

ORIGINAL

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.

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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.

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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, 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.

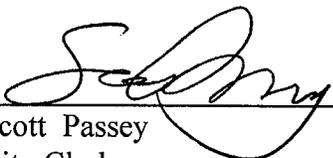
Section 6. Publication, Effective Dates. This ordinance shall take effect and be in full force five days after passage and publication of a summary consisting of the title.

PASSED BY THE CITY COUNCIL ON APRIL 13, 2009.



Mayor Cindy Ryu

ATTEST:



Scott Passey
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: April 16, 2009
Effective Date: April 21, 2009