

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Adopting Ordinance No. 898 - Amending Shoreline Municipal Code Chapter 8.12 Rules for Use of Shoreline Park Facilities
<b>DEPARTMENT:</b>	Recreation and Community Services
<b>PRESENTED BY:</b>	Mary Reidy, Recreation Superintendent
<b>ACTION:</b>	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing <input type="checkbox"/> Discussion

**PROBLEM/ISSUE STATEMENT:**

City staff issues over 900 permits annually for use of parks and recreation facilities at Spartan Recreation Center, Richmond Highlands Recreation Center, athletic fields, tennis courts, picnic shelters, the Terrace at Saltwater Park, and other locations throughout the park system. Shoreline Municipal Code (SMC) Chapter 8.12 provides the authority and general regulations for the facility and fields permit system. The process and procedures for how the permit system has evolved over many years.

In 2019, staff began a process improvement effort to review, update and formalize the guidelines and operations manual for parks fields and facility rentals. An important part of the process improvement review was a review of SMC 8.12. Proposed Ordinance No. 898 (Attachment A) would adopt amendment's (Exhibit A) to this chapter of the Municipal Code.

Council discussed proposed Ordinance No. 898 at its August 10, 2020 meeting. Following that discussion, Council directed staff to bring back this proposed ordinance for adoption. Tonight, Council is scheduled to adopt proposed Ordinance No. 898.

**FINANCIAL IMPACT:**

There is no financial impact associated with proposed Ordinance No. 898.

**RECOMMENDATION**

Staff recommend that Council adopt Ordinance No. 898.

Approved By:            City Manager **DT**    City Attorney **MK**

## **BACKGROUND**

City staff issues over 900 permits annually for use of parks and recreation facilities at the Spartan Recreation Center, Richmond Highlands Recreation Center, athletic fields, tennis courts, picnic shelters, the Terrace at Saltwater Park, and other locations throughout the park system. In 2019, staff began a process improvement effort to review, update and formalize the guidelines and operations manual for parks fields and facility rentals.

An important part of the process improvement review was a review of Shoreline Municipal Code (SMC) Chapter 8.12, which establishes rules for use of City of Shoreline park facilities. SMC 8.12 provides the authority and general regulations for the facility and fields permit system.

SMC 8.12 was adopted by Ordinance No. 195 in May 1999. It repealed and replaced previous King County Park Code that was adopted by the City of Shoreline upon incorporation. The most substantial changes to SMC 8.12 since 1999 have been to allow off-leash dogs (2010) and alcohol in specific locations in the park system (2012) and to prohibit smoking (2012) throughout the system.

## **DISCUSSION**

As part of this process improvement effort, SMC 8.12 was reviewed, and amendments were recommended. SMC 8.12 addresses parks general administration and facility use permits specifically. It provides rules for hours of operation, definition of a special use permit and when they are required, cancellation of permits, liability and liability insurance requirements, sale of goods or services, and other miscellaneous topics.

Proposed Ordinance No. 898 (Attachment A) would adopt the recommended amendments (Exhibit A) that provide clarification for the field and facility rental operations. Council discussed proposed Ordinance No. 898 at its August 10, 2020 meeting and directed staff to bring back the proposed ordinance for Council adoption. The staff report for the August 10<sup>th</sup> Council discussion can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport081020-9b.pdf>.

The proposed amendments to SMC 8.12 are as follows:

### **SMC 8.12.010: Definitions.**

A definition for Permittee is added (8.12.010(k)) and the definitions are put in alphabetical order.

### **SMC 8.12.020: Program – Purpose.**

No changes.

### **SMC 8.12.030: Administrative rules – Hours and operation.**

No changes.

**SMC 8.12.040: Facility Use Permit.**

SMC 8.12.040 currently states that:

*“Park and recreation facilities are available for public use whenever possible, without conflicting with city programs.”...“Groups or individuals that desire to use a City of Shoreline owned or managed field, facility, or park may be granted special use permits by the department and may be charged a fee. Where appropriate, special conditions of use will be established by the department and so noted on the facility use permit. Charges for special services in the city recreational facilities will be established by the department with the approval of the Shoreline City Council.”*

The proposed amendment to this section provides clarifying language and the subject areas are split into separate lettered sections. A key addition is 8.12.040(D), which gives the PRCS Director the authority to develop procedures for the administration of the facility use permit system. The procedures are captured in the Operations Manual (Attachment B).

**SMC 8.12.050: Suspension or cancellation of facility use or concession permit - by city.**

This section provides clearer and more detailed language about the City’s right to cancel a permit. Section C is added to identify that refunds for cancellation are pursuant to the City Council approved Refund Policy.

**SMC 8.12.060: Building facility and outdoor field light hours.**

No substantive changes. Provides clearer formatting for designation of hours for building and field lights.

**SMC 8.12.070: Cleanup.**

No substantive changes. Provides clearer language.

**SMC 8.12.080: Liability.**

No substantive changes. Provides clearer language.

**SMC 8.12.090: Liability Insurance.**

No substantive changes. Provides clearer language.

**SMC 8.12.100: Adults to accompany minors.**

No substantive changes. Provides clearer language.

**SMC 8.12.110: Storage of equipment.**

No substantive changes. Provides clearer language.

**SMC 8.12.120: Equipment regulations.**

Deleted.

**SMC 8.12.130: Permit required for sale of goods and services.**

Amendments to this section provide clarifying language. Subject areas are split into separately lettered sections. A key addition is Section 8.12.130(C)) that gives the

City the right to deny a permit if the use would be inconsistent with the purpose of the facility or would compete with program already offered by the City.

### **STAKEHOLDER OUTREACH**

The PRCS/Tree Board reviewed the proposed SMC amendments at its June 25, 2020 meeting. The Board voted to recommend the City Council approve the proposed amendments to SMC 8.12.

### **FINANCIAL IMPACT**

There is no financial impact associated with proposed Ordinance No. 898.

### **RECOMMENDATION**

Staff recommends that Council adopt Ordinance No. 898.

### **ATTACHMENTS**

Attachment A – Ordinance No. 898

Attachment A, Exhibit A – SMC 8.12 Proposed Amendments

**ORDINANCE NO. 898**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING CHAPTER 8.12 RULES FOR USE OF CITY OF SHORELINE PARK FACILITIES OF THE SHORELINE MUNICIPAL CODE TO ESTABLISH CONSISTENCY WITH THE FIELD AND FACILITIES RENTAL OPERATIONS MANUAL.**

WHEREAS, the rental and use of Shoreline Park facilities, including indoor recreation centers, outdoor shelters, athletic fields, tennis courts, and neighborhood parks, is authorized by chapter 8.12 Rules of Use of City of Shoreline Park Facilities of the Shoreline Municipal Code (SMC); and

WHEREAS, in 2019, Parks, Recreation, and Cultural Services (PRCS) Staff began a process to review, update, and formalize an operation manual for park fields and facility rentals to implement chapter 8.12 SMC pertaining to rentals and use and to reflect current practices; and

WHEREAS, in conjunction with this process, it was revealed that certain provisions of chapter 8.12 SMC need to be amended to reflect these operational procedures and to provide the PRCS Director with greater authority; and

WHEREAS, on June 25, 2020, PRCS Staff presented the Shoreline PRCS/Tree Board with the Field and Facilities Rentals Operations Manual and proposed amendments to the SMC; and

WHEREAS, as set forth in SMC 2.55.060, the PRCS/Tree Board may make recommendations to the City Council concerning the operation of parks and the development of rules and regulations concerning the use of parks; and

WHEREAS, the amendments to chapter 8.12 SMC authorized by this Ordinance are exempt from SEPA pursuant to WAC 19711-800(19); and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the PRCS/Tree Board's recommendation; and

WHEREAS, the City Council has determined that the amendments to chapter 8.12 SMC are in the best interests of the City of Shoreline residents;

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

**Section 1. Amendment – Chapter 8.12 Rules for Use of City of Shoreline Park Facilities.** Chapter 8.12 Rules for Use of City of Shoreline Park Facilities is amended as set forth in Exhibit A to this Ordinance.

**Section 2. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local,

state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 3. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

**Section 4. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five (5) days after publication.

**PASSED BY THE CITY COUNCIL ON SEPTEMBER 14, 2020**

\_\_\_\_\_  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: \_\_\_\_\_, 2020  
Effective Date: \_\_\_\_\_, 2020

Ordinance 898, Exhibit A  
Amendments to Shoreline Municipal Code Chapter 8.12

**Chapter 8.12**

**RULES FOR USE OF CITY OF SHORELINE PARK FACILITIES**

**Article I. General**

- 8.12.010 Definitions.
- 8.12.020 Program – Purpose.

**Article II. Administration/Facility Use Permits**

- 8.12.030 Administrative rules – Hours and operation.
- 8.12.040 ~~Special Facility~~ use permits.
- 8.12.050 ~~Suspension or Cancellation of facility use or concession permit – By city.~~
- 8.12.060 Building facilities and outdoor field lights hours.
- 8.12.070 Cleanup.
- 8.12.080 Liability.
- 8.12.090 Liability insurance.
- 8.12.100 Adults to accompany minors.
- 8.12.110 Storage of equipment – Liability of city.
- 8.12.120 ~~Equipment regulations – Failure to perform Repealed.~~
- 8.12.130 ~~Facility Use – Permit required for Ssale~~ of goods or services.

**Article I. General**

**8.12.010 Definitions.**

- A. “Alcoholic beverages” or “liquor” shall be defined as set forth in RCW 66.04.010 and shall include alcohol, spirits, wine and beer.
- B. “Associated marine area” means any water area within 100 feet of any city of Shoreline trail, open space, park area or marine facility such as a dock, pier, float, buoy, log boom, or other object which is part of a city of Shoreline park area; provided, that such area does not include private property.
- C. “Camping” means erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit, remaining overnight; or, parking a trailer, van, recreational vehicle, bus, camper, or other vehicle for the purpose of remaining overnight.
- D. ~~“Department” means the city of Shoreline parks, recreation and cultural services department.~~ “City” means city of Shoreline, Washington.
- E. ~~“Facility” or “facilities” means any building, equipment, sign, material, shelter, swimming pool, or other physical property including but not limited to administered trees, shrubs, plants, lawns, play equipment, picnic areas, athletic fields, trails, or structures, by the city of Shoreline parks, recreation and cultural services department.~~ “City of Shoreline open space, trail or park area” means any area under the ownership, management, or control of the city of Shoreline parks, recreation and cultural services department.
- F. ~~“Department employee” means a duly appointed city of Shoreline parks, recreation and cultural services department employee.~~ “Department” means the city of Shoreline parks, recreation and cultural services department.
- G. ~~“City of Shoreline open space, trail or park area” means any area under the ownership, management, or control of the city of Shoreline parks, recreation and cultural services department.~~ “Department employee” means a duly appointed city of Shoreline parks, recreation and cultural services department employee.

H. "Director" means the department director of the city of Shoreline parks, recreation and cultural services department or their designee.

I. ~~"City" means city of Shoreline, Washington. "Facility" or "facilities" means any building, equipment, sign, material, shelter, swimming pool, or other physical property including but not limited to administered trees, shrubs, plants, lawns, play equipment, picnic areas, athletic fields, trails, or structures, by the city of Shoreline parks, recreation and cultural services department.~~

J. "Motor vehicle" means any self-propelled device capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles, and snowmobiles, whether or not they can be legally operated upon the public highways.

K. ~~"Person" means any individual, group, firm, partnership, corporation or club.~~ "Permittee" means a Person to whom a permit is issued.

L. ~~"Rocket" means any device containing a combustible substance which when ignited propels the device.~~ "Person" means any individual, group, firm, partnership, corporation or club.

M. ~~"Trail" means any path, track, or right of way designed for use by pedestrians, bicycles, or other nonmotorized modes of transportation. [Ord. 195 § 1, 1999]~~ "Rocket" means any device containing a combustible substance which when ignited propels the device.

N. "Trail" means any path, track, or right-of-way designed for use by pedestrians, bicycles, or other nonmotorized modes of transportation.

**8.12.020 Program - Purpose.**

The facilities and programs of the department are established by the city for public recreation purposes.

**Article II. Administration/Facility  
Use Permits**

**8.12.030 Administrative rules – Hours and operation.**

The director shall promulgate rules establishing the times facilities will be open and closed for use by the public.

**8.12.040 Special Facility use permits.**

~~Park and recreation facilities are available for public use whenever possible, without conflicting with city programs. Special use permits or scheduling of use of facilities is required for any community special or private event involving more than routine use of a park and is done by contacting the parks and recreation department office. Permission for use for amplifying devices must be obtained in advance from the department.~~

~~Groups or individuals that desire to use the city park facilities, swimming pool, or city programs may be granted special use permits by the department, and may be charged a fee. Where appropriate, special conditions of use will be established by the department and so noted on the special use permit. Charges for special services in the city recreational facilities will be established by the department with the approval of the Shoreline city council. [Ord. 195 § 1, 1999]~~

A. Facilities may be rented or reserved for non-routine use on an individual or on-going basis through the issuance of a facility use permit. If the proposed use pertains to filmmaking, then Chapter 5.25 Filmmaking Regulations apply in lieu of a facility use permit.

B. Facilities available for rent or reservation include, but are not limited to: Richmond Highlands and Spartan Community Center, athletic fields, tennis courts, and picnic shelters and areas. The Director may, from time to time, add or remove available facilities, limit issuance of a permit so as to lessen impacts on the Facility, or prioritize allocation of Facilities.



C. All applications for a facility use permit shall be submitted on forms provided by the Department and shall include the appropriate application fee based on the official fee schedule set forth in chapter 3.01 SMC and any required security deposit.

D. The Director may promulgate procedures for the administration of a facility use permit system.

E. Permittees shall be required to comply with the provisions of this chapter and other applicable state and local laws and regulations. The Director may impose any reasonable conditions to granting a facility use permit deemed necessary to ensure the safe, reasonable, and orderly use of Facilities.

**8.12.050 Suspension or Cancellation of facility use or concession permit – By city.**

~~The department reserves the right to cancel a permit for cause or to meet the needs of the department. Notice of cancellation for priority in order to meet the needs of the department shall be given at least 24 hours in advance. Notice of cancellation for cause may be given at any time. [Ord. 195 § 1, 1999]~~

A. Violation of any of the terms and conditions of a permit by the permittee, or any representative of a permittee, is cause for immediate suspension or cancellation of the permit by the Director without prior notice.

B. The Director may suspend or cancel a permit at any time due to an emergency, severe weather conditions, or other situations the Director has determined may result in Facility damage or personal injury. The Director shall provide notice to a permittee as soon reasonably practicable under the circumstances.

C. Refunds of any fees paid for a suspended or cancelled permit shall be pursuant to applicable Department policies and procedures in effect at the time.

**8.12.060 Building facilities and outdoor field lights hours.**

~~Use of facilities Sunday through Thursday shall cease at 10:00 p.m. unless otherwise approved in the use permit. Use of facilities on Fridays or Saturdays shall cease at 12:00 a.m. unless otherwise approved in the use permit. Outdoor lights shall cease at 10:30 p.m. at park athletic fields unless otherwise designated. [Ord. 195 § 1, 1999]~~

A. Unless otherwise approved by a facility use permit or designated by the Director:

1. The use of building facilities shall cease as follows:

a. Sunday through Thursday: 10:00 p.m.

b. Friday and Saturday: 12:00 a.m.

2. The use of outdoor athletic field lights shall cease by 10:30 p.m.

**8.12.070 Cleanup.**

~~All persons~~ Persons using a building facility Facility must leave the facility Facility in a clean and neat condition considered satisfactory to the department Department. A Permittee shall return the Facility in a same or better condition or shall be liable for the costs of cleaning the Facility.

**8.12.080 Liability.**

~~Persons using facilities by permit will be required to protect, save and hold the city of Shoreline, its elected and appointed officials and employees, harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising out of the use of facilities. [Ord. 195 § 1, 1999]~~

A. A Permittee shall:

1. Agree in writing to indemnify and hold the City, its officials, agents, and employees, harmless from and against any and all claims, damages, losses, and expenses, including attorney fees, arising out of or in connection with the permitted activity; and

- 2. Reimburse the City for all reasonable costs incurred to repair damages to the Facilities that occurred in connection with the permitted activity.

**8.12.090 Liability insurance.**

~~A. During all periods of use, a Permittee, persons using facilities by permit shall, except when a waiver is obtained from the department Department, obtain and maintain commercial general liability adequate insurance in an amount of not less than \$1,000,000 each occurrence and \$1,000,000 general aggregate. 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, as follows:~~

- 1. Commercial general liability; or
- 2. Tenant User Liability Insurance Program (TULIP).

B. Coverage shall be in an amount of not less than \$1,000,000 each occurrence and \$1,000,000 general aggregate, unless the Department requires a different amount based on the intended use. The City shall be named as an additional insured.

C. A Permittee 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 thirty (30) calendar days in advance of the policy’s cancellation.

**8.12.100 Adults to accompany minors.**

~~When facilities Facilities are used by permit pursuant to a facility use permit and children are present, an adults must be present and responsible at all times during all periods of use. [Ord. 195 § 1, 1999]~~

**8.12.110 Storage of equipment – Liability of city.**

~~Persons using facilities should not expect storage space for equipment necessary for their activity. If temporary storage is provided, the city of Shoreline shall not be held responsible for loss or damage. [Ord. 195 § 1, 1999]~~

Unless authorized by the Department, no equipment shall be stored at or on a Facility. If equipment storage is authorized by the City, storage is at the Permittee’s own risk and the City shall not be held liable for the loss of, or to damage, any equipment.

~~**8.12.120 Equipment regulations – Failure to perform.**~~

~~The misuse of a park facility or the failure to conform with regulations, the instructions of department employees, or the conditions of a permit will be sufficient reason for canceling a permit and/or denying any future permits. [Ord. 195 § 1, 1999]~~

**8.12.130 Facility Permit required for sSale of goods or services.**

~~The use of park facilities for financial gain shall be allowed only through concession contracts secured by the city’s competitive bid process, negotiated concession contracts or by concessionaire permits or instructor permits, whichever is applicable. No concessionaire permit or instructor permit is required if the concessionaire or instructor has a contractual relationship with the city to provide instruction or to sell concessions at a city sponsored event. Concessionaire permit fees may be waived pursuant to SMC 3.01.060. [Ord. 602 § 3, 2011; Ord. 195 § 1, 1999]~~

A. Unless a Person has entered into a concession contract with the City, a Concession Permit is required to sell goods or services at a Facility for financial gain. If the Person has a Facility Use Permit, then that permit may include a provision authorizing the sale of goods or services.

B. All applications for a permit shall be submitted on forms provided by the Department and shall include the appropriate application fee based on the official fee schedule set forth in chapter 3.01 SMC, unless a waiver has been approved as provided in that chapter.

C. The City reserves the right to deny any application when, in the City's sole discretion, the proposed goods or services are inconsistent with the public recreation purpose of the Facility or are similar to programs offered by the City.

D. A Permittee shall be required to comply with all applicable provisions of this chapter. The Director may impose any reasonable conditions to granting a concession permit deemed necessary to ensure the safe, reasonable, and orderly use of Facilities.