

Document Code No.: FES-7-1-1-PR

Title: Permit Requirements and Procedures for Professional Dog Service Business Use of Parks and Recreation Division Property

Effective Date: 30 days after filing with ARMMS

Authorities: King County Code, Chapter 7.12, Chapter 4.57, Chapter 2.98 and Revised Code of Washington Title 9A-Washington Criminal Code

Keywords: Dog-walker; Permit; Concession; Marymoor; Pet Service

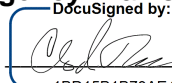
Sponsoring Agency: Parks and Recreation Division



King County

Signature:

Date signed:

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I. Purpose

This rule implements the provisions of King County Code Chapter 7.12.150 by issuance of concessionaire permits to manage professional dog service business operations on King County Parks Division property.

Applicability and Audience This rule applies to King County Parks and Recreation Division; Pet Service Providers; Purchaser or the public.

II. Definitions

"Professional Dog Service Business" refers to a private enterprise that provides services to individuals related to the care or training of pet dogs.

"Concession" means the privilege or authority to sell goods or services within parks and recreation facilities or to operate parks and recreation facilities or a portion thereof.

"Permit" means an authorization for the use of parks and recreation facilities that imposes conditions on the permittee in addition to those conditions imposed on the general public.

"Parks" refers to the King County Parks and Recreation Division.

III. Policy

- A. Pursuant to King County Code ("K.C.C.") 2.16.045 and 7.12.030, Parks has a duty, within available resources, to manage, operate and maintain King County's parks and recreation facilities. Pursuant to KCC 7.12.030, Parks must promulgate rules setting forth the conditions upon which its parks and recreation facilities will be used by the public. K.C.C. 4.57.020, K.C.C. 7.12.040, and KCC 7.12.050 also give Parks discretionary authority to issue a concession license or permit to conduct private business, such as a professional dog-walking business, in King County public parks or recreation facilities. Such licenses or permits are referred to herein as a "Permit." The holder of a Permit is referred to herein as a "Concessionaire."
- B. This Public Rule implements a regulatory permit system, requirements, procedures, and Rules of Conduct for professional dog-walking businesses that

are allowed to use King County's off-leash public parks and facilities. It is intended, in part, to regulate the number of dog walking businesses operating in King County's off-leash areas. Such regulation is a necessary response to concerns raised by the public, Parks' staff, park stewardship groups, and law enforcement regarding the impact of professional dog walking businesses in Parks' off-leash areas. This Public Rule does not, and is not intended to, regulate dog service businesses generally. Rather, it simply restricts the operation of dog service business in public Parks facilities.

- C. Nothing in this Public Rule, or any other authority, creates a legal duty by Parks to either accept a Permit application, or to issue a permit to all, or any, private dog walking businesses interested in operating in King County's parks for private financial gain. Pursuant to its duty to manage and regulate its facilities, Parks may decline to issue any permits, issue a varying limited number of permits, and/or impose a moratorium on the issuance of any new permits, regardless of whether an interested dog walking business may otherwise satisfy the application requirements set forth below. In determining whether to issue permits, Parks will consider, among other factors, whether new permits may negatively impact use by the general public, including degradation and damage to the park facility, and increased negative impacts on the public's recreation experience. Parks may also consider whether additional permits will necessitate additional staff resources to administer and enforce additional permits.
- D. During a moratorium or other period, Parks may invite dog-walking businesses that express an interest in obtaining a permit to leave their contact information for placement on a list of interested parties. Creation of such a list does not create a duty or entitle any dog-walking business to issuance of a permit.
- E. Pursuant to KCC 2.98.025, any part of this public rule that is in conflict with the King County Code or other law is null and void to the extent of the conflict.
- F. To use a King County park for a private dog service business, the business must apply and be approved for an annual Professional Dog Services Concession Permit from King County Parks and Recreation Division. Permit requirements are:
 - 1. Payment of current annual Professional Dog Services Concession Permit fee to Parks and Recreation Division each calendar year, and impact fee; paid toward approved park stewardship work or in lieu of cash payment of impact fee, performance of approved, documented park stewardship hours equivalent to the impact fee. The annual permit and impact fee rates will be published in the Parks and Recreation Division Fees in December for the following year. 2021 rates are as follows:

Permit Fee	\$98
Impact Fee	\$.52 X estimated use, maximum \$702
Stewardship Hours Credit	\$20/hour, up to 35 hours

- 2. Possession of valid insurance coverage. See Appendix 1.
- 3. Possession of current Washington State Business License.

4. Adherence to the "Rules of Conduct for Professional Dog Services Concession Permit Holder," See Appendix 2.

G. Enforcement: King County's strong preference is for Concessionaires to voluntarily comply with their Permit and Rules of Conduct, and to self-police each other. Except for Bad Behavior as described in Section III.G.1, the initial method of Permit enforcement will be by a request for voluntary compliance. The person making the request for voluntary compliance should document the date, time, place, and manner (oral or written) in which the request is made, but such documentation is not mandatory. Inadvertent or minor violations that might otherwise be grounds for Permit revocation will ordinarily be corrected or resolved without Permit revocation.

1. Bad Behavior will not be tolerated. Bad Behavior includes, but is not limited to fighting, insults, profanity, threats, or other unlawful, violent, aggressive, rude, abusive, or plainly discourteous behavior. Each incident or type of Bad Behavior constitutes an independent and separate basis for King County to revoke a Permit, or to deny a subsequent Permit application. For Permit purposes, a "threat" is a statement that objectively communicates, to a particular individual or group of individuals, a serious expression of an intent to commit an act of unlawful violence. It is irrelevant whether the person making the threat subjectively intends to carry it out.
2. Enforcement may be based on observations by King County staff, by the King County Sheriff or sheriff's deputies ("the Sheriff"), by the Division Director or his or her designee ("the Director"), or upon civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.

H. Revocation: The Director may revoke the Permit of any Concessionaire who engages in Bad Behavior as defined in Section III.G.1, who fails to comply with Permit terms or the Permit code of conduct, who fails to comply with King County Code Chapter 7.12 (Rules for Park Use), or who commits an act which, if proven, would be a violation of RCW Title 9A. The Director's factual determinations shall only be relevant to an appeal from the Director's decision. The fact that the Director has made factual determinations shall not prevent litigation of those same facts in any criminal prosecution or civil proceeding.

1. To revoke a Permit or deny a Permit application, the Sheriff or the Director will deliver a written notice ("the Notice") in person to the Concessionaire or applicant, or by first class and certified mail to the last known address of the Permit holder or applicant. The Notice is deemed served and effective on the date the Notice is delivered in person, or three (3) days after the date the Notice is mailed (each, the "Revocation/Denial Date").

2. A Concessionaire whose Permit is revoked, or whose Permit application is denied, may not apply for a new Permit until January 1 of the following calendar year, or until six (6) months have elapsed from the Revocation/Denial Date, whichever is longer.
- I. Appeal Process: Any Concessionaire whose Permit is revoked, or whose Permit application is denied, may, within fourteen (14) days of the service of the Notice, file a written appeal with the Director by mailing or delivering it to the Director at the mailing address listed below. E-mail and fax are not acceptable.
1. The written appeal must succinctly state the reasons that the initial decision should be modified or reversed and, to the extent applicable, must be accompanied by copies of the Permit or the Permit application, the Notice, and any other papers that may be relevant to the appeal.
 2. The Director will review the appeal, without a hearing, based solely on the written materials provided by the person filing the appeal ("the Appellant"), by King County staff or agents, and by any third-party witnesses.
 3. Within fourteen (14) days of the date on which the appeal is received, the Director must serve upon the Appellant a notice that the Director has affirmed, modified or reversed the initial decision. Such notice is deemed served upon the Appellant when it is personally delivered, or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the Permit, the Permit application, or the appeal request. If such notice is not served upon the Appellant within fourteen (14) days of the date upon which the appeal is received, then the Permit revocation or application denial will be deemed reversed.

Appeals and other concession permit-related correspondence should be directed to:

**Director's Office
Parks and Recreation Division
King County Department of Natural Resources and Parks
201 S. Jackson St. #500
Seattle, WA 98104**

IV. Implementation Plan

This rule supersedes and replaces the public rule, "Permit Requirements and Procedures for Professional Dog Service Business Use of Parks and Recreation Division Property" (FES 7-1 PR) and becomes effective 30 days after filing with the King County Department of Executive

Services, Records and Licensing Services Division, Archives, Records Management and Mail Services Section. Parks is responsible for the implementation of this rule.

V. Maintenance

- A. This rule will be maintained by King County Parks and Recreation Division or its successor agency.
- B. This rule will remain in effect until it is repealed or replaced.

VI. Consequences for Noncompliance

Persons failing to comply with this rule shall be subject to all legal remedies, including those set forth in K.C.C., Section 7.12-V

Appendices:

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Appendix 1

CONCESSION PERMIT HOLDER INSURANCE REQUIREMENTS

Commercial General Liability. Each concession permit holder ("Concessionaire") shall procure and maintain, for the duration of their permit, commercial general liability insurance against claims for injuries of persons or damages to property, which may arise from or in connection with Concessionaire's use of King County property. Such insurance shall be as broad as that provided by the Commercial General Liability "occurrence" form CG0001 (to include Products – Completed Operations) (ed. 11/88). The insurance limits shall be no less than One Million Dollars (\$1,000,000) per occurrence for bodily injury and property damage, and Two Million Dollars (\$2,000,000) aggregate limit.

Automobile Liability. Concessionaire must have automobile insurance or other financial responsibility sufficient to comply with Washington State law (RCW chapter 46.30, Mandatory Liability Insurance, as now codified or hereafter amended).

Workers' Compensation. If Concessionaire has employees, then Statutory Workers' Compensation and One Million Dollars (\$1,000,000) Employer's Liability/Stop Gap coverage is required.

The required liability insurance policies (except Workers' Compensation) are to be endorsed to:

Name "King County, its officers, officials, agents and employees" as additional insureds for full coverage and policy limits with respect to use of the Site as outlined in this Agreement (Form CG 2026 or its equivalent);

Such coverage shall be primary and non-contributory insurance as respects King County;

State that Concessionaire's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability; and

State that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits, except after forty-five (45) days prior written notice to King County.

The insurance provider must be licensed to do business in the State of Washington and have a Bests' rating of A-VIII or better. Any deductible or self-insured retention must be declared to and approved by King County. The deductible and/or self-insured retention of the policies shall not limit or apply to Concessionaire's liability to King County and shall be the sole responsibility of Concessionaire.

Concessionaire to Assess Own Risks. By requiring such minimum insurance as specified herein, King County may not be deemed or construed to have assessed the risks that may be applicable to Concessionaire. Concessionaire will assess his or her own risks and, if Concessionaire deems appropriate or prudent, or both, Concessionaire should maintain greater limits or broader coverage.

Appendix 2

RULES OF CONDUCT FOR PROFESSIONAL DOG SERVICES CONCESSION PERMIT HOLDER

1. Limit pack to ten (10) dogs per visit (or maximum specified in pro rata/reduced use permit).
2. Wear current Marymoor Permit ID in a manner visible to the public at all times, using vest provided by the County.
3. Display current Marymoor Parking Permit in approved manner on vehicle.
4. Park in the Northeast parking lot, Lot G, unless otherwise approved or directed by park personnel.
5. Limit dog service-related visits to Monday thru Friday 10:00 a.m.—4:00 p.m. (or as specified in pro rata/reduced use permit).
6. Maintain professionalism:
 - Keep your pack moving.
 - Avoid distractions such as texting, listening to music, talking on a cell phone, etc.
 - Limit conversations with patrons or other dog walkers to a short duration.
 - Maintain voice control over your pack.
 - Devote full attention to your pack to the maximum extent practicable.
 - Exhibit courteous behavior with all people and dogs you encounter.
 - **Fighting, insults, profanity, threats, or other unlawful, violent, aggressive, rude, abusive, or plainly discourteous behavior will NOT be tolerated.**
 - Ensure all dogs in your pack wear a collar with a current pet license and identification with your contact information.
 - Stop dogs in your pack from digging.

- Keep dogs out of off-limit areas, such as fenced areas along the river, athletic fields, Community Garden, and areas of re-growth.
 - Immediately stop bothersome dog behavior (e.g., repetitive barking, extended growling, fighting, mounting, etc.).
 - Properly dispose of bagged waste in designated trash receptacles.
7. Maintain distance from the public whenever possible:
 - a. Avoid busy water stops or groups of people.
 - b. Steer away from young children and timid or little dogs.
 8. Pre-screen dogs for your pack--bring only those with proper social skills.
 9. Do not bring dogs that exhibit aggressive behavior.
 10. In addition to picking up waste from the dogs in your care, pick up other waste for ten minutes per visit.
 11. Bulletin board ads should be no larger than 8 ½ x 11 inches, one (1) per board, without excessive staples.
 12. Abide by all King County and Serve Our Dog Area (S.O.D.A.) Rules, including King County Code Chapter 7.12.
 13. Permit holders may not assign, transfer, or delegate their permit or Park privileges to any 3rd party business or individual that is not directly employed by the permit holder's business. Violation of this rule may, at Parks' discretion, result in termination of the Permit.