

ORDINANCE NO. 658

AN ORDINANCE of the City Council of the City of Lakewood, Washington amending Sections 8.76.050, 8.76.090, 8.76.330, 8.76.350, 8.76.500 and 8.76.570, of the Lakewood Municipal Code (LMC) and creating Section 8.76.465; 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 08.76.0150 of the Lakewood Municipal Code, entitled "Special Use Permits," is amended to read as follows:

**8.76.050 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 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.

Depending on the type and nature of use, and the number of participants involved, the City Manager or designee may require the posting of a refundable deposit, in a reasonable amount, to ensure 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 deposit.

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 discount fees based on programs for youth which provide scholarships to low-income participants or 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 for which a Special Use Permit or rental contract has been issued 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.

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 2. Section 08.76.090 of the Lakewood Municipal Code, entitled "Cleanup," is retitled "Park Cleanup" and is amended to read as follows:

**8.76.090 Park Cleanup**

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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.

User groups and individuals will be responsible for set up, break down and general cleanup of their park facility space. Removal and disposal of garbage, decorations, and miscellaneous materials must be completed at the conclusion of the event. No paint or chalk markings are allowed on park paths or trails. In the event that additional cleaning or repairs are needed as a result of an event, the user will pay for the cost of cleanup or repair. If the clean up or repairs can be performed by City staff, then the total hourly staff charges for services along with cost of supplies will be assessed against the deposit or billed to the user. Up to a 25% administrative charge may be added to the costs.

Section 3. Section 08.76.330 of the Lakewood Municipal Code, entitled "Pets in City Park Facilities" is amended to read as follows:

**8.76.330 Pets in City Park Facilities**

A. Dogs, pets, service animals 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.

Section 4. Section 08.76.350 of the Lakewood Municipal Code, entitled "Horseback Riding – In Designated Areas Only" is amended to read as follows:

**8.76.350 Horseback Riding - In Designated Areas Only**

Horses are not permitted in any park areas 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.

All persons riding horses within the boundaries of Fort Steilacoom Park are required to ~~purchase~~ obtain 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 5. Section 08.76.465 of the Lakewood Municipal Code, entitled "Metal Detecting" is created and will hereby read as follows:

**8.76.465 Metal Detecting**

The use of metal detecting in any park shall be allowed as long as it does not interfere with reserved or organized sports or activities. There should be no noticeable impact to park property resulting from metal detecting activity. Any find that appears to have historical or archaeological significance may not be removed from where it was found and must be reported to a Department employee.

Section 6. Section 08.76.500 of the Lakewood Municipal Code, entitled "Model Aircraft and Rockets" is amended to read as follows:

**8.76.500 Model Aircraft and Rockets**

A. No person shall fly rockets or remotely piloted and powered aircraft in any park area unless in an area designated by the City Manager or for emergency or disaster response.

B. Notwithstanding LMC 8.76.580, a violation of this section shall be an infraction punishable by a fine in the amount set forth in LMC 8.76.570.

Section 7. Section 08.76.570 of the Lakewood Municipal Code, entitled "Infractions" is amended to read as follows:

8.76.570 Infractions

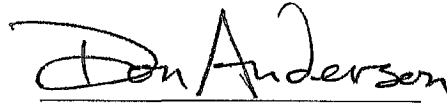
The failure to perform any act required or the performance of any act prohibited by Part II or III of this chapter is a civil infraction, punishable by a fine of no more than \$125.

Section 8. 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 9. 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 6<sup>th</sup> day of February, 2017.

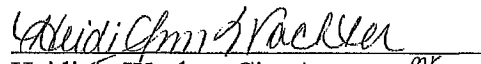
CITY OF LAKEWOOD

  
Don Anderson, Mayor

Attest:

  
Alice M. Bush, MMC, City Clerk

Approved as to Form:

  
Heidi A. Wachter City Attorney <sup>mk</sup>

