

# MUNICIPAL FACILITIES COMMITTEE AGENDA

February 16, 2017 - North Conference Room  
21630 11th Avenue South – Des Moines 98198  
6:00 – 6:50 PM

1. Call to order
2. Approve minutes from January 18, 2017 meeting
3. Urban Agriculture Project with Highline College - Discussion - PRSS Director, 10 minutes
4. Park Code Updates – PRSS Director & City Attorney, 40 minutes
  - A. Review of Park code Updates to Chapter 19:
    - i. Chapter 19.08 City Park Use Regulations – Reviewed with committee 1/18
    - ii. Chapter 19.12 Designation of City Parks
    - iii. Chapter 19.16 Access Routes and Rights of Way
    - iv. Chapter 19.20 Parks of Local Significance
  - B. Prioritize Future Review of Park Code Updates to Chapters 4 and 18:
    - i. Appointive Committees:
      - a) Chapter 4.24 Appointive Committees- General Provisions
      - b) Chapter 4.40 Open Space Hearing Board
      - c) Chapter 4.44 Senior Services Advisory Committee
      - d) Chapter 4.48 Human Services Advisory Board
      - e) Chapter 4.52 Lodging Tax Advisory Committee
    - ii. Land Use:
      - a) Chapter 18.215 Protection of Historic and Archeological Resources
      - b) Chapter 18.215.100 Landmarks Commission created- Membership and organization
      - c) Chapter 18.33 Keeping of animals in residential zones
      - d) Chapter 18.52 Permitted Uses, *Table 18.52.010A Residential Zone Primary Uses*

## **Draft Minutes Des Moines City Council Municipal Facilities Committee – 1/18/2017**

Meeting called to order: 5:00 pm on January 18, 2017 in North Conference Room @ 21630 11<sup>th</sup> Ave S. Des Moines, WA 98198

### **Council Members**

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

### **Guests**

Bill Linscott  
Ken Rogers, Mobile Retail @ Marina

### **City Staff**

Michael Matthias, City Manager  
Joe Dusenbury, Harbormaster  
Patrice Thorell, PRSS Director  
Dan Brewer, Chief Operations Officer  
Scott Romano, CIP Manager  
Matt Hutchins, Asst. City Attorney  
Dunyele Mason, Finance Director  
Janet Best, Administrative Assistant

Minutes of the 10/27/2016 meeting were unanimously approved.

### **Agenda**

1. Marina Lease for Mobile Retail
2. Marina & Beach Park Paid Parking
3. City Hall Generator
4. 2017 MCI CIP Project Update
5. Citywide Playground Project
6. Park Code-Title 19 Update
7. 2017 Work Program Review

### **Meeting:**

Ken Rogers updated the committee on the status of adding a retail building at the Marina that would be leased by the City. A new location near the Marina Office and close to the restrooms has been chosen. It is estimated the building will seat 40-60 people ground level and above the building. It would be maritime themed and draw people to the Marina for a new activity. Although it would not have a kitchen, beer, wine, coffee, soup, and sandwiches would be served. An electronic reader board inside the facility could cycle advertising of other business higher up in the City. They are working to finalize the agreement and plan to bring the proposal to full council in February for discussion. The goal is to install in May so it would be available in June.

Chief Operations Officer Dan Brewer said the paid parking fee structure will be discussed in the full council meeting tomorrow to make sure everyone is on the same page. The next steps are to bring forward an ordinance that establishes the authority for that in the code. There was discussion about the annual fee for residents versus non-residents. It was suggested that fees of \$30 and \$40 respectfully would cover the administrative costs and that those fees be re-evaluated prior to the second year.

Dan provided 3 estimates to service City Hall and the Public Works Engineering Building by adding a generator. The options ranged from \$162k to \$506k servicing all or a single building. The concern is, in an extended power outage how the City would operate? The court staff would move to SCORE and some employees will be able to relocate to other buildings but the Finance Department cannot move. For now, it was suggested that the City look into purchasing a portable generator to support the Finance Department and continue to evaluate other alternatives to increase power at other locations.

CIP Manager Scott Romano updated the committee on the 2017 MCI CIP Projects. Of the 7 projects for 2017, the Field House roof is complete. Scott stated the Picnic Shelter is 20% complete, painting of the Activity Center exterior and cleaning and re-stripping of the tennis courts will be done this summer. The project scope for Park Side Park was modified to reduce costs and will go back to bid in February. A generator for City Hall was discussed earlier in the meeting and playground equipment for Wooton Park was deferred for more discussion later in the meeting.

In the 2017-2022 adopted CIP, 5 parks have funding planned for play equipment and 4 additional parks have no funding planned. The state of our equipment in many cases is obsolete or non-existent. To provide play equipment at the 9 parks identified, \$1.96m is necessary while the CIP has \$839k planned. Parks, Recreation & Senior Services Director Patrice Thorell suggested using funds that are secured (Park in Lieu) as a match against other State Grant opportunities. Those opportunities include CDBG that do not require a match and the King County Youth Sports Facilities. Additionally, the Des Moines Legacy Foundation has dedicated \$105k towards play areas and they also volunteered to a community fundraising campaign for \$100k. A letter of understanding with the Legacy Foundation was suggested. Additional funds will be available by the County because the King Dome has been paid off and more hotel/motel money will go into KC Youth Sports Facilities. With these opportunities available, the next step is to go to the full council for their approval, start applying for grants in 2017 & 2018 and target the 2019 – 2020 time frame for the installation of the new equipment.

Patrice stated that it has been 20 years since the Des Moines Municipal Code Chapter 19.08 City Park Use Regulations was revised. City Attorney Tim George provided a Draft Ordinance No. 16-182 and working document for the committee to review. Dan stated this is the first of several sections that need to be amended. The Committee will review the draft revisions for discussion at the February meeting.

The Committee and staff reviewed a draft of the Work Program Items for 2017. These are proposed agenda items for the MFC meetings throughout the year. Two possible additions mentioned were Highline College and Urban Agriculture at Sonju Park being promoted by Kim Richmond and in the June time frame, as more marina development comes online, discuss if we want to establish a Marina Advisory Committee.

The meeting was adjourned at 6:44 pm.

Minutes submitted by: Janet Best, Administrative Assistant

**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:** February 9, 2017  
**To:** Municipal Facilities Committee  
**From:** Tim George, City Attorney   
**Re:** Parks, Recreation, and Senior Services Code Updates

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

Since 1993, Chapter 19.08 DMMC has been amended once, a 2009 provision affecting only the speed limit in City parks. Staff has prepared a Draft Ordinance to update the City Park Use Regulations based on input from Parks, Recreation, and Senior Services staff, the Legal Department, and the Municipal Facilities Committee. 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 with City approval.
  6. Updates organized activities that are required to have a permit or City approval.
  7. Limits parking to hours when park is open.
  8. Expressly prohibits the use of marijuana in parks. (already prohibited by state law)
  9. Prohibits tobacco use within 25 feet of buildings (state law) and within 25 feet of play equipment area.
  10. Expressly states certain activities can only be done in designated areas.
  11. Prohibits urinating in public
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12. Prohibits using metal detectors without a permit
13. Prohibits building structures in parks without a permit
14. Prohibits discrimination based on sex pursuant to state law.
15. Clarifies and enhances reasons for ejection from park
16. Updates vehicle trespass language and penalty for vehicles in parks after closing.
17. Provides for criminal penalties for a third violation of the same park rules within 1 year.

**Draft Ordinance No. 17-012 (Summary)**

**Chapter 19.12 Designation of City Parks**

**Chapter 19.16 Access Routes and Rights-Of-Way**

City parks are currently designated by individual sections under Chapter 19.12 DMMC. This designation applies City Park Use Regulations, Chapter 19.08 DMMC (Parks Code) to the areas that have been so designated. The Parks Code is applied to other access routes and rights-of-way specifically designated in individual sections of Chapter 19.16 DMMC, such as Big Catch Plaza.

The list of designated parks has not been updated since the additions of Redondo Park, Woodmont Park, and Wooten Park in 1998. Because these chapters have not been updated since that time, areas newly dedicated to public park use have not been officially designated as City parks. This includes Water Tower Park, Steven J. Underwood Memorial Park, and Dr. Shirley B. Gordon Park.

The Parks, Recreation, and Senior Services Master Plan, most recently adopted by the City Council on December 10, 2015, contains an inventory of all areas under the ownership or control of the City for recreational purposes. The DMMC and the process for designating areas for park purposes can be simplified by adopting this list by reference in Chapter 19.12 DMMC, retaining restrictions on Overlook Park II and Redondo Park in Chapter 19.12 DMMC, removing the specific park designation in Chapter 19.12 DMMC, and repealing Chapter 19.16 DMMC. As the PRSS Master Plan is amended by the City Council to include newly acquired recreation area, the new areas will be automatically designated as parks without any further Council action.

Staff recommends that the Committee bring these Draft Ordinances to the full City Council for consideration

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**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)~~—"Division~~Department~~" means the eCity ~~arksParks,~~ Parks, 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 ~~Manager~~ 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 ~~Manager~~ 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 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.

(811) 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.

(912) 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.

(103) 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 miles per hour.

(14) ~~7~~ 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 ~~m~~Manager or the eCity ~~m~~Manager'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 ~~m~~Manager or the eCity ~~m~~Manager'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.

(2146) 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 #Manager or the eCity #Manager'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 Manager or the eCity Manager's designee shall have authority to close any eCity park if, in the eCity Manager'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 Manager 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~~ 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 presumed 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 Manager 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: \_\_\_\_\_

**CITY ATTORNEY'S FIRST DRAFT 02/02/2017**

**DRAFT ORDINANCE NO. 17-012**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to Parks and Recreation, designation of parks, and access routes and rights-of-way within parks, repealing and substituting DMMC 19.12.010 and .020 and repealing DMMC 19.12.030-150, and chapter 19.16 DMMC.

**WHEREAS**, the City Council has adopted a Parks, Recreation and Senior Services Master Plan which lists City Parks, and

**WHEREAS**, the purpose of this Ordinance is to formally designate all City Parks listed in the Parks, Recreation and Senior Services Master Plan as City Parks; now therefore,

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

**Sec. 1.** DMMC 19.12.010 and section 1 of Ordinance No. 772 are each repealed, and the following is substituted:

**Park designation.** The areas listed as existing City recreation resources in the Parks, Recreation and Senior Services Master Plan as presently constituted or as may be subsequently amended are designated as City parks.

**Sec. 2.** DMMC 19.12.020 and section 2 of Ordinance No. 772 are each repealed, and the following is substituted:

**Redondo Park.** Consistent with the City's harbor code (chapter 15.04 DMMC), Redondo Park shall be considered part of the marina as it constitutes City property adjacent to Puget Sound. Accordingly, the Harbormaster shall be responsible for management and enforcement actions to govern the use and enjoyment of Redondo Park. The Harbormaster's authority in Redondo Park shall include all powers granted under the City's harbor code as well as the power to enforce City park use regulations adopted under chapter 19.08 DMMC.

**Sec. 3. Repealer.**

(1) DMMC 19.12.030 and section 3 of Ordinance No. 772 are each repealed.

(2) DMMC 19.12.040 and section 4 of Ordinance No. 772 are each repealed.

(3) DMMC 19.12.050 and section 1 of Ordinance No. 1049 are each repealed.

(4) DMMC 19.12.060 and section 2 of Ordinance No. 1049 are each repealed.

(5) DMMC 19.12.070 and section 3 of Ordinance No. 1049 are each repealed.

(6) DMMC 19.12.080 and section 4 of Ordinance No. 1049 are each repealed.

(7) DMMC 19.12.090 and section 5 of Ordinance No. 1049 are each repealed.

(8) DMMC 19.12.100 and section 6 of Ordinance No. 1049 are each repealed.

(9) DMMC 19.12.110 and section 5 of Ordinance No. 1101 are each repealed.

(10) DMMC 19.12.120 and section 3 of Ordinance No. 1181 are each repealed.

(11) DMMC 19.12.130 and section 1 of Ordinance No. 1207 are each repealed.

(12) DMMC 19.12.140 and section 2 of Ordinance No. 1207 are each repealed.

(13) DMMC 19.12.150 and section 3 of Ordinance No. 1207 are each repealed.

**Sec. 4. Repealer.** Chapter 19.16 DMMC and sections 1 through 4 of Ordinance No. 1101 are each repealed.

**Sec. 5. 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.

Ordinance No. \_\_\_\_  
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**Sec. 6. Effective date.** This Ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this \_\_\_\_ day of \_\_\_\_\_, 2017 and signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
M A Y O R

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_