

Ordinance No. 00579

Amended 3/3/14

CITY COUNCIL MEETING MINUTES MARCH 3, 2014

AMENDED ORDINANCE NO. 579

AN ORDINANCE of the City Council of the City of Lakewood, Washington amending Sections 8.76.010, 8.76.020, 8.76.050, 8.76.090, 8.76.165, 8.76.190, 8.76.260, 8.76.290, 8.76.300, 8.76.350, 8.76.400, 8.76.440, 8.76.570, of the Lakewood Municipal Code (LMC) and creating Section 8.76.168 LMC; relating to the City of Lakewood Park Code.

WHEREAS, The Lakewood Municipal Code (LMC) 8.76 authorizes the City to establish rules and fees for park and recreation programs and facilities, and,

WHEREAS, in order to address the more particular and specific park needs of the citizens of the City of Lakewood, it is appropriate for the City to amend Chapter 8.76 regarding parks facility use;

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

Section 1. Section 08.76.010 of the Lakewood Municipal Code, entitled "Definitions," is amended to read as follows:

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;

Ⓔ: "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;

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

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

Ⓞ: "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. Third parties who receive a lease or permit from such entities to operate, conduct, or administer a community athletic program are also prohibited from discriminating on the basis of sex.

Ⓟ: "Holiday" means federally recognized holidays

Ⓠ: "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;

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

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

Ⓣ: "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;

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

"Recreational Vehicle" shall include vehicles used exclusively for noncommercial purposes which are primarily designed for recreational, camping, or travel use or towing a horse trailer.

Ⓥ"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.

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

"Smoking" shall include inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or other lighted or vaporized substance in any manner or form for any purpose.

"Service Animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.

"Tobacco" means the leaves of various plants which are dried and processed chiefly for chewing or snuffing or smoking in cigarettes, cigars, or pipes.

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

Ⓨ."Trailer" means a towed vehicle which contains sleeping or housekeeping accommodations or used to tow a vessel;

"Vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, sailboards, and small rafts or flotation devices or toys customarily used by swimmers.

Section 2. Section 08.76.020 of the Lakewood Municipal Code, entitled "Program – Purpose," is amended to read as follows:

Our Vision is that Lakewood is a healthy and vibrant community where opportunities abound. The Mission of the Parks, Recreation and Community Services Department is to support an active, engaged and livable Lakewood through quality parks, diverse programs and sustainable practices. 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.

Section 3. Section 08.76.050 of the Lakewood Municipal Code, entitled "Special Use Permits," is amended to read as follows:

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 in approved areas, and any other factors that warrant consideration based on the event and/or activity involved or local, county or state laws and permit regulations.

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 or require special conditions 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 or rental contract has been issued and 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.

Section 4. Section 08.76.090 of the Lakewood Municipal Code, entitled "Cleanup," is amended to read as follows:

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 in approved areas, and any other factors that warrant consideration based on the event and/or activity involved or local, county or state laws and permit regulations.

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 or require special conditions 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).

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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.

Section 5. Section 08.76.160 of the Lakewood Municipal Code, entitled "Picnicking, Fires and Cooking," is amended to read as follows:

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, in accordance with individual manufacturer instructions and coals are disposed of in an approved manner.

Section 6. Section 08.76.165 of the Lakewood Municipal Code, entitled "Alcoholic Beverages," is amended to read as follows:

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 or rental contract 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 in approved areas, and any other factors that warrant consideration based on the event and/or activity involved. The fee for the Alcohol Special Use Permit is the same as the fee for an Administrative Use Permit as is contained in the City's Fee Schedule and may be determined on a case by case basis depending on those factors noted in this paragraph 08.76.165.

~~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.~~

Section 7. Section 08.76.168 of the Lakewood Municipal Code, entitled "Smoking and Tobacco Use," is created to read as follows:

No person shall use any form of tobacco within City parks and facilities when such use is within restrooms; within fifty feet of covered picnic shelters, swimming beaches, playgrounds, athletic fields or spectator areas during athletic events, or concession areas.

Section 8 Section 08.76.190 of the Lakewood Municipal Code, entitled "Motor Vehicles -- Parking," is amended to read as follows:

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.

Overnight parking in the American Lake Park Boat Launch parking lot is allowed only if an overnight pass is purchased from the launch kiosk. The receipt will note the time of purchase and is valid for 24 hours from the dated time stamp. The City of Lakewood is absolved of all liability and/or responsibility for damage to the vehicle or boat trailer parked in the parking lot overnight.

No recreational vehicle may be parked overnight in any City of Lakewood park facility unless authorized by the Department.

Section 9. Section 08.76.260 of the Lakewood Municipal Code, entitled "Vehicle – Vessel – Boating – Occupancy Policy," is amended to read as follows:

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. Non motorized vessels do not need a permit to launch. 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.

Section 10. Section 08.76.290 of the Lakewood Municipal Code, currently entitled "Tents and Shelters on Beaches," is retitled to read "Tents and Shelters on Beaches and in Parks," and is amended to read as follows:

No person shall erect, maintain, use or occupy a temporary tent or shelter on any swimming beach and/or 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.)

Tents in excess of 400 square feet shall not be erected, operated or maintained for any purpose within the boundaries of a City park facility without a City special use permit. A permit is also required from the local Fire District.

Section 11. Section 08.76.300 of the Lakewood Municipal Code, entitled "Indecent Exposure," is amended to read as follows:

Nudity is not allowed. Clothing shall be worn at all times. Exposure of one's anus, buttocks, genitals and female breasts is not allowed.

Section 12. Section 08.76.350 of the Lakewood Municipal Code, entitled "Horseback Riding – In Designated Areas Only," is amended to read as follows:

~~Horses shall be~~ are not permitted ~~only in any park areas that are specifically designated and posted to permit such activity~~ except Fort Steilacoom Park. Horses shall not be permitted in any designated swimming area, sports field, playground, or picnic areas. 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 remove it from the park facility. ~~dispose of it appropriately~~

All persons riding horses within the boundaries of Fort Steilacoom Park are required to purchase an equestrian permit which allows access to ride his/her horse on Fort Steilacoom Park trails. While in the park, all horses are to wear a manure catcher at all times. Horse riders are expected to pick up their animals' waste and remove it from the park facility

Section 13. Section 08.76.400 of the Lakewood Municipal Code, entitled "Presence in Parks During Hours the Park is Closed," is amended to read as follows:

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 activity authorized by the City.

Section 14. Section 08.76.440 of the Lakewood Municipal Code, entitled "Moorage in Swimming Area Prohibited," is amended to read as follows:

No person or persons shall moor, dock, or berth a boat or other object to a dock, pier, log boom or float line which delineates a swimming area in a park area, ~~or~~ associated marine area or where posted.

Section 15. Section 08.76.530 of the Lakewood Municipal Code, entitled "Firearms, Weapons," is amended to read as follows:

~~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.

Section 16. Section 08.76.570 of the Lakewood Municipal Code, entitled "Infractions," is amended to read as follows:

A. ~~The F~~failure to perform any act required or the performance of any act prohibited by Part III of this chapter is a civil infraction, punishable by a fine of no more than \$125. ~~shall be designated as an infraction.~~

B. ~~Any person cited for violation of Part III of this chapter, shall be subject to 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.~~

Section 17. If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of component 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 18. That this Ordinance shall be in full force and effect thirty (30) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 3rd day of March, 2014.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi A. Wachter City Attorney