



MEMORANDUM

TO: Board of Park Commissioners
FROM: Karen Tsao
DATE: November 13, 2008
SUBJECT: Rule Relating to Public Nudity in Parks

Requested Board Action

The Board will hear a briefing on November 13, 2008 regarding a proposed rule for parks relating to nudity. A public hearing is scheduled for January 8, 2009, and the Board discussion and recommendation are scheduled for January 22, 2009.

Proposed Rule

The proposed rule of conduct would prohibit nudity in any public park or park facility open to the public. Violation of the rule may lead to the withdrawal of permission to remain in the park or park facility for a period of twenty-four hours or exclusion from parks, depending on the circumstances. There would be exceptions for children under the age of five, nursing mothers, and in restrooms, locker rooms and indoor showers.

This rule will support the Superintendent in his function to coordinate uses of park spaces. Nudity affects a potentially large extent of public space and disrupts use of parks by other people. In particular, it will enable the Superintendent to grant, withhold or revoke permits in a manner that consistent with that function. It is based on the power of the Superintendent to make rules regulating the use of parks and the conduct in parks.

Background

Parks staff researched the experience and regulation of other west coast and Puget Sound jurisdictions regarding nudity (exposure) in parks and parks facilities. The range of existing regulations includes:

- making exposure a misdemeanor (Tacoma, Everett, Berkeley, Portland),
- prohibiting exposure (San Francisco, Los Angeles County), and
- requiring a standard of dress at facilities (King County, Vancouver BC).

Seattle appears to be unique in receiving nudist request for use of park facilities. None of the cities contacted appears to have the same level of request for nude activities as does Seattle, possibly due to their having some regulation of nudity in public places. Nudity per se is not illegal under Washington state law (cited in the Appendix). Seattle has no law regulating public nudity.

Public Involvement Process

The Park Board briefing will be the first public airing of the proposed rule. The public hearing in 2009 will occur two months after the proposed rule has been made publicly available. There will be broad outreach prior to the public hearing. We welcome the Board's input on whether Parks should conduct additional public engagement.

Issues

Facility rentals – Nudist/naturist groups have rented City swimming pools for swim nights after the pool is closed to the public. Parks has approved such requests, requiring that Parks life guards work the duty on a voluntary basis and must be over age 21. Parks as the facility owner retains essentially all liability for activities. Therefore it is very important to ensure that any lifeguards are capable of an effective response to emergencies. Some lifeguards who have volunteered to staff the clothing optional event chose not to volunteer again. The proposed Rule will not alter peoples' ability to rent a facility for a private clothing optional event.

Beach use – Through the Strategic Action Plan public process, there were requests for designation of clothing optional beach(es) in Seattle. There are about 30 beaches of any sort in City Parks' ownership, extending approximately a total of three linear miles. Many can be viewed from other areas of the adjacent parks, public roads and nearby residences. For those where a lifeguard is located, users frequently include children under age 14. In isolated areas of parks, a few beaches have become unofficially used as clothing optional, and behavior at them is informally and unofficially managed by nudist/naturist users. The proposed Rule will make it clear that informal clothing optional beaches are prohibited.

Event permits – The two most frequent requests for event permits are related to the beginning and stopover locations for the World Naked Bike Ride and for picnics at Magnuson Park. Recent World Naked Bike Ride events have resulted in complaints from citizens to the Seattle Police Department. These permits have been issued as the Superintendent does not now have a basis in law or regulation for denying an event permit as long as the permittee agrees to abide by applicable laws, rules and regulations, as is currently required by the permit. The proposed Rule will prohibit nude, or clothing optional events even under special permit. The Superintendent will no longer authorize permits for events where it is clear public nudity is planned.

There are no budget impacts.

Schedule

Parks is prepared to advertise in the Daily Journal of Commerce, following the public hearing, as required by Section 3.02 of the Administrative Code, a notice of the Superintendent's intent to sign the rule.

Staff Recommendation

Parks and Recreation will request a Board recommendation at the January 22, 2009 meeting.

Additional Information

Attached are the text of the proposed rule and an appendix of how other jurisdictions address the issue.

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