

MUNICIPAL FACILITIES COMMITTEE AGENDA

January 18, 2017 - North Conference Room
21630 11th Avenue South – Des Moines 98198
5:00 – 6:45 PM

1. **Call to order**
2. **Approve minutes** from October 27, 2016 meeting
3. **Marina Lease for Mobile Retail (20 minutes)**
Staff will provide information on the current status of lease discussions with Ken Rogers for Mobile Retail at the Marina.
4. **Marina & Beach Park Paid Parking (20 minutes)**
Staff will provide a discussion on the fee structure for pay parking at the Marina.
5. **City Hall Generator (15 Minutes)**
Staff will provide a discussion of the City Hall generator project, and provide recommendations for moving forward with the project.
6. **2017 MCI CIP Project Update (15 minutes)**
Staff will provide an update on the status of the MCI CIP projects.
7. **Citywide Playground Project (15 minutes)**
Staff will provide a discussion of a proposed CIP project amendment that would better address the City playground facility needs, and seek direction from the committee.
8. **Park Code-Title 19 Update (20 minutes)**
Staff will provide a discussion of the proposed amendments to the Park Code.

Draft Minutes Des Moines City Council Municipal Facilities Committee – 10/27/2016

Meeting called to order: 5:30 pm on October 27, 2016 in North Conference Room @ 21630 11th Ave S. Des Moines, WA 98198

Council Members

Melissa Musser – Chair
Luisa Bangs – Council Member
Jeremy Nutting – Council Member

City Staff

Michael Matthias, Interim City Manager
Joe Dusenbury, Harbormaster
Patrice Thorell, PRSS Director
Dan Brewer, PBPW Director
Scott Wilkins, Assistant Harbormaster
Janet Best, Administrative Assistant

Guests

Bill Linscott

Minutes of the 9/22/2016 meeting were unanimously approved.

Agenda:

1. North Marina Project Development
2. 2016 MCI CIP Project Update

Meeting:

Harbormaster Joe Dusenbury, provided an outline of the 4 projects necessary in the north area of the Marina. Project 1 is a new north bulkhead with beach access. Project 2 is to replace the south & west bulkheads and timber breakwater with concrete & steel breakwater and install new floats. Project 3 is new public restrooms in the north lot and public spaces with connecting sidewalks, and project 4 is to add 3,800 sq. ft. of new deck to the end of the public fishing pier and four 60 foot wave vanes near the foot of the pier. Combined all the projects costs are estimated at \$13.55M. Various grants will be sought to help fund the projects but ALEA can't be applied for until 2018. They will start putting the funding package together for the first project in 2017.

Planning, Building and Public Works Director Dan Brewer provided a project update on the 2016 MCI CIP. He stated that the Field House roof project was completed under budget and new ventilation had been added. The Contractor is wrapping up the Boardwalk at Redondo and working through their punch list. The Picnic Shelter/Restroom project is underway and should be completed in the spring. Mr. Brewer stated that all the bids for Parkside Park were rejected. They are going to send it back out to bid in January when they believe they will get a more competitive response. In the meantime, they used a rented piece of equipment to knock down a bunch of the brush which should lower the project costs. At Barnes Creek Trail, staff has been working with the Boy Scouts on a nature trail project. They will be clearing a 10' wide trail and putting weed block down with 80 yards of donated wood chips. Replacement of the Activity Center floor was in the MCI but is holding up from prior repairs. In the spring they will be painting the exterior of the Activity Center and have the tennis courts at the Field House resurfaced.

The meeting was adjourned at 5:54pm.

Minutes submitted by: Janet Best, Administrative Assistant

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MUNICIPAL FACILITIES COMMITTEE

January 18, 2017

2017 MCI CIP PROJECT UPDATES:

- **Field House Roof** – This project has been completed.
- **BP Picnic Shelter/Restrooms** – Construction started in 2016 and the project will be complete by the end of April 2017. Contractor is about 20% complete at this time. Working on footings, foundations, concrete slabs, plumbing and water and sewer utilities. Have used \$13k of our approved \$36k contingency.
- **Field House Tennis Court** – 2016 project that was moved to 2017. Work will be completed this summer.
- **Parkside Park Renovation** – Designed and bid in 2016. Bids were high and rejected. The project scope has been slightly modified to reduce costs, and staff plans to go back out for bids in early February 2017. Project should be completed by October 2017.
- **Activity Center Exterior Paint** – funding provided by an estate donor. Work will be completed this summer.
- **City Hall Generator** – This item will be discussed in more detail during this committee meeting.
- **Wooton Park** – Playground is schedule for replacement in 2017. Staff has a proposal to amend the CIP that will be discussed next.

Memo

To: Dan Brewer, Chief Operations Officer
From: Scott Romano, CIP Project Manager *SR*
cc:
Date: December 6, 2016
Re: RE: CITY HALL CAMPUS GENERATOR

Elcon Associates, Inc. has completed a 30% design for an optional standby generator that would provide sufficient power to allow both City Hall and Public Works Engineering to operate on a normal basis during a power outage (Option A). In reviewing the design, staff asked Elcon to briefly evaluate costs for two other possible options: 1) a sufficiently sized generator to power both buildings, however only connecting Public Works Engineering at this time and deferring City Hall connections to a future date (Option B); and 2) a generator sized only for Public Works Engineering (Option C).

30% Design Level Costs:

Option A – City Hall and Public Works Engineering (250kW generator) -- \$506,612.50

Option B – Same generator size as Option A, only the City Hall connection is deferred to a later date; future costs are not included here -- \$333,798.75

Option C – Public Works Engineering only (100 kW generator) -- \$162,492.50

Existing City Infrastructure within the Public Works Engineering Building:

- Vehicle maintenance shop and equipment to maintain City fleet.
- Phone networks for the Public Works Service Center and Senior Activity Center originate here; no power here means no phones in those two buildings.
- Fiber network for the Public Works Service Center, the Senior Activity Center readerboard, and the WSDOT traffic cameras passes through here; no power here means these three systems are not working.

Based upon the above estimated construction costs, and the critical infrastructure located within the Public Works Engineering building; staff is recommending that at a minimum Council proceed with final design of at least Option C. Option C costs about one third, and we maximize our use of City infrastructure. In addition, staff will continue to evaluate other alternatives for limited power supply to City Hall so that other necessary city functions such as Finance, Payroll, Court, etc. can function on a limited basis, or be relocated into other City buildings that already have generators.



Des Moines Playground Project

- **A CONCEPTUAL FUNDING APPROACH TO BETTER ADDRESS THE CITY'S FAILING PLAYGROUND INFRASTRUCTURE**
- **PROPOSED AMENDMENT TO THE ADOPTED 2017-2022 CIP**
- **REQUIRES NO ADDITIONAL CITY FUNDING**

Critical Play Area Conditions

Park/Playground	Age	Remaining Life	Notes
Cecil Powell	0	0	Removed in 2014
Westwood	17	1-2 Years	Wood Post Deterioration
Wooton	25	2-3 years	Obsolete Equipment
Kiddie	29	2-3 years	Obsolete Equipment
Field House-Play Equip	20	5 years	Obsolete Equipment
Watertower	18	5-7 years	Replacement Age
Midway	11	9-10 years	Half life
Field House-Ship	8	10-12 years	Half life
Shirley Gordon	3	17-18 years	New

Adopted 2017-2022 CIP

Funding Planned:

Wooton Park

Beach Park Promontory

Field House Park (partial project)

Westwood Park

Water Tower Park

Unfunded:

Field House Park (partial project)

Kiddie Park

Cecil Powell Park

Steven J Underwood Park (New Installation)



Adopted 2017-2022 CIP

Project Name	Plan Year 2017	Plan Year 2018	Plan Year 2019	Plan Year 2020	Plan Year 2021	Plan Year 2022	Total Budget	REET 2 (Planned)	Park IN LIEU (Secured)	State Grant (Unsecured)
Wootton Park	\$155						\$234	\$234		
Beach Park Promenade Play Equipment			\$760				\$760		\$380	\$380
Field House Play Equipment			\$77				\$77	\$77		
Westwood Play Equipment			\$68				\$68	\$68		
Water Tower Park Play Equipment				\$80			\$80	\$80		
Year Total	\$155		\$905	\$159			\$1,219			
REET 2 (Planned)	\$155		\$145	\$159			\$459			
Park IN LIEU (Secured)			\$380				\$380			
State Grant (Unsecured)			\$380				\$380			

Proposed "Citywide Playground Project" 2017-2022 CIP Amendment

Project Name	Plan Year 2017	Plan Year 2018	Plan Year 2019	Plan Year 2020	Plan Year 2021	Plan Year 2022	Total Budget
Wootton Park							\$240
Beach Park Promenade Play Equipment							\$760
Field House Play Equipment *							\$150
Westwood Play Equipment							\$80
Water Tower Park Play Equipment							\$80
Cecil Powell Play Equipment *							\$150
Kiddie Park Play Equipment *							\$150
Steven J. Underwood Play Equipment (New)							\$230
Project Contingency							\$120
Expenditure Total:	\$0		\$0	\$0			\$1,960
REET 2 (Planned)	\$155		\$145	\$159			\$459
Park IN LIEU (Secured)			\$380				\$380
State Grant (Unsecured)			\$380				\$380
Des Moines Legacy Foundation (Play Area Fund)							\$105
Des Moines Legacy Foundation (Community Fundraising Campaign)							\$100
K.C. Youth Sports Facilities Grants	\$75	\$75	\$75	\$75			\$300
CDBG Grant *		\$236					\$236
Revenue Total:	\$155		\$145	\$919			\$1,960

Proposed Project Timeline

2017

- ▶ City Council Approval
- ▶ Develop Projects List and Preliminary Project Designs
- ▶ Committee Appointed
- ▶ Community Outreach
- ▶ DMLF to Begin Fundraising Campaign

2017 -2018

- ▶ City to apply for Grants
- ▶ DMLF to Complete Fundraising Campaign

2019-2020

- ▶ Install Park Play Amenities
- ▶ Celebrate Community Success

City Council Actions

- ▶ Commit to \$459,000 in REET 2 over the next 4 years
- ▶ Approve an Amended CIP that will:
 - ▶ Delay Wooton Park Installation 2 years
 - ▶ Add replacement of Cecil Powel and Kiddie Park Playground Equipment
 - ▶ Approve new installation at Underwood Park
 - ▶ (All subject to successful Grant Applications)
- ▶ Beach Park Promenade Project:
 - ▶ Discuss alternatives
 - ▶ Select project
- ▶ Move forward with preliminary Design for all projects in 2017



Des Moines Legacy Foundation

Actions: Fundraising Campaign

- ▶ Discussed with DMLF in December 2016.
- ▶ If City approves:
 - ▶ Appoint Project Chair and Citizen Project Committee
 - ▶ Develop Theme “No Kids Left Inside”
 - ▶ Establish Community Outreach Plan and Community Project Priorities
 - ▶ Provide Funding Opportunities: Play Area Naming Rights, Buy a: Swing, Bench, Play Structure, Picnic Table and etc.
 - ▶ Launch Community Partnership, Fundraising, and Grants Plan
 - ▶ Celebrate Fundraising Milestones

**Municipal Facilities Committee
Potential 2017 Work Program Items**

January

- Confirm 2017 MFC Work Program
- Marina & Beach Park Paid Parking- Implementation Plan Discussion
- Lodging Tax Signage Project- Update
- Draft Park Code-Title 19- Discussion
- 2017-2019 Play Equipment Replacement Community Funding Plan- Discussion

February

- Marina DNR Lease Update- Discussion
- North Marina/Beach Park Project Development- Discussion
 - New Breakwater & Floats
 - Public Fishing Pier Renovations
 - New restroom and extension of Promenade
 - North Bulkhead & Beach Park Bulkhead
- 2017 CIP Project Updates

March

- 2017 CIP Project Updates Facility Repair and Replacement Needs – Fund 506
- Carmen Scott Heritage Trail Improvement Project- Update

April

- North Marina Project Development Funding Plan- Discussion
- Facility Repair and Replacement Needs – Fund 506
- Redondo Paid Parking- Implementation Plan Discussion

May

- 2018 Budget Review (MCI, Marina, and Fund 506)- Discussion
- Barnes Creek Trail Design- Update
- DDM- Main Street Community Landmarks Survey- Discussion
- Facility Repair and Replacement Needs – Fund 506

June

- 2018 Budget Review (MCI, Marina, and Fund 506)- Continued Discussion
- 2017 CIP Project Update
- Facility Repair and Replacement Needs – Fund 506

July

August

- North Marina Project Development- Continued Discussion

September

- 2017 CIP Project Update

October

- Follow Up Items

November

- Draft 2018 MFC Work Program

December

- 2017 CIP Project Update

DRAFT

Tim George, City Attorney
21630 11th Avenue So., Suite C
Des Moines, WA 98198
206.870.6553
Fax: 206.870.6872

**OFFICE OF THE
DES MOINES
CITY ATTORNEY**

Memo

Date: November 30, 2016
To: Municipal Facilities Committee
From: Tim George, City Attorney 
Re: Parks, Recreation, and Senior Services Code Updates

The following list of DMMC Chapters have been identified as needing code revisions. Staff is seeking direction from the Committee regarding priorities.

Chapter 19.08 City Park Use Regulations (DRAFTED – Summary below)

Chapter 19.12 Designation of City Parks

Chapter 19.16 Access Routes and Rights of Way

Chapter 19.20 Parks of Local Significance

Chapter 4.24 Appointive Committees- General Provisions

Chapter 4.40 Open Space Hearing Board

Chapter 4.44 Senior Services Advisory Committee

Chapter 4.48 Human Services Advisory Board

Chapter 4.52 Lodging Tax Advisory Committee

Chapter 18.215 Protection of Historic and Archeological Resources

Chapter 18.215.100 Landmarks Commission created- Membership and organization

Resolution providing for the naming/renaming of parks and facilities. (Sponsorships)

Additional work will need to be done on Chapter 17 and Chapter 18 based on City Council's will regarding sub-division park requirements and fee in lieu.

Draft Ordinance No. 16-182 (Summary)
Chapter 19.08 City Park Use Regulations

A Draft Ordinance has been prepared based on input from Parks, Recreation, and Senior Services staff as well as the Legal Department. The following amendments are proposed:

1. Update code for consistency - make references uniform throughout code (i.e. Parks Department, City Manager/designee, etc.).
 2. Add definition of "Drug Use".
 3. Update administrative and rental procedures to reflect current practices.
 4. Prohibiting the feeding of non-domesticated animals
 5. Prohibits selling of items *w/o* City approval.
 6. Updates organized activities that are required to have a permit or City approval.
 7. Change speed limit to 15 mph. (Not recommended by legal as it creates inconsistencies within code. Will be addressed by Brandon Carver in January).
 8. Limits parking to hours when park is open.
 9. Expressly prohibits the use of marijuana in parks. (already prohibited by state law)
 10. Prohibits tobacco use within 25 feet of buildings (state law) and within 25 feet of play equipment area.
 11. Expressly states certain activities can only be done in designated areas.
 12. Prohibits urinating in public
 13. Prohibits using metal detectors without a permit
 14. Prohibits building structures in parks without a permit
 15. Prohibits discrimination based on sex pursuant to state law.
 16. Clarifies and enhances reasons for ejection from park
 17. Updates vehicle trespass language and penalty for vehicles in parks after closing.
 18. Provides for criminal penalties for a third violation of the same park rules within 1 year.
-

CITY ATTORNEY'S FIRST DRAFT 16/10/2016

DRAFT ORDINANCE NO. 16-182

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to City park use regulations, and amending chapter 19.08 DMMC to update the City's Parks and Recreation Code.

WHEREAS, the City's park use regulations require periodic updating to ensure that City parks remain inviting to the public and well maintained, and

WHEREAS, the City's park use regulations have been reviewed and the amendments prepared address issues that have arisen since the last update, and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety, and general welfare to establish comprehensive, uniform, and current provisions for the City's park use regulations, now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 19.08.010 and section 1 of Ordinance No. 758 as amended by section 20 of Ordinance No. 993 are amended to read as follows:

Definitions.

~~(1) Use of Words and Phrases.~~ As used in this ~~title~~, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

~~(2)~~ "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. A liquor, semisolid, solid, or other substance that

contains more than one percent alcohol by weight is conclusively deemed to be intoxicating.

"Drug use" includes the possession, consumption by mouth, inhalation or injection, sale and distribution or cultivation while in a park of any cannabis, illegal narcotic or dangerous drug capable of producing a state of intoxication or euphoria.

(3)—"Camping" means erecting a tent or shelter or arranging bedding or both for the purpose of remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.

(4)—"DivisionDepartment" means the eCity parksParks, Recreation and Senior Services divisionendDepartment.

(5)—"Facility" or "facilities" means a park building, park structure, or park area operated by the eCity.

(6)—"Motor vehicle" means a self-propelled device capable of being moved upon a street and in which persons or property may be transported, and shall include, but shall not be limited to, automobiles, trucks, motorcycles, motor scooters, recreational vehicles, utility vehicles, vans, and jeeps or similar type four-wheel drive vehicles, but shall exclude motorized wheelchairs.

(7)—"Park" means an area under the ownership, management, or control of the eCity used for public recreation, leisure, and park purposes—and—se designated—by—ordinance, and excluding any commercially zoned marina property.

(8)—"Trail" means a path or track designed for use by pedestrians, bicycles, or equestrians, which is not of sufficient width, nor graded or paved so as to permit its use by automobiles and other rights-

of-way specifically posted and designated for nonvehicular use.

Sec. 2. DMMC 19.08.020 and section 2 of Ordinance No. 758 are amended to read as follows:

Administration.

(1) The eCity mManager or City Manager's designee shall have the authority to promulgate rules setting forth the times and conditions upon which eCity parks and park facilities will be open, closed, or used by the public.

(2) Persons or community groups desiring to use park buildings or structures shall obtain a permit from the eCity mManager or his—the City Manager's designee. ~~Park buildings or structures may not be reserved more than 90 days in advance unless otherwise authorized by the division.~~

(3) Religious services or group rallies may be permitted in eCity parks where facilities are adequate, and where such activities will not conflict with normal park usage. A ~~community group~~ special event permit must be obtained 90 days prior to the service or rally.

(4) All persons must leave park buildings and structures in a condition satisfactory to the ~~division~~department. No person shall conduct activities causing ~~extra custodial work unless previous agreement has been made to pay for such work and this is stated on the use permit~~ damage to park buildings and structures. The ~~division~~department may require a damage and cleaning deposit sufficient to cover possible added custodial costs.

(5) Persons using facilities by permit will be required to protect, defend, save, and hold the eCity, 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 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.

(6) During all periods of use, persons using facilities by permit shall obtain and maintain public liability insurance in such form and amounts as determined by the ~~division~~ City Manager or City Manager's designee.

(7) The use of park facilities for financial gain shall be allowed only through concession contracts with the eCity or by written permit from the eCity ~~m~~ Manager or his ~~the~~ City Manager's designee.

Sec. 3. DMMC 19.08.030 and section 3 of Ordinance No. 758 as amended by section 1 of Ordinance No. 1030 as amended by section 5 of Ordinance No. 1455 are amended to read as follows:

Regulations and prohibited activities.

(1) No person shall use, place, or erect a signboard, billboard, bulletin board, post, pole, or device of any kind for advertising in parks, or attach a notice, bill, poster, sign, wire, rod, or cord to a tree, shrub, railing, post, or structure within parks, or without a written permit from the ~~division~~ department, place or erect in parks a structure of any kind.

(2) No person shall remove, destroy, mutilate, or deface a structure, monument, sculpture, statue, vase, fountain, wall, fence, railing, vehicle, bench, shrub, tree, fern, plant, flower, lighting system, or sprinkling system or other property lawfully in parks.

(3) No person shall allow or permit an animal under that person's control to run at large in parks, or enter a lake, pond, fountain, or stream therein except in designated areas identified with signage or without first obtaining a written permit from the City Manager or the City Manager's designee. A person whose ~~dog or other pet~~ animal is in a Des Moines park is responsible for removing feces deposited by such animal from the park.

(4) No person shall possess, shoot, fire, or explode fireworks, firecrackers, torpedoes, or explosives of any kind or shoot or fire a firearm, air gun, bow and arrow, BB gun, or use a slingshot in parks.

(5) No person shall, in any manner, tease, annoy, disturb, molest, catch, injure, or kill or throw a stone or missile of any kind at or strike with a stick or weapon an animal, bird, fowl, or fish, except as permitted and regulated by the laws of the state relative to fish and game. The feeding of non-domestic animals is prohibited.

(6) No person shall operate a fixed or mobile concession or solicit, sell, peddle, hawk, vend, or advertise any goods or services or conduct any organized classes, group activities or competitions in a park without first entering into a concession contract or obtaining a written permit from the City Manager or City Manager's designee.

(67) No person shall take up collections, or act as or play the vocation of solicitor, agent, peddler, fakir, mendicant, beggar, strolling musician, organ grinder, exhorter, barker, showman, or bootblack; ~~or operate or use a loudspeaker or other mechanical or electronic means of amplifying sound in parks without~~ first obtaining a written permit from the ~~division~~ department.

(78) No person shall hold, operate, or conduct a circus, activity with live animals, festival, concert, performance, art show display, competition, carnival, movie, or traveling exhibition in parks without first obtaining a written special event permit from the eCity Manager or the eCity Manager's designee 90 days prior to the event.

(9) No person shall film, record, or photograph for commercial purposes without first obtaining a written permit from the City Manager or the City Manager's designee.

(10) No person shall use park electrical, gas, water, cable or sewer utilities without first obtaining a written permit from the City Manager or the City Manager's designee.

(11) No person shall hold a religious or political meeting or other group assembly, or distribute literature in parks without first obtaining a written permit from the eCity Manager or the eCity Manager's designee.

(12) No person shall have, keep, or operate a power boat, float, raft, or other electrically or mechanically powered watercraft in or upon a bay, lake, slough, river, or creek, within the limits of a park, or launch the same at a point upon the shores thereof bordering upon a park, except nonpowered, hand-carried craft ~~weighing less than 120 pounds~~ may be launched at places set apart for such purposes by the ~~division~~ department and so designated by signs. No boat trailers may be parked in parks without first obtaining a written permit from the eCity Manager or the eCity Manager's designee.

(13) No person shall ride or drive a bicycle, tricycle, motorcycle, motor vehicle, horse, or pony over or through a park except along and upon the park drives, parkways, or park boulevards; or at a speed in excess of ~~20~~15 miles per hour.

(14) No person shall or stand or park a vehicle, except in designated areas or in accordance with signs, striping, or other methods that make clear the appropriate method or manner of parking. Improperly parked vehicles including vehicles parked on sidewalks, vehicles left parked for over twenty-four (24) hours, vehicles not associated with the use of the park, and unauthorized vehicles left in the park between dusk and dawn, are subject to ticketing or impound, at the expense of the owner. where signs to that effect are posted. All ways open to the use of the public for purposes of vehicular travel shall be considered public highways for purposes of enforcement of Title 10 DMMC.

(145) No person shall camp on any park property except at places set apart for such purposes by the City Manager or City Manager's designee or without first obtaining a written permit from the City Manager or City Manager's designee. in parks.

(126) Permits and schedules for the use of park facilities are officially issued or distributed by the eCity mManager or the eCity mManager's designee. Persons shall yield to the holder of such permits or schedules and shall not unreasonably interfere with other persons' use of or the City's maintenance or operation of park facilities. Persons with or without a permit or schedule shall abide by all park rules and regulations. No persons shall disobey any City-sponsored event park or parking lot signage that relates to special circumstances for that event.

(17) Park facility and parking lot rental policies and fees are adopted in writing by the eCity mManager or the eCity mManager's designee. Participants shall yield to the holder of such permits or schedules. Participants with or without a permit or schedule shall abide by rules and regulations when posted at a facility.

(138) No person shall dispose of refuse, litter, broken glass, crockery, nails, shrubbery, trimmings, junk, or advertising matter in parks or deposit such material therein, except in designated receptacles.

(149) No person shall deposit refuse or recycling, not generated in parks, in a receptacle within a park.

(1520) No person shall engage in, conduct, or hold trials or competitions for speed, endurance, or hill climbing involving a vehicle, ~~boat~~watercraft, drone, aircraft, or animal in a park without first obtaining a written permit from the City Manager or City Manager's designee.

(2116) No person shall build open fires or use portable barbeques in a park except in designated areas identified with signage or without first obtaining a written permit from the City Manager or the City Manager's designee, or place hot coals onto park grounds or into trash containers or water bodies. ~~in a park except in areas designated by the division.~~

(22) Drug use is prohibited. No person shall possess, consume by mouth, inhalation or injection, sell, distribute or cultivate while in a park any cannabis, illegal narcotic or dangerous drug capable of producing a state of intoxication or euphoria.

(1723) No person shall bring into or consume in a park or facility alcoholic beverages without first obtaining a written permit from the ~~division~~City Manager or City Manager's designee. All alcohol concessions or other events or activities serving alcohol shall first obtain a written permit from the City Manager or the City Manager's designee and comply with all Washington State Liquor and Cannabis Control Board requirements.

(24) No person shall smoke tobacco, tobacco by products, or other smoke emitting substances within 25 feet of any park building, recreation building, building deck or patio, picnic shelter, grandstands or play equipment area.

(1825) No person shall play golf, baseball, cricket, soccer, polo or archery, or hurl, or fly any airborne model airplanes, radio-operated airplanes, drones, or other flying devices in parks, except in places and times set apart for such purposes by the department within a park.

~~(19) Park facilities shall be used for their designed or intended purposes, and it is a violation of this chapter for a person to interfere with or prevent a person from using a park facility for its designed purposes.~~

(206) It is unlawful to remain in a park after the posted closing time without first obtaining a written permit from the City Manager or the City Manager's designee. Unless posted otherwise, parks are closed from dusk to dawn.

(217) No person shall moor, anchor, dock, or berth a boat overnight in a park unless otherwise authorized by the city manager or the city manager's designee without first obtaining a written permit from the City Manager or the City Manager's designee.

(228) All laws, rules, and regulations of the State Department of Fisheries relating to season, limits, and methods of taking, are applicable to the taking of shellfish or food fish in parks and associated marine areas, and in addition to such laws, rules, and regulations, the division department may, upon its finding and for good cause, close certain park areas to the taking of shellfish or fish.

(239) No person shall swim or dive (including scuba diving) in waters adjacent to parks except at places set apart for such purposes by the division department and so designated by signs, or except as otherwise authorized by the eCity mManager or the eCity mManager's designee.

 (2430) No person shall play radios, stereos, television sets, musical instruments or similar devices or cause vibrations at volumes such that they may be heard over 2030 feet from the source. No person shall operate or use loud speakers or other mechanical means of amplifying sound in parks without a written permit from the City Manager or the City Manager's designee.

 (2531) No person shall loiter in a public restroom or public bathing facility.

 (2632) No person shall urinate or defecate in a public place or in a place open to public view.

 (33) No person shall use a device to detect ores or metals without a written permit from the City Manager or the City Manager's designee.

 (34) No person shall construct any structure, wall, fence, footing, drive, walkway, steps or path on park property, or to use or maintain park property as an extension of private property.

 (35) In accordance with RCW 35A.21.350, 49.60.500, and 49.60.505, community athletics programs for youths or adults, either operated, conducted, or administered by the City or a third party who uses City facilities, may not discriminate against any person on the basis of sex.

 (2636) No person shall willfully violate a posted park rule or an oral directive of a department employee.

Sec. 4. DMMC 19.08.040 and section 4 of Ordinance No. 758 are amended to read as follows:

Ejection of persons. Persons engaged in acts of conduct that create a substantial risk of causing injury to a person, or substantial harm to property, or who have engaged in use or possession of intoxicating liquors or ~~dangerous~~ drugs, or who have engaged in conduct which tends to or does disturb the public peace, provoke disorder, or endanger the safety of others, or who have violated a provision of DMMC 19.08.030 may be ordered by a department employee or a law enforcement officer having probable cause to believe that such conduct has occurred to leave any eCity park. No person who has been ordered to leave a park pursuant to this section shall fail or refuse to leave, or return to the park that day.

Sec. 5. DMMC 19.08.050 and section 5 of Ordinance No. 758 are amended to read as follows:

Closure of park. The eCity mManager or the eCity mManager's designee shall have authority to close any eCity park if, in the eCity mManager's or the City Manager's designee's opinion, there exists a substantial danger to public safety or property necessitating such closure. Parks and park facilities may be closed to the general public during special events pursuant to issuance of a written permit from the City Manager or the City Manager's designee. No person shall fail or refuse to leave the park, or return to the park during closure.

Sec. 6. DMMC 19.08.060 and section 6(A) of Ordinance No. 758 are amended to read as follows:

Motor vehicle closures - Authority. The eCity mManager or the City Manager's designee shall have the authority to set hours of closure to all vehicular traffic within eCity parks, with certain exceptions specified in DMMC 19.08.090. Such hours

of closure shall be posted at such locations and in such a manner which reasonably informs the public.

Sec. 7. DMMC 19.08.070 and section 6(B) of Ordinance No. 758 are amended to read as follows:

Motor vehicle trespass - Designated. The operator of a motor vehicle who enters a park during the hours set for closure by the eCity Manager or the City Manager's designee and posted, or whose vehicle is found in a eCity park during such hours, commits the traffic infraction of motor vehicle trespass.

Sec. 8. DMMC 19.08.080 and section 6(C) of Ordinance No. 758 are amended to read as follows:

Motor vehicle trespass - Notice of infraction - Presumption. A notice of infraction shall be issued to the operator of such vehicle if the operator can be identified. If the operator cannot be identified, a notice of infraction shall be conspicuously affixed to the vehicle and a duplicate notice of infraction shall be issued by the court and mailed to the registered owner of the vehicle. It shall be create a rebuttablely presumptioned that the registered owner of the vehicle committed the infraction.

Sec. 9. DMMC 19.08.090 and section 6(D) of Ordinance No. 758 are amended to read as follows:

Motor vehicle trespass - Exemptions. The following are exempt from the provisions of DMMC 19.08.070 and 19.08.080:

(1) Residents and guests of residents in possession of a permit issued by the City Manager or the City Manager's designee whose real property parking is north and west of the main entrance gate of Des Moines Beach Park;

~~(2) Any park caretaker required to reside in a park and guests of caretakers;~~

~~(3) Vehicles displaying a physically disabled decal as provided in RCW 46.16.381 and 70.92.120;~~

(42) Official federal, state, or local law enforcement, ~~or~~ fire, utilities, City or City employee vehicles while in performance of official duties;

(53) Vehicles of persons using facilities by ~~permit displaying a signed exemption~~ issued by the ~~City m~~anager or ~~his~~ the City Manager's designee for specific events.

Sec. 10. DMMC 19.08.100 and section 6(E) of Ordinance No. 758 as amended by section 59 of Ordinance No. 1009 are amended to read as follows:

Motor vehicle trespass - Violation - Penalty.

(1) No person shall violate or fail to comply with this chapter.

(2) A violation of or failure to comply with this section is a ~~class 5~~ civil infraction with a penalty in an amount as set by the Washington State Courts Bail Schedule.

Sec. 11. DMMC 19.08.110 and section 3 of Ordinance No. 1056 are amended to read as follows:

Penalty.

(1) No person shall violate or fail to comply with the provisions of this chapter or fail to comply with a notice posted in accordance with this chapter.

(2) A first or second violation or failure to comply with this section is a class 2 civil infraction.

(3) If the same individual receives two committed findings for violations of the same section of this Chapter within one year, the third violation within one year from the date of the original citation shall constitute a misdemeanor.

NEW SECTION. Sec. 12. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

NEW SECTION. Sec. 13. Effective date. This Ordinance shall take effect and be in full force thirty (30) days after its final passage by the Des Moines City Council in accordance to law.

PASSED BY the City Council of the City of Des Moines this ____ day of _____, 2016 and signed in authentication thereof this ____ day of _____, 2016.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Ordinance No. _____
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Published: _____

Effective Date: _____