner. Every person traveling on a trail shall obey the instructions of any official traffic control device applicable thereto unless otherwise directed by a police officer.

**12.21.040 Obstructions prohibited**

It shall be unlawful for any person to place, deposit, or otherwise cause or suffer to be located any structure, device, or natural or artificial thing that threatens or endangers any portion of a trail owned or maintained by the Town, or that tends to endanger persons traveling thereon, obstructs or tends to obstruct or constitutes a hazard to persons traveling thereon.

**12.21.050 Application of general park rules**

General Park rules and regulations as defined in Chapter 12.20 of the Eatonville Municipal Code shall apply to all trail users.

**12.21.060 Violations**

A violation of this chapter shall be a civil infraction punishable pursuant to the General Penalty set forth in Chapter 1.12 of the Eatonville Municipal Code.

**Section 3.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 4.** This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: Waived  
2ND READING: 05/23/2016

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Schaub  
Mayor

ATTEST:

\_\_\_\_\_  
Kathy Linnemeyer  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gregory A. Jacoby  
Town Attorney