



GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE
SEPTEMBER 20, 2013
8:00 – 9:00 A.M.
COUNCIL CHAMBERS

1. **AMENDMENT TO PARKS RULES & REGULATIONS**
LORI FLEMM, PARKS & RECREATION DIRECTOR
(ATTACHMENT)

2. **LONG'S POND**
LORI FLEMM, PARKS & RECREATION DIRECTOR
(VERBAL REPORT – NO ATTACHMENT)



GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE
September 20, 2013

SUBJECT: Lacey Municipal Code 2.44 Park Rules

RECOMMENDATION: Revise the park rules to be consistent with Federal Law, Washington State Law and Lacey Municipal Code, and to address specific activities occurring in Lacey's parks system.

STAFF CONTACT: Scott Spence, City Manager 
Lori Flemm, Parks and Recreation Director 

ORIGINATED BY: City Manager, Board of Park Commissioners, and Parks & Recreation Departments

ATTACHMENTS: 1. Attachment A- Proposed Revisions to Park Rules, LMC Chapter 2.44

**BUDGET IMPACT/
SOURCE OF FUNDS:** Funds would be required to replace and/or update park rule signs. However, it is recommended that park rule signs be replaced or updated when signs become degraded for water damage, vandalism, or similar reasons. At the time of replacement, signs will reflect revised rules.

**PRIOR COUNCIL/
COMMISSION/
COMMITTEE REVIEW:** Reviewed by Board of Park Commissioners at its regular monthly meeting on June 24, 2013.

BACKGROUND:

The Commissioners reviewed Rule B8 and the current park rules, and suggested that all rules should be reviewed for consistency with LMC and state law, and that new rules be considered to curtail any undesirable activity that has been occurring in our parks. Draft rules were reviewed by city staff from various departments (Parks and Recreation, Police, Public Affairs, and Public Works) and our City Attorney and City Manager.

The key changes proposed include:

1. Allows for individuals with a mobility disability to operate motorized devices.

2. Provides for consistency with the consumption of marijuana and infused products in, LMC Chapter 9.44.035.
3. Identifies skinny dipping and nudity as a violation.

At its regular monthly meeting on June 24, 2013, the Board of Park Commissioners approved the proposed revisions by motion.

ADVANTAGES:

1. Provides for consistency with federal and state law as well as Lacey Municipal Code.
2. Provides for the ability to enforce a new rule to curtail undesirable activity that has been occurring at one of our parks that features a public swimming area.

DISADVANTAGES:

1. With the adopted rules different from the posted rules in a park, there may be confusion. City employees from the Parks and Recreation Department, Public Works Department, and the Lacey Police Department who enforce the rules will be informed about the revisions.

The following rules and regulations are adopted, certified and approved as necessary for the government and control of parks, parkways, trails or other recreational facilities owned, operated or used for recreational purposes by the City of Lacey.

- A. A person who commits any of the following acts within a park, parkway, trail or other recreational facility owned, operated, or used for recreational purposes by the City of Lacey shall, pursuant to Section 2.44.060 and 2.44.070 of the Lacey Municipal Code, be guilty of a misdemeanor and/or shall be subject to trespass from the City owned, or jointly owned, park, parkway, trail or other recreational facility for a period of one year from the date of the violation:
1. Kills or pursues with intent to kill, any bird or animal.
 2. Willfully mutilates, damages, injures, defaces, destroys, or takes any tree, shrub, timber, plant, turf area or natural object, or any synthetic turf area, guidepost, notice, table, fence, enclosure, structure, facility, or any other park improvement.
 3. Lights any fire except in designated places, or willfully or carelessly permits any fire to spread or extend to any of the shrubbery, trees, timber, structure, or park improvements.
- B. A person who commits any of the following acts within a park, parkway, trail or other recreational facility owned, operated or used for recreational purposes by the City of Lacey shall, pursuant to Section 2.44.060 and 2.44.070 of the Lacey Municipal Code be subject to a civil fine of up to \$100.00 and/or shall be subject to trespass from the City owned, or jointly owned, park, parkway, trail, or other recreational facility for a period of one year from the date of the violation:
1. Takes any fish from the waters of any park, except in conformity with such general rules and regulations of the City, Washington Department of Fish and Wildlife, and/or RCW 77.15.
 2. Distributes, places or affixes to any object, any word, sign, circular, character or device designed to advertise, solicit, sell or promote any business, profession, article, thing, exhibition, matter or event, or distributes literature without prior approval.
 3. Allows an animal into a prohibited area. Provided, however, that such restrictions or prohibitions shall not apply to service animals.
 4. Operates a motor vehicle or motorized ~~scooter~~device of any type anywhere other than designated roadways or parking areas, except for individuals with a mobility disability in possession of valid, state issued proof of disability-
 5. ~~Utilizes~~Uses park facilities outside of standard park hours, which are 7:00 a.m. to dusk, unless otherwise posted.
 6. ~~Consumes alcohol or utilizes illegal controlled substances~~ without prior approval.

- ~~6-7.~~ Uses illegal controlled substances.
- ~~7-8.~~ Consumes marijuana, usable marijuana, or a marijuana-infused product. Opens a package containing marijuana, usable marijuana, or a marijuana-infused product.
- ~~8-9.~~ Utilizes Uses sound amplification systems, including vehicular, portable, or similar sound system devices, that disrupts the enjoyment of other park users, without prior approval.
- ~~9-10.~~ Swims in non-designated areas.
- ~~10-11.~~ Deposits litter, yard waste, construction debris, or household or commercial garbage.
- ~~11-12.~~ Launches or detonates any object, such as model aircraft, rockets, fireworks, etc., without prior approval.
- ~~12-13.~~ Holds public or group rallies, without prior approval, that disrupts other regular and scheduled park activities.
- ~~13-14.~~ Erects, maintains, or occupies any temporary or inflatable structure, tent or shelter, without prior approval.
- ~~14-15.~~ Brings an animal into a City park, parkway, trail, structure, or recreational facility and fails to possess the equipment or material necessary to, or does not, remove fecal matter deposited by the animal. The fecal matter is to be placed in a plastic bag and deposited in a solid waste container.
- ~~15-16.~~ Brings an animal into a park, parkway, trail, structure, or recreational facility, unless leashed and in a designated area. The Director of Parks and Recreation shall have the authority to designate areas where leashed animals may enter. Provided, however, that such restrictions or prohibitions shall not apply to service animals.
- ~~16-17.~~ Sells or distributes food, refreshments, or merchandise without prior approval or a concession contract.
- ~~17-18.~~ Collects a fee for use of a park or facility, or conducts an organized activity for which a fee is collected or donations solicited, without prior approval.
- ~~18-19.~~ Feeds wildlife or leaves, places, or distributes food with the intent to feed wildlife.
- ~~19-20.~~ Uses profane, threatening, or abusive language.
- ~~20-21.~~ Engages in disorderly conduct.
- ~~21-22.~~ Skateboards, in-line skates, roller skates, scooters, or bicycles on any basketball court, tennis court, stage, bench, picnic table, parking lot, or retaining wall.
- ~~23.~~ Hits golf balls in any turf area or athletic field.
- ~~24.~~ Skinny dips or appears nude.

C. "Prior Approval" as used herein shall be only by the Director of Parks and Recreation or his or her designee in written form. Written prior approval is required to be on the

person and premises while use is occurring, and displayed to park and/or law enforcement personnel when requested.

- D. Persons committing those acts within subsection A of these rules and regulations which constitute misdemeanors pursuant to Section 2.44.060 and 2.44.070 of the Lacey Municipal Code shall be prosecuted by the City in the same manner as other violations of misdemeanor laws of the City. Persons committing those acts listed in subsection B of these rules and regulations shall be subject to a fine of up to \$100, except for persons committing those acts listed in subsection B8 of these rules and regulations shall be subject to a fine of up to \$50 assessed in the same manner as LMC9.44.035, and notices of infractions shall be issued to said persons which infractions shall be assessed in the same manner as traffic infractions. Said infractions shall be processed and fines paid in the manner set forth in Section 7 (1) of Chapter 236, Laws of 1985, Regular Session with fines assessed and recovered to be paid to the City. Repeat offenders committing those acts within either subsection A and/or subsection B shall be subject to trespass from “all” City owned, or jointly owned, parks, parkways, trails, or other recreational facilities for a period of one year from the date of the violation.

The above stated park rules and regulations are effective as rules and regulations adopted pursuant to Chapter 2.44 of the Lacey Municipal Code as fully as though set forth in said code at length.

“The above stated rules and regulations related to the parks, parkways, trails or other recreational facilities owned, operated or used by the City of Lacey were approved by the Council on this 1325th day of JanuaryJuly, 20143.”