



# Summary of Proposed Amendments to Parks Rules & Regulations

City Code	Section Title	Action	Proposed Amendment Language Added	Proposed Amendment Language Removed
<b>Chapter 12.32</b>		Title Change	City Property and	
<b>Section 12.32.030</b>		Title Change		in city public parks.
<b>Section 12.32.065</b>		New Section	Enforcement suspended	
<b>Section 12.32.010</b>	Definitions	A.	on city property or	
		B	on city property or	
<b>Section 12.32.020</b>	Rules & Regulations		property including	to be observed and enforced with the public parks
		A	on city property and	
		C		within a public park
		D	city property or	
		E		in a public park
		F	and city property	parking or loitering in public parks
		G		in any public park
		I		in or around any part of any public park
		J	property including	
		K	overnight parking is prohibited except as may be permitted by the parks and recreation director or designee	Except as otherwise permitted in TMC Chapter 8.30, it is unlawful to use, exhibit, display or possess any fireworks in any city park or on any trail.
		L		in any park
		M		within a park
		N	and on city property	in any park
		O		in any park or along any trail
		Q		in any park in any park
		S		any park or on any trail
		T		within city parks

<b>Section 12.32.030</b>	Alcoholic beverages in city public parks		On city property Except as may be permitted by the parks and recreation director or designee at the city's golf course or for public or private events	
<b>Section 12.32.040</b>	Permits	A	At any city property, including	within
		B	City property including any	
		C	And permit	
<b>12.32.050</b>	Vendors	A	Property Or Other code enforcement official or officer Or property	Designee From a city park
		B	Any enforcement officer	Or his/her designee
		C.1	Or property Enforcement officer Or property	His/her designee
		C.2	Enforcement officer	His/her designee
		D.1	1. A person receiving an exclusion notice longer than one day may file a written appeal before the hearing examiner to have the expulsion order rescinded or the duration of the exclusion shortened. The written appeal must be under oath and set forth all facts relied upon by the person for his or her contention that the order should be rescinded or shortened. The written appeal shall be accompanied by a copy of the order which is being appealed. The written appeal must be delivered to the city clerk or postmarked no later than seven calendar days after the issuance of the expulsion order. The hearing should occur within 10 business days after the written appeal is received by the city. The city clerk shall take reasonable steps to notify the offender of the date, time, and place of the hearing.	

		D.2	2. At the hearing, the violation must be proved by a preponderance of the evidence in order to uphold the expulsion order. The expulsion order establishes a prima facie case that the offender committed the violation as described. The hearing examiner shall consider a sworn report or a declaration under penalty of perjury written by the individual who issued the exclusion notice, without further evidentiary foundation.	
		D.3	If the violation is proved, the expulsion order shall be upheld; but upon good cause shown, the hearing examiner may shorten the duration of the exclusion. If the violation is not proved by a preponderance of the evidence, the hearing examiner shall rescind the order. If the hearing examiner rescinds an expulsion order, the order shall not be considered a prior exclusion for purposes of this section.	
		D.4	The expulsion order shall be stayed during the pendency of any appeal proceeding.	
		D.5	No determination of facts made by a person conducting a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and shall not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.	
<b>12.32.060</b>	Violation – Penalty	A	Except for violations designated as misdemeanors/gross misdemeanors by statute. A	A misdemeanor a

<b>12.32.065</b>	Enforcement Suspended		Enforcement of TMC 12.32.020(F) nighttime exclusion shall be suspended for persons who are indigent and homeless any time there is no space or beds available in reasonably accessible homeless shelters, to the extent such available space is required by law.	