

ORDINANCE NO. 715

AN ORDINANCE of the City Council of the City of Lakewood, Washington amending Chapter 8.76; relating to the City of Lakewood Park Code.

WHEREAS, The Lakewood Municipal Code (LMC) 8.76 authorizes the City to establish rules and fees for park and recreation programs and facilities, and,

WHEREAS, in order to address the more particular and specific park needs of the citizens of the City of Lakewood, it is appropriate for the City to amend Chapter 8.76 regarding parks facility use;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1. Lakewood Municipal Code Section 8.76.010 entitled "Definitions" is hereby amended as follows:

Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aircraft" means any machine or device designated to travel through the air including but not limited to: airplanes, helicopters and balloons.

"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; all drinks or drinkable liquids and all preparations or mixtures capable of human consumption. Any liquor, semisolid, solid or other substance which contains more than one percent alcohol by weight shall be conclusively deemed to be intoxicating.

"Associated marine area" means any water area within 100 feet of any "Lakewood City park area" or "marine facility" such as a dock, pier, float, buoy, log boom, or other object which is part of a "Lakewood City park area"; provided, that such area does not include private property.

"Camper" means a motorized vehicle containing sleeping and/or housekeeping accommodations, and shall include a pickup truck with camper, a van-type body, a converted bus, or any similar type vehicle.

“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, camper, or other vehicle for the purpose of remaining overnight.

~~“Campsite” means designated camping sites which are designated for the use of camping, and which have no water and/or electrical facilities available for hookup to a trailer or a camper.~~

“City” means the City of Lakewood, a municipal corporation in the state of Washington.

“City Manager” means the City Manager of the City of Lakewood or designee.

“Commercial use” means any use of a park facility where money is exchanged on site; the area is used as a staging, instruction or display area; or doing work at a park location (i.e., testing engines, storing or delivering goods) that could result in a personal/professional benefit.

“Community athletic programs” means any athletic program that is organized for the purposes of training for and engaging in athletic activity and competition and that is in any way operated, conducted, administered, or supported by a city, town, county, district or school district (other than those athletic programs offered by the school and created solely for the students by the school).

“Department” means the department of the City of Lakewood that administers and oversees the City parks; provided, that where the context indicates, “department” may mean the person or persons responsible for the administration and oversight of the City parks.

“Discrimination” means any action or failure to act, whether by single act or part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, religion, national origin, age, sex, marital status, parental status, sexual orientation, the presence of any sensory, mental or physical handicap, or the use of a trained dog guide by a blind or deaf person.

“Drone” means a remotely controlled unmanned aircraft.

“Facility” or “facilities” means any building, structure, or park area managed by the City of Lakewood Parks and Recreation Department.

“Facility supervisor” refers to a duly appointed City of Lakewood Parks and Recreation Department employee.

“Gender equity” means that cities, towns, counties and districts are prohibited from discriminating on the basis of sex in the operation, conduct, or administration of community athletic programs. Third parties who receive a lease or permit from such entities to operate, conduct, or administer a community athletic program are also prohibited from discriminating on the basis of sex.

Geocache: An item, typically in a container, that has been hidden at a location whose coordinates have been posted on a public or private source.

“Holiday” means federally recognized holidays.

“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, snowmobiles and vessels, whether or not they can legally be operated upon the public highways.

“Overnight” means a 24-hour period of time with a defined start time/end time.

“Park area” means any area under the ownership, management, or control of the City of Lakewood Parks and Recreation Department.

“Person” means all natural persons, groups, firms, partnerships, corporations, clubs, and all associations or combination of persons whenever acting for themselves or an agent, servant, or employee.

“Power loading” is the use of a boat motor to load a boat onto a boat trailer.

“Recreational vehicle” shall include vehicles used exclusively for noncommercial purposes which are primarily designed for recreational, camping, or travel use or towing a horse trailer.

“Resident” means anyone who can verify proof of Lakewood residency with identification such as a public utility bill, Lakewood business license or Washington driver’s license.

“Rocket” means any device containing a combustible substance which when ignited propels the device forward.

“Service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.

“Smoking” shall include inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or other lighted or vaporized substance in any manner or form for any purpose.

“Tobacco” means the leaves of various plants which are dried and processed chiefly for chewing or snuffing or smoking in cigarettes, cigars, or pipes.

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

“Trailer” means a towed vehicle which contains sleeping or housekeeping accommodations or used to tow a vessel.

“Vessel” includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, sailboards, and small rafts or flotation devices or toys customarily used by swimmers. [Ord. 579 § 1, 2014; Ord. 509 § 2, 2010; Ord. 420 § 1, 2006; Ord. 126 § 1, 1997.]

Section 2. Lakewood Municipal Code Section 8.76.168 entitled “Smoking and tobacco use” is hereby amended as follows:

No person shall smoke, vape or use any form of tobacco within City parks, and facilities when such use is within any building, including restrooms, or within 50 feet of covered picnic shelters, swimming beaches, playgrounds, athletic fields, or spectator areas during athletic events, or concession areas, dog parks or participant areas during a special event or program. [Ord. 579 § 7, 2014.]

Section 3. Lakewood Municipal Code Section 8.76.280 “Camping prohibited” is hereby amended as follows:

No person shall camp in any park unless authorized by special permit in conjunction with an approved special use permitted by the City. [Ord. 420 § 1, 2006; Ord. 126 § 1, 1997.]

Section 4. Lakewood Municipal Code Section 8.76.465 entitled “Metal detecting” is hereby amended as follows:

Metal detecting is restricted in any area that is considered a historic area including but not limited to anywhere in city parksFort Steilacoom Park. The use of metal detecting in any park shall be allowed as long as it does not interfere with reserved or organized sports or activities. There should be no noticeable impact to park property resulting from metal detecting activity. Any holes dug shall be limited to two inches maximum depth and width and shall be immediately refilled and the surface restored to its earlier condition. Any find that appears to have historical or archaeological significance may not be removed from where it was found and must be reported to a Department employee. [Ord. 658 § 5, 2017.]

Section 5. A new Section 8.76.505 entitled “Geocaching” is hereby created as follows:

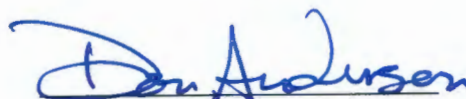
- A. Geocaching is allowed on public property as long as it is done during regular park hours and does not interfere with scheduled uses. In order to place a cache on City property, an individual or organization must obtain written permission by the City and follow established guidelines.
- B. Containers used to place any cache on public property should be clean, water tight, weather resistant, clearly marked and no bigger than 10” x 6” x 6” (inches).

Section 6. If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of component jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 7. That this Ordinance shall be in full force and effect thirty (30) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 5th day of August, 2019.

CITY OF LAKEWOOD


Don Anderson, Mayor

Attest:


Briana Schumacher, City Clerk

Approved as to Form:


Heidi A. Wachter City Attorney