

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

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| AGENDA TITLE: | Adoption of Ordinance No. 539 Regarding a Pilot Program for Off-Leash Dog Parks and Amend Shoreline Municipal Code Chapter 8.12, Rules for Use of City of Shoreline Parks Facilities |
| DEPARTMENT: | Parks, Recreation & Cultural Services (PRCS) Department; City Attorney's Office |
| PRESENTED BY: | Dick Deal, PRCS Director |

PROBLEM/ISSUE STATEMENT:

On January 26, 2009, the City Council approved portions of Shoreview Park and Richmond Beach Saltwater Park as the City's two pilot off-leash dog park sites. Ordinance No. 539 adopts rules for a one year pilot program for off-leash dog parks in portions of these two parks, and also updates certain other miscellaneous park regulations.

A recent review of Chapter 8.12, Rules for Use of City of Shoreline Park Facilities, showed that the following updates are needed:

1. Increase liability insurance levels required for park facility rentals, as recommended by the City's risk pool, Washington Cities Insurance Authority ("WCIA").
2. Remove rugby as a prohibited use.
3. Address changes to the solicitation section including clarifying use of signs and distribution of handbills.
4. Clarify prohibitions on possession and use of firearms, weapons and fireworks.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 539 establishing rules for a pilot program for off-leash dog parks in portions of Shoreview Park and Richmond Beach Saltwater Park and amending Shoreline Municipal Code, Chapter 8.12, Rules for Use of City of Shoreline Park Facilities.

Approved By:

City Manager 

City Attorney 

INTRODUCTION

The City Council on January 26, 2009 adopted the pilot program for off-leash dog parks in portions of Richmond Beach Saltwater Park and Shoreview Park. Ordinance No. 539 adopts regulations to implement the pilot program. In addition, Shoreline adopted rules for use of Shoreline park facilities shortly after accepting ownership of the park system from King County. Some of these originally adopted regulations are out-of-date. To update these code sections, the following changes are proposed: (1) increase liability insurance required for facility rental to the amount recommended by our risk pool; (2) allow rugby in parks; (3) clarify handbill distribution and posting of notices in parks; and (4) allow possession of firearms (with the appropriate license) in parks, as required by the State law.

DISCUSSION

Section 1. Adoption of the Off-Leash Area Pilot Program

The first proposed change allows for dogs to be off-leash in designated areas. On January 26, 2009, the City Council approved portions of Shoreview Park and Richmond Beach Saltwater Park as the City's two pilot off-leash dog park sites, as recommended by the Parks, Recreation and Cultural Services Board and the Off-Leash Dog Area Study Group. The creation of a pilot program for off-leash dog areas will include the following:

- a) Dogs may be allowed to run at large in that portion of Shoreview Park depicted on Exhibit A of the ordinance and in that portion of Richmond Beach Saltwater Park depicted in Exhibit B of the ordinance only during the posted hours of operation.
- b) Dogs in off-leash areas must be accompanied by their owner or handler, be under voice control and not cause a public nuisance, safety hazard or harass people, other dogs or wildlife.
- c) Owners and handlers bringing dogs into the off-leash area must follow posted rules.

Section 2. Increase Liability Insurance Required for Parks Facility Rental.

The second proposed changes amends the code to reflect current WCIA recommended requirements for Commercial General Liability insurance for rental of parks facilities in an amount of not less than \$1,000,000 each occurrence and \$1,000,000 general aggregate. In addition it allows for the City to be named as an insured on the person's Commercial General Liability insurance policy.

Section 3. Allow for Rugby in Parks.

The third proposed change removes rugby as a prohibited activity in park facilities. The intent for this section is to prohibit activities where objects, such as golf balls, are being propelled into the air of a park facility with no intended receiver. Rugby is a sport where balls are thrown and caught, similar to soccer or football, which have no restrictions in the parks code.

Section 4. Clarify Allowable Solicitation, Including Handbill Distribution and Posting of Notices.

The fourth proposed change allows for distribution of handbills in a manner that does not interfere with or obstruct the normal passage of people or vehicles in parks. The change also allows advertising notices in parks only on designated kiosks, and only with a special use permit.

Section 5. Allow Possession but Not Discharge of Firearms.

The fifth proposed change clarifies the rules of firearms, weapons and fireworks. Our code currently prohibits firearms in parks. Washington State law preempts a city's authority to enact local laws that prohibit possession of a firearm on city property. Although the City of Seattle has been in the news in the past year indicating they will be banning all guns from parks, community centers and city-run buildings, Seattle acknowledges this ban will be challenged based on preemption of state law. If Seattle's rule is upheld in court, Shoreline can look into following Seattle's model and prohibiting guns in parks and other publicly-owned areas.

To clarify, firearms are defined by the state as a "weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder." RCW 9.41.010(1). State law does not preempt the City from adopting an ordinance that prohibits other weapons from parks; thus, a prohibition on both possession and discharge of B.B. guns, fireworks, firecrackers, explosives, swords, knives, slingshots is proposed to be added to the code.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 539 to provide rules for a pilot program for off-leash dog parks in portions of Shoreview Park and Richmond Beach Saltwater Park and to amend Shoreline Municipal Code, Chapter 8.12, Rules for Use of City of Shoreline Park Facilities.

ATTACHMENTS

Ordinance No. 539

ORDINANCE NO. 539

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, COMMENCING A PILOT PROGRAM FOR OFF-LEASH DOG PARKS IN SHOREVIEW PARK AND RICHMOND BEACH SALTWATER PARK; UPDATING LIABILITY INSURANCE REQUIREMENTS FOR PARK FACILITY PERMITS, REMOVING RUGBY AS A PROHIBITED GAME, CLARIFYING ALLOWABLE SOLICITATION IN PARKS, PROHIBITING DISCHARGE BUT NOT POSSESSION OF A FIREARM IN PARKS; AND AMENDING SHORELINE MUNICIPAL CODE CHAPTER 8.12.

WHEREAS, on January 26, 2009, the City Council approved portions of Shoreview Park and Richmond Beach Saltwater Park as the City's two pilot off-leash dog park sites, as recommended by the Parks, Recreation and Cultural Services Board and the Off-Leash Dog Area Study Group

WHEREAS, liability insurance levels recommended by our risk pool for rental of park facilities have been increased from \$500,000 to \$1,000,000;

WHEREAS, the prohibition on rugby and golf in parks has been amended to prohibit golf only;

WHEREAS, Washington state law preempts a city's authority to enact local laws that prohibit possession of a firearm on city property;

WHEREAS, the new sections on posting of notices and handbill distribution provides clarity to the code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Pilot Program. Notwithstanding SMC 8.12.280(B), the following pilot program shall be in effect until March 31, 2010:

A. Upon posting of notice at each off-leash dog park area, dogs may be allowed to run at large in that portion of Shoreview Park depicted on Exhibit A and in that portion of Richmond Beach Saltwater Park depicted in Exhibit B only during the posted hours of operation.

B. Dogs in off-leash areas must be accompanied by their owner or handler, be under voice control and not cause a public nuisance, safety hazard or harass people, other dogs or wildlife.

C. Owners and handlers bringing dogs into the off-leash area must follow posted rules.

Section 2. Amendment. SMC 8.12.090 is amended as follows:

8.12.090 Liability insurance.

During all periods of use, persons using facilities by permit shall, except when a waiver is obtained from the department, obtain and maintain Commercial General Liability insurance in an amount of not less than \$1,000,000 each occurrence and \$1,000,000 general aggregate. ~~public liability insurance acceptable to the city and/or other insurance necessary to protect the public and the city on the premises to be used, with limits of liability not less than:~~

~~\$500,000 each person personal injury;~~

~~\$500,000 each occurrence personal injury;~~

~~\$250,000 each occurrence property damage; or combined single limit personal injury and/or property damage liability \$1,000,000 per occurrence.~~

The City shall be named as an insured on the person's Commercial General Liability insurance policy. Persons shall provide a certificate of insurance or, upon written request of the city, a duplicate of the policy, as evidence of the insurance protection provided. This insurance shall not be canceled or reduced without prior written notice to the city at least 10 days in advance of the cancellation

Section 3. Amendment. SMC 8.12.310 is amended as follows:

8.12.310 Golf and rugby.

~~Golf and rugby activities shall not be permitted in any park area unless permission is obtained in advance from the department.~~

Section 4. Amendment. SMC 8.12.470 is amended as follows:

8.12.470 Solicitation.

A. No person shall solicit, sell, or peddle any goods, services, food or drink, ~~or distribute or post any handbills, circulars, or signs, or use any loud speaker or other amplifying device,~~ in any park area, except by concession contract or by ~~special use permit~~ issued by the department.

B. No person shall use, place or erect any signboard, sign, billboard, bulletin board, post, pole or device of any kind for advertising in any park, or attach any notice, bill, poster, sign, wire, rod or card to any tree, shrub, railing, post or structure within any park, except on city kiosks and with a special use permit; provided that the department may permit erection of temporary directional signs or decorations for private events and picnics.

C. It is unlawful to distribute any handbills or circulars in any park in any manner that interferes with or obstructs the normal passage of people or vehicles.

Section 5. Amendment. SMC 8.12.490 is amended as follows:

8.12.490 Firearms, weapons and fireworks.

No person ~~except duly authorized law enforcement personnel~~ shall possess a ~~firearm,~~
B.B. gun, firework, firecracker, explosive, sword, knife, slingshot, bow and arrow,
crossbow, ~~or air~~ or gas weapon in a city park. No person shall possess or display a firearm
in any city park in violation of state law. No person shall discharge across, in, or onto any
park area a firearm, firework, firecracker, explosive, slingshot, bow and arrow, crossbow,
~~air or~~ gas weapon, or any device capable of injuring or killing any person or animal, or
damaging or destroying any public or private property. This section shall not apply where
the department has authorized, in writing, ~~a special~~ such recreational activity upon
finding that it is not inconsistent with park use.

Section 6. Publication, Effective Dates. This ordinance shall take effect and be in full force
five days after passage and publication of a summary consisting of the title.

PASSED BY THE CITY COUNCIL ON APRIL 13, 2009.

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

EXHIBIT A

Pilot Site Recommended for Immediate Implementation

Shoreview Park—Concept Design



↔ Access

i Signs

● Restroom (portable)

w Dog Waste Station

— Temporary Fence

— Seating

— Gate

EXHIBIT B

Pilot Site Recommended for Immediate Implementation

Saltwater Park—Concept Design



↔ Access

i Info/Signs

● Restroom

w Dog Waste Station

Post & Fence

— Seating

