

Ordinance No. 00509

[City Council meeting minutes of January 19 2010](#)

ORDINANCE NO. 509

AN ORDINANCE of the City Council of the City of Lakewood, Washington amending Chapter 8.76 of the Lakewood Municipal Code relating to a City of Lakewood Park Code

WHEREAS, in order to address the particular and specific park needs of the citizens of the City of Lakewood the City has adopted a Park Code; and

WHEREAS, it is appropriate for the City to amend Chapter 8.76 regarding parks facility use as necessary to respond to community needs and legal requirements; and

WHEREAS, issues related to both community needs and legal mandates can be resolved at this time by amending the Park Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN, as follows:

Chapter 8.76

Park Code

Sections:

I - GENERAL

8.76.010 Definitions.

8.76.020 Program - Purpose.

II - ADMINISTRATION

8.76.030 Administrative rules - Hours and conditions of operation.

8.76.050 Special use permits.

8.76.055 Gender Equity

8.76.060 Cancellation of permit.

8.76.080 Use of facilities.

8.76.090 Cleanup.

8.76.100 Liability.

8.76.110 Liability insurance.

8.76.120 Adults to be present at functions of minors.

8.76.130 Storage of equipment - Liability of City.

8.76.140 Equipment regulations - Failure to perform.

8.76.150 Facility use - Sale of goods or services.

8.76.160 Picnicking, fires and cooking.

III - RULES GOVERNING USE OF FACILITIES - INFRACTIONS

8.76.165 Alcoholic beverages

(Information also included in 8.76.050 Special Use Permits)

8.76.170 Bathing, washing of clothes or animals.

8.76.180 Parking lots and roadways - Games prohibited.

8.76.190 Motor Vehicles - Parking.

8.76.200 Motor vehicles on roads and trails.

8.76.210 Motor vehicles - speed limits.

8.76.220 Boat speeds in associated marine areas.

8.76.221 Power Loading

8.76.230 Cleaning, Washing, Testing or Repairing vehicles.

8.76.240 Motor vehicles - trucks and commercial vehicles.

8.76.250 Trail use.

8.76.260 Vehicle-Vessel-Boating - occupancy policy.

8.76.270 Use of marine heads.

8.76.280 Camping prohibited except in designated areas only.

8.76.290 Tents and shelters on beaches.

8.76.300 Indecent Exposure.

8.76.310 Ice

8.76.320 Game fish.

8.76.330 Pets in City park facilities.

8.76.340 Animal Disturbances

8.76.341 Wildlife feeding and harassment.

8.76.342 Damage by animal.

8.76.350 Horseback riding - In designated areas only.
8.76.360 Littering.
8.76.370 Swimming - In designated areas only.
8.76.380 Swimmers must obey rules.

8.76.385 Visitors must obey rules
8.76.390 Swimming/scuba diving in boat launch areas prohibited.
8.76.400 Presence in parks during hours the park is closed.

IV - RULES GOVERNING USE OF FACILITIES - MISDEMEANORS

8.76.405 Bicycle and Scooter Restriction in Skate Park Facilities.

8.76.410 Mechanical trapping devices - Capturing or injuring animals.
8.76.420 False alarm of drowning prohibited.
8.76.430 Games on beaches.
8.76.440 Moorage in swimming area prohibited.
8.76.450 Damage to property.
8.76.460 Removal of property.
8.76.470 Outside household or commercial waste.
8.76.480 Waste from vehicles.
8.76.490 Dumping in water prohibited.
8.76.500 Model aircraft and rockets.
8.76.510 Solicitation.
8.76.520 Fireworks.
8.76.530 Firearms, weapons.
~~8.76.540 Alcoholic beverages, (Information also included in 8.76.050 Special Use Permits.)~~
8.76.550 Intoxication.
8.76.560 Interference with trails.

V - PENALTIES

8.76.570 Infractions.
8.76.580 Misdemeanors.
8.76.590 Administrative sanctions.

08.76.010 - Definitions

I - GENERAL

Whenever used in this chapter the following terms shall be defined as herein indicated:

- A "Aircraft" means any machine or device designated to travel through the air including but not limited to : airplanes, helicopters and balloons;
- B. "Alcoholic beverages" or "liquor" includes the four varieties of liquor defined as alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all other intoxicating beverages, and every liquor, solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and all preparations or mixtures capable of human consumption. Any liquor, semisolid, solid or other substance which contains more than one percent alcohol by weight shall be conclusively deemed to be intoxicating;
- C. "Associated marine area" means any water area within one hundred feet of any "Lakewood City park area" or "marine facility" such as a dock, pier, float, buoy, log boom, or other object which is part of a "Lakewood City park area", provided that such area does not include private property;
- D. "Camper" means a motorized vehicle containing sleeping and/or housekeeping accommodations, and shall include a pickup truck with camper, a van-type body, a converted bus, or any similar type vehicle;
- E. "Camping" means erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose or remaining overnight;
- F. "Campsite" means designated camping sites which are designated for the use of camping, and which have no water and/or electrical facilities available for hookup to a trailer or a camper;
- G. "City" means the City of Lakewood, a municipal corporation in the State of Washington.
- H. "City Manager" means the City Manager of the City of Lakewood or designee.

I. "Commercial Use" means any use of a park facility where money is exchanged on site; the area is used as a staging, instruction or display area; or doing work at a park location (i.e. testing engines, storing or delivering goods) that could result in a personal/professional benefit.

J. "Community Athletic Programs" means any athletic program that is organized for the purposes of training for and engaging in athletic activity and competition and that is in any way operated, conducted, administered, or supported by a city, town, county, district or school district (other than those athletic programs offered by the school and created solely for the students by the school).

K. "Department" means the department of the City of Lakewood that administers and oversees the City Parks, provided that where the context indicates, Department may mean the person or persons responsible for the administration and oversight of the City Parks;

L. "Discrimination" means any action or failure to act, whether by single act or part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, religion, national origin, age, sex, marital status, parental status, sexual orientation, the presence of any sensory mental or physical handicap, or the use of a trained dog guide by a blind or deaf person;

M. "Facility" or "facilities" means any building, structure, or park area managed by the City of Lakewood Parks & Recreation Department;

N. "Facility Supervisor" refers to a duly appointed City of Lakewood Parks & Recreation Department employee;

O. ?Gender Equity? means that cities, towns, counties and districts are prohibited from discriminating on the basis of sex in the operation, conduct, or administration of community athletic programs.

P. ?Holiday? means federally recognized holidays.

Q. ?Motor vehicle? means any self-propelled device capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles, snowmobiles and vessels, whether or not they can legally be operated upon the public highways;

R. ?Overnight? means a 24 hour period of time with a defined start time/end time.

S. ?Park area? means any area under the ownership, management, or control of the City of Lakewood Parks & Recreation Department;

T. ?Person? means all natural persons, groups, firms, partnerships, corporations, clubs, and all associations or combination of persons whenever acting for themselves or an agent, servant, or employee;

U. ?Power Loading? is the use of a boat motor to load a boat onto a boat trailer.

V. ?Resident? means anyone who can verify proof of Lakewood residency with identification such as a public utility bill, Lakewood business license or Washington Drivers? License.

W. ?Rocket? means any device containing a combustible substance which when ignited propels the device forward;

X. ?Trail? means any path, track, or right-of-way designed for use by pedestrians, bicycles, equestrians, or other non-motorized modes of transportation;

Y. ?Trailer? means a towed vehicle which contains sleeping or housekeeping accommodations; (Ord. 126 ? 1 (part), 1997.)

08.76.020 - Program ? Purpose

The Mission of the Parks and Recreation Department is to create a healthy community through people, parks and programs. The playgrounds, activity centers, and other facilities of the Department are established by law for public recreation purposes. (Ord. 126 ? 1 (part), 1997.)

II ? ADMINISTRATION

The City shall establish rules setting forth the times and conditions upon which the City parks and recreation facilities will be open, closed, or used by the public. The City parks and park facilities shall be open from dawn to dusk, except as otherwise provided by permits issued by the City, and except as otherwise posted. (Ord. 126 ? 1 (part), 1997.)

08.76.030 - Administrative Rules - Hours and Conditions of Operation

08.76.050 - Special Use Permits

The City may grant special use permits to individuals and groups who wish to reserve a park area for a designated period of time or for a special use. Based on type of event, number of participants, or other unusual conditions, a special use permit may be required. The special use permit allows the City to gather information regarding the special use and outlines conditions to ensure the park and other park visitors will not be negatively impacted.

Factors to be considered and evaluated in granting or denying an application for a Special Use Permit shall include: the type of event or use, time of facility use, other competing uses and their compatibility, insurance and indemnification, police and fire concerns, parking, number of expected participants and size limitations, methods to ensure that all alcohol will remain indoors, and any other factors that warrant consideration based on the event and/or activity involved.

The City will charge a fee for special use permits. Where appropriate, additional fees and special conditions of use will be established by the City and so noted on the special use permit. The City is authorized to develop a schedule of fees for such permits, which allow the City to offset impacts caused by the use and/or recover its costs in connection with the use. The schedule of fees shall be posted.

The City may grant special use permits to meet or conduct activities in City parks without charge provided the activities are exclusively for youth eighteen years of age or under, and provided that all of the following conditions are satisfied: the buildings or facilities are not otherwise required by the City, the activities are conducted in accordance with the City?s standards; held without admission charge; not conducted for fundraising or other financial gain; open to the general public without discrimination; not exclusively planned for one group and scheduled during hours when the facility is regularly open. The City may charge additional fees to offset impacts caused by the use and/or recover its costs in connection with the use.

No alcoholic beverages are allowed at any park facilities or on any park property, other than as provided in Section 8.76.540 of this Chapter, or its successor provision(s).

Selling, possessing or consuming alcoholic beverages in a City park, recreation area, or associated marine area is prohibited, other than in connection with an event or activity in a community center, park building or other indoor structure for which a Special Use Permit has been issued by the provided that the activities and the use of alcoholic beverages shall conform to the permits therefore, and shall conform to federal, state and local laws, rules and regulations with respect thereto.

For the purposes hereof, ?community center, park building or other indoor structure? refers to buildings with solid opaque walls such that activity within the buildings is not readily visible outside of the buildings.

Facilities cannot be reserved more than one year (12 calendar months) prior to an event. Fees may be adjusted prior to an event as fee schedules are typically adopted in January of each year. (Ord. 247? 2, 2000; Ord. 126 ? 1 (part), 1997.)

08.76.055 Gender Equity

The City prohibits discrimination in the operation, conduct, or administration of community athletic programs for youth or adults on basis of gender. The City currently administers programs activities and facility allocations in a non-discriminatory manner. The City shall have and follow a policy in compliance with Chapter 467, Washington Laws of 2009, approved by the Parks and Recreation Advisory Board of the City of Lakewood and available to the public.

08.76.060 - Cancellation of Permit

The Parks and Recreation Department reserves the right to cancel a permittee's reservation for cause (valid reasons) or if the City needs to make use of the facility which in the judgment of the City Manager supersedes the need of the permittee. Notice of the City's cancellation for priority use shall be given at least five business days in advance and permit fees will be refunded. Notice of cancellation for cause may be given at any time. (Ord. 126 ? 1 (part), 1997.)

08.76.080 - Use of Facilities

Time and use restrictions for any building or other facility that may be located in a City park shall be identified and determined by the Department. (Ord. 126 ? 1 (part), 1997.)

08.76.090 - Cleanup

User groups and individuals will be responsible for set up, break down, and general clean up of their park facility space. Removal and disposal of garbage, decorations, and miscellaneous materials must be completed at the conclusion of the event. In the event that additional cleaning or emergency repairs are needed as a result of an event and can be performed by City staff, then the total hourly staff charges for services will be assessed against the deposit or billed to the user. Up to a 25% administrative charge may be added to the costs.

Depending on the type and nature of use, and the number involved, the City Manager or designee may require the posting of a refundable deposit or other security, in a reasonable amount, to insure compliance with the requirements of this Section of the Code. The City Manager or designee is authorized to determine and identify criteria to be used in administering the requirement for posting such security deposit. (Ord. 126 ? 1 (part), 1997.)

08.76.100 ? Liability

Persons using facilities by permit will be required to protect, save and hold the City, its elected and appointed officials and employees while acting within the scope of their duties, harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any action including but not limited to personal injuries, death or damage to property arising out of the use of premises, or in any way arising out of the acts or omissions of the person, group and/or its agents, employees or representatives. (Ord. 126 ? 1 (part), 1997.)

08.76.110 - Liability Insurance

During all periods of use, persons using facilities by permit shall obtain and maintain public liability insurance acceptable to the City and/or other insurance necessary to protect the public and the City on premises to be used, with limits of liability not less than: a minimum of \$1,000,000 per occurrence and \$2,000,000 aggregate. The City reserves the right to require higher limits if it deems there is an increased liability exposure. ~~\$500,000 each person personal injury; \$500,000 each occurrence personal injury; \$300,000 each occurrence property damage; or a combined single limit personal injury and/or property damage liability of \$1,000,000 per occurrence.~~

The City shall be named as an additional insured in connection with any such insurance policy, unless waived in writing by the City. The City shall be provided with a certificate of insurance, or, upon written request of the City, a duplicate of the policy, as evidence of the insurance protection provided. This insurance shall not be canceled or reduced without prior written notice to the City at least thirty days in advance of the cancellation, with this provision being included in the insurance policy.

It is provided, however, that in the case of permits for use of park facilities by recognized non-profit organizations, or by small, neighborhood or family groups, depending on the type and nature of the use, the extent to which park facilities are to be used, the amount of time the facilities are to be used and the number of persons involved in the use, and the level of liability exposure involved in the use, the City Manager or designee may waive some or all of the insurance requirements hereof, and/or may require lesser limits of liability than the amounts identified hereinabove this Section. (Ord. 242 ? 1, 2000; Ord. 126 ? 1 (part), 1997.)

08.76.120 - Adults to be Present at Functions of Minors

Adults must be present and responsible at all functions involving organized assemblies of minors, and shall remain throughout the entire function. (Ord. 126 ? 1 (part), 1997.)

08.76.130 - Storage of Equipment - Liability of City

Persons using facilities should not expect storage space for equipment necessary for their programs. If temporary storage is provided, the City shall not be held responsible for loss or damage. City equipment shall not be available for use by any non-city person, group or organization, nor for any non-city purpose. (Ord. 126 ? 1 (part), 1997.)

08.76.140 - Equipment Regulations - Failure to Perform

In addition to the penalties and consequences available pursuant to Sections 8.76.570, 8.76.580 and 8.76.590 of this Chapter, the misuse of a park facility or the failure to conform with these regulations, the instructions of Department employees, or the conditions of a permit will be sufficient reason for denying any future permits. (Ord. 126 ? 1 (part), 1997.)

08.76.150 - Facility Use - Sale of Goods or Services

The use of park facilities for financial gain shall be allowed only through concession contracts secured by the City's competitive process, negotiated concession contracts or by special use permit issued by the Department. (Ord. 126 ? 1 (part), 1997.)

08.76.160 - Picnicking, Fires and Cooking

No open flame camp fires are permitted. Barbeques, stoves or similar devices or uses are permitted in park facilities if used according to safe procedures. (Ord. 126 ? 1 (part), 1997.)

III - RULES GOVERNING USE OF FACILITIES - INFRACTIONS

08.76.165 - Alcoholic Beverages (Information also included in 8.76.050 Special Use Permits)

Selling, possessing or consuming alcoholic beverages in a City park, recreation area, or associated marine area is prohibited, other than in connection with an event or activity in a community center, park building or other indoor structure for which a Special Use Permit has been issued by the Department, provided that the activities and the use of alcoholic beverages shall conform to the permits therefore, and shall conform to federal, state and local laws, rules and regulations with respect thereto.

Factors to be considered and evaluated in granting or denying an application for a Special Use Permit shall include: the type of event or use, time of facility use, other competing uses and their compatibility, insurance and indemnification, police and fire concerns, parking, number of expected participants and size limitations, methods to ensure that all alcohol will remain indoors, and any other factors that warrant consideration based on the event and/or activity involved. The fee for the Special Use Permit is the same as the fee for an Administrative Use Permit as contained in the City's Fee Schedule.

For the purposes hereof, ?community center, park building or other indoor structure? refers to buildings with solid opaque walls such that activity within the buildings is not readily visible outside of the buildings. (Ord. 247 ? 2, 2000; Ord. 126 ? 1 (part), 1997.)

08.76.170 ? Bathing, Washing of Clothes or Animals

No person shall bathe, clean fish or other food, or wash any clothing or other articles for personal or household use, or any dog or other animal in any park area. (Ord. 126 ? 1 (part), 1997.)

08.76.180 - Parking Lots and Roadways - Games Prohibited

Games of any kind are prohibited in parking lots and roadways of all Department facilities. (Ord. 126 ? 1 (part), 1997.)

08.76.190 - Motor Vehicles ? Parking

No operator of any automobile, trailer, camper, boat trailer, or other vehicle, shall park such vehicle in any park area, except where the operator is using the area for the designated recreational purpose and the vehicle is parked either in the designated parking area, or in another area with the permission of a facility supervisor and for which all applicable fees have been paid. No person shall park, leave standing, or abandon a vehicle in any park area after closing time except persons using park facilities as part of an event activity authorized by the Department. In addition to the penalties found in Part V of this chapter, any vehicle found parked in violation of this section may be towed away at the owner's expense, consistent with signs posted in conformity with State law. (Ord. 126 ? 1 (part), 1997.)

08.76.200 - Motor Vehicles on Roads and Trails

No person shall operate any motor vehicle on a trail in any park area unless such trail has been specifically designated and posted for such use. No person shall operate a motor vehicle within the boundaries of a park area except on roads, streets, highways, parking lots, parking areas, or where otherwise permitted by proper posting. It is provided, however, that this section shall not apply to emergency vehicles, nor to any maintenance vehicles, construction vehicles or other vehicles authorized by the Department. (Ord. 126 ? 1 (part), 1997.)

08.76.210 - Motor Vehicles - Speed Limits

No person shall drive a motor vehicle within any park area at a speed greater than fifteen miles per hour or as otherwise posted, having due regard for traffic on, and the surface and width of the road, and in no event at a speed which endangers the safety of persons, property, or wildlife; provided, however, that in no event shall a vehicle be driven at a speed greater than fifteen miles per hour in picnic, utility, or headquarters areas, or in areas of general public assemblage. (Ord. 126 ? 1 (part), 1997.)

08.76.220 - Boat Speeds in Associated Marine Areas

No person shall operate a boat at a speed greater than 5 knots per hour in any no wake zone or associated marine areas. (Ord. 126 ? 1 (part), 1997.)

08.76.221 ? Power Loading at City Boat Launch Facilities

Power Loading at City boat launch facilities is prohibited. No person shall power load his/her boat engine when loading a boat onto a boat trailer at a City boat launch facility. Boaters should use the boat winch to load and unload their boat.

08.76.230 ? Cleaning, Washing, or Repairing of Vehicles

No person shall clean, or repair any automobile, other vehicle or vessel in any park area.

08.76.240 - Motor Vehicles - Trucks and Commercial Vehicles

No person shall cause a truck or other vehicle while being used for commercial purposes to enter upon, use, or traverse any portion of any park area or any park road except in the service of the Department at the request of the employees of the Department, or by express permission of the City Manager for a special activity not inconsistent with park use; provided that, the provisions of this section shall not apply to City roads or state highways. (Ord. 126 ? 1 (part), 1997.)

08.76.250 - Trail Use

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~~ that exist. (Ord. 126 ? 1 (part), 1997.)

08.76.260 ? Vehicle ? Vessel - Boating - Occupancy Policy

In order to afford the general public the greatest possible use of marine facilities, continuous occupancy of marine facilities by the same person or group in any area is limited to one day in any seven day period, provided that this day shall not include overnight, unless otherwise posted. A boat launch permit must be purchased and the permit/receipt clearly visible. Shorter or longer limitation of occupancy may be established by special permit. In addition to the penalties in Part V of this chapter, any boat/trailer/vehicle found to be in violation of this chapter may be towed away at the owner's expense. No person shall launch a boat in any park except in areas specifically designated and/or marked for that purpose. Float planes may dock on designated docks for up to 14 consecutive days. (Ord. 126 ? 1 (part), 1997.)

08.76.270 - Use of Marine Heads

No person shall use/or flush any marine head which when flushed emits its contents directly into the waters of a lake, river, or any other water area, nor cause any human or animal waste to be dumped into the waters while moored, anchored, docked or berthed in a park area or associated marine area or when entering or leaving the area. (Ord. 126 ? 1 (part), 1997.)

08.76.280 - Camping Prohibited

No person shall camp in any park unless authorized by special permit. (Ord. 126 ? 1 (part), 1997.)

08.76.290 - Tents and Shelters on Beaches

No person shall erect, maintain, use or occupy a temporary tent or shelter on any swimming beach in any park area unless there is an unobstructed view through such tent or shelter from at least two sides; provided, however, that nothing in this section shall be construed to authorize overnight camping. (Ord. 126 ? 1 (part), 1997.)

08.76 - Indecent Exposure

Nudity is not allowed. Clothing shall be worn at all times. Exposure of one's anus, genitals and female breasts is not allowed. (Ord. 126 ? 1 (part), 1997.)

08.76.310 - Ice

No person shall go out onto ice in any City park or park area, except in areas specifically designated for that purpose. This includes but is not limited to: Lakes, ponds, streams, rivers, and other bodies of water. (Ord. 126 ? 1 (part), 1997.)

08.76.320 - Game Fish

All laws, rules and regulations of the State Game Commission relating to season, limits, and methods of fishing are applicable to fishing for game fish in park areas. No person may fish for, or possess any fish taken from any dam, dike, bridge, dock, boat, land or beach, which is posted with a sign prohibiting fishing. (Ord. 126 ? 1 (part), 1997.)

08.76.330 - Pets in City Park Facilities

A. Dogs, pets, or domestic animals are not permitted off-leash on any designated swimming beach, picnic area, play areas or any other park area in any City park or in any building, except in those areas specifically identified with signs posted indicating that dogs, pets, or domestic animals are permitted off-leash. It is provided, however, that this section shall not apply to service dogs.

B. In those permissible areas, dogs or other pets or domestic animals must be kept under control at all times and follow all posted rules.

C. Any person whose dog or other pet is in any park area shall be responsible for the conduct of the animal and for removing feces deposited by such animal from the park area in compliance with LMC 6.02.086.(Ord. 361 ? 1, 2004; Ord. 126 ? 1 (part), 1997.)

08.76.340 - Animal Disturbances

No person shall allow his or her dog or other pet or domestic animal to molest or annoy park visitors or wildlife. (Ord. 126 ? 1 (part), 1997.)

08.76.341 - Wildlife Feeding and Harassment

It is unlawful in any manner to tease, annoy, disturb, molest, catch, injure, or kill, throw any stone or missile of any kind, or strike with any stick or weapon any animal, bird, or fowl, or to feed any fowl, bird or animal in any park area.

08.76.342 - Damage by Animals

Owners of dogs or other animals damaging or destroying park property will be held liable for the full value of the property damaged or destroyed in addition to impounding fees and the penalty imposed for violation of these provisions.

08.76.350 - Horseback Riding - In Designated Areas Only

Horses shall be permitted only in park areas that are specifically designated and posted to permit such activity. Horses shall not be permitted in any designated swimming area, sports field, playground, or picnic area. No person shall allow a horse or other animal to stand unattended or insecurely tied. No person shall ride any horse or other animal in such a manner that could cause physical harm to any person or to any property. Horse riders are expected to pick up their animals' waste and dispose of it appropriately.
(Ord. 126 ? 1 (part), 1997)

08.76.360 - Littering

Per City Code 08.32. Litter Control, no person shall litter on park property.
(Ord. 126 ? 1 (part), 1997)

08.76.370 - Swimming - In Designated Areas Only

Swimming areas shall be marked with buoys, log booms, or signs clearly designating the boundaries of such areas. (Ord. 126 ? 1 (part), 1997.)

08.76.380 ? Swimmers Must Obey Rules

All persons using designated park swimming areas shall obey all posted beach rules and/or the instructions of lifeguards, facility managers, or other City staff.
(Ord. 126 ? 1 (part), 1997.)

08.76.385 ?Visitors Must Obey Rules

All persons using designated park areas shall obey all posted rules and/or the instructions of lifeguards, facility managers, or other City staff.

08.76.390 - Swimming/Scuba Diving in Boat Launch Areas Prohibited

No person shall swim, sunbathe, or scuba dive in any designated boat launching area. (Ord. 126 ? 1 (part), 1997.)

08.76.400 - Presence in Parks During Hours the Park is Closed

No person shall enter or be present in a City park area during hours the park is closed except persons using park facilities as part of an event authorized by the City. (Ord. 126 ? 1 (part), 1997.)

08.76.405 - Bicycle and Scooter Restriction in Skate Park Facilities

Skate park facilities are designed for use by skate boards, in-line skates and roller skates. No person shall have or use a bicycle, scooter or other similar vehicle in a skate park facility in any City park unless otherwise posted. For the purposes hereof, having or using a bicycle, scooter or other similar vehicle in a skate park facility means riding, locating or positioning a bicycle, scooter or other similar vehicle so that said vehicle touches any part of the concrete surface of the skate park facility. (Ord. 246 ? 1, 2001.)

IV ? RULES GOVERNING USE OF FACILITIES ? MISDEMEANORS

08.76.410 - Mechanical Trapping Devices

The use of a mechanical trapping device within any City park is prohibited. A "mechanical trapping device" shall be defined as any device, including but not limited to snares or machines that shut suddenly upon contact by an animal, or a device which kills or inflicts physical pain and injury upon a captured animal. The act of capturing an animal, by other than lawful means is prohibited. It is provided, however, that this section shall not apply to authorized pest abatement actions of City personnel.
(Ord. 126 ? 1 (part), 1997.)

08.76.420 - False Alarm of Drowning Prohibited

No person shall give or transmit a false signal or false alarm of drowning.
(Ord. (126 ? 1 (part), 1997.)

08.76.430 - Games on Beaches

Activities including but not limited to sports and physical play which interfere or tend to interfere with and endanger other beach users and distract from or obstruct the performance of life safety responsibilities of parks personnel are prohibited. When circumstances can safely permit games, such games will be conducted only with the consent of a facility Supervisor, lifeguard, or other Department employee.
(Ord. 126 ? 1 (part), 1997.)

08.76.440 - Moorage in Swimming Area Prohibited

No person or persons shall moor, dock, or berth a boat or other object to a log boom or float line which delineates a swimming area in a park area or associated marine area. (Ord. 126 ? 1 (part), 1997.)

08.76.450 - Damage to Property

No person shall cut down, destroy, or in any way injure any shrub, tree, vine, grain, grass or crop, standing or growing or which has been cut down, in any park area unless authorized to do so by the Department. No person or pet shall deface, damage, remove or destroy any property, material or equipment which is under the jurisdiction of the Department. (Ord. 126 ? 1 (part), 1997.)

08.76.460 - Removal of Property

No person shall change the position of or remove any City property, material, or equipment from its original position in any area under the jurisdiction of the Department. (Ord. 126 ? 1 (part), 1997.)

08.76.470 - Outside Household or Commercial Waste

No person shall deposit any household or commercial garbage, refuse, waste, vegetation or rubbish which is brought in such form from any private property, in any park area, garbage can or other receptacle designated for such purpose. (Ord. 126 ? 1 (part), 1997.)

08.76.480 - Waste from Vehicles

No person shall drain or dump refuse or waste from any trailer, camper, vessel, automobile or other vehicle in any park area. (Ord. 126 ? 1 (part), 1997.)

08.76.490 - Dumping in Water Prohibited

No person shall pollute, or in any way contaminate by dumping or otherwise depositing any waste or refuse of any nature, kind or description, including human and bodily waste, into any stream, river, lake or other body of water running in, through, or adjacent to any park area. (Ord. 126 ? 1 (part), 1997.)

08.76.500 - Model Aircraft and Rockets.

No person shall fly rockets or model aircraft in any park area.

08.76.510 - Solicitation

No person shall solicit, sell, or peddle any goods, services, wares, merchandise, liquids, or edibles for human consumption, or distribute or post any handbills, circulars, or signs, or use any loud-speakers or other amplifying devices, in any park area, except by concession contract or by special use permit issued by the Department. It shall be the responsibility of any person holding a concession contract or special use permit issued by the Department to display such permit or evidence of contract conspicuously so as to be visible to persons in the vicinity of the operations of such person. (Ord. 126 ? 1 (part), 1997.)

08.76.520 - Fireworks

No person shall possess, discharge, set off, or cause to be discharged, in or into any park area, any firecracker, torpedo, rocket, firework, explosive, or substance harmful to the life or safety of persons or property, unless so authorized by the Department. (Ord. 126 ? 1 (part), 1997.)

08.76.530 - Firearms, Weapons

No person except duly authorized law enforcement personnel and/or persons licensed to carry a concealed weapon shall possess a firearm in a city park. No person shall possess a bow and arrow, crossbow, or air or gas weapon in a City park. No person shall discharge across, in, or into any park area a firearm, bow and arrow, crossbow, air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property provided that where the Department for good cause has authorized and approved a special recreational activity or a recreational program, upon finding that it is not inconsistent with City park use, this section shall not apply. (Ord. 126 ? 1 (part), 1997.)

08.76.540 - Alcoholic Beverages (Information also included in 8.76.050 Special Use Permits)

~~Selling, possessing or consuming alcoholic beverages in a City park, recreation area, or associated marine area is prohibited, other than in connection with an event or activity in a community center, park building or other in-door structure for which a Special Use Permit has been issued by the Department, provided that the activities and the use of alcoholic beverages shall conform to the permits therefor, and shall conform to federal, state and local laws, rules and regulations with respect thereto.~~

~~Factors to be considered and evaluated in granting or denying an application for a Special Use Permit shall include: the type of event or use, time of facility use, other competing uses and their compatibility, insurance and indemnification, police and fire concerns, parking, number of expected participants and size limitations, methods to ensure that all alcohol will remain in doors, and any other factors that warrant consideration based on the event and/or activity involved. The fee for the Special Use Permit is the same as the fee for an Administrative Use Permit as contained in the City's Fee Schedule.~~

~~For the purposes hereof, "community center, park building or other in-door structure" refers to buildings with solid opaque walls such that activity within the buildings is not readily visible outside of the buildings. (Ord. 420 ? 1 (part), 2006; Ord. 247 ? 2, 2000; Ord. 126 ? 1 (part), 1997.)~~

08.76.550 ? Intoxication

It is unlawful to be intoxicated while in any City park. (Ord. 126 ? 1 part), 1997.)

08.76.560 - Interference With Trails

It shall be unlawful for any person to interfere with or block any portion of a trail owned or maintained by the City. This section shall not apply to employees of the City in the performance of their duties or to persons acting on written direction of the City. (Ord. 126 ? 1 (part), 1997.)

08.76.570 - Infractions

A. Failure to perform any act required or the performance of any act prohibited by Part III of this chapter shall be designated as an infraction.

B. Any person cited for violation of Part III of this chapter, shall be subject to ~~the applicable Court rules and bail schedules a penalty amount not to exceed \$125.00.~~

C. Any person found guilty of committing an infraction shall be assessed a monetary penalty.

D. A finding that an infraction has been committed shall not give rise to any other legal disability which is based upon conviction of a crime.

(Ord. 126 ? 1 (part), 1997.)

08.76.580 - Misdemeanors

Any person found guilty of violating any provision of Part IV of this chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000.00, or by imprisonment in jail for not more than 90 days, or both. (Ord. 126 ? 1 (part), 1997.)

08.76.590 - Administrative Sanctions

It is unlawful to stay in a park when directed to leave by a City of Lakewood Park Department employee or any police officer. In addition to any prescribed penalty, any person who fails to comply with any provision of this chapter, or who violates any of the ordinances, or rules and regulations of the City while in a park in the City, or who otherwise interferes with the City's administration of the parks or who restricts, or interferes with the use or enjoyment of the park by others, or engages in conduct that is likely to restrict or interfere with the use or enjoyment of the park by others, shall be subject to the loss of park or recreation facility use privileges and ejection from the City park area or associated marine park area. (Ord. 126 ? 1 (part), 1997.)

Section 3: Severability

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 4: Effective Date

This Ordinance shall be in full force and effect for the fiscal year 2009 and five (5) days after publication as required by law.

PASSED by the City Council this 19th day of January, 2010.

CITY OF LAKEWOOD

Douglas G. Richardson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to form:

Heidi Ann Wachter, City Attorney