

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE NO. 1314

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, RELATING TO STANWOOD MUNICIPAL CODE (SMC) TITLE 9, PUBLIC PEACE MORALS AND SAFETY; AMENDING SMC CHAPTER 9.40, PARK REGULATIONS

WHEREAS, Ordinance No. 1309 adopted new regulations for special events;
and

WHEREAS, in order to provide clear regulations, the City desires to cross reference allowances for special events within parks in the park regulations; and

WHEREAS, the City desires to provide updated regulations for City parks; and

WHEREAS, the City no longer has a Park Board; and

WHEREAS, the Planning Commission held a pre-application meeting on special event related amendments on March 12, 2012; and

WHEREAS, the Community Development Department filed a zoning text amendment, Application LZCA 12-03 which included a section on park regulation amendments on March 16, 2012; and

WHEREAS, the City Council referred a work program for consideration of special event related municipal code and zoning regulations to the Planning Commission on March 22, 2012; and

WHEREAS, consistent with the State Environmental Policy Act, RCW Chapter 43.21C (SEPA), the Responsible Official issued a SEPA Determination of Non Significance on March 22, 2012; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Application LZCA 12-03 on April 9, 2012.

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

SECTION 1. The Findings of Fact and Conclusions attached hereto as Exhibit A are hereby incorporated by this reference.

SECTION 2. SMC Chapter 9.40 Park Regulations of Title 9 Public Peace Morals and Safety is amended to read as follows:

Chapter 9.40 PARK REGULATIONS

Sections:

9.40.010 Established.

9.40.020 Posting.

9.40.030 Use of facilities.

9.40.010 Park Rules Established.

Any person who, without specific authority of the city Stanwood park board:

- (1) Cuts, removes or damages any flower, tree or shrub;
- (2) Builds any fire within the park except in a designated areastove or fireplace;
- (3) Permits any dog to run at large;
- (4) Operates, stops, parks or leaves a motor vehicle, including any motorcycle or motor-driven cycle, any place in the park, except on a driveway or parking area;
- (5) Knowingly causes a horse to be upon park premises;
- (6) Parks any vehicle, or without lawful excuse, uses loters in any park between the hours of 10:00 p.m. and 8:00 a.m.;dawn and dusk.
- (7) Mutilates, defaces, injures, damages or molests any building installation, personal property or equipment;
- (8) Engages in the sale of any merchandise or services, or operates any concession within a city park without a permit from the city park board special event permit issued under Chapter 5.06 SMC or temporary use permit issued under SMC Title 17;
- (9) Scatters any litter, including broken glass, waste or discarded paper or waste of any kind, in the park, except in receptacles provided for that purpose;
- (10) Engages in any disorderly conduct proscribed by a city ordinance;
- (11) Has in his possession or under his control any alcoholic beverages, or consumes any alcoholic beverages; or
- (12) Camps or remains overnight within the limits of any city park, is guilty of a misdemeanor.

9.40.020 Posting.

The city administration may post all or a portion of the established park rules ~~The Stanwood city park board is authorized and directed to post the rules stated in SMC 9.40.010~~ at such locations within any city park where they can be easily and readily observed by park patrons.

9.40.030 Use of facilities.

The use of city park facilities by any person is conditioned upon their observation of the rules stated in SMC 9.40.010, and the use of park

facilities may be denied to any persons who violates the rules concerning the use of the park.

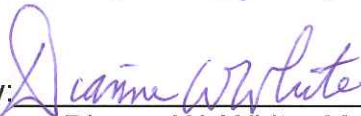
9.40.040 Violations.

Violation of this chapter shall constitute a Class B infraction as defined in SMC 13.01.045(1) and subject the violator to enforcement as set forth therein.

SECTION 3. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 4. This Ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

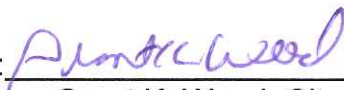
PASSED by the City Council and signed by the Mayor this 24th day of May, 2012.

By: 
Dianne W. White, Mayor

Attest:

Approved as to form:

By: 
Melissa A. Collins, City Clerk

By: 
Grant K. Weed, City Attorney

FINDINGS OF FACT AND CONCLUSIONS

Findings of Fact:

1. The Planning Commission held a pre-application meeting on Special Event Related Parks Regulations and related Housekeeping amendments on March 12, 2012.
2. The Community Development Department filed a text amendment, Application LZCA 12-03, on March 16, 2012.
3. Consistent with RCW 43.21C, the Responsible Official issued a Determination of Non Significance March 22, 2012.
4. The Planning Commission held a duly noticed public hearing on Application LZCA 12-02 on April 9, 2012.
5. On May 24, 2012 at its regularly scheduled City Council meeting, which was open to the public, after review of the applications, staff reports, and Planning Commission recommendations and after consideration of the public testimony submitted at or as part of the public hearing, the City Council held first and second reading of Ordinance No. 1314 adopting amendments to SMC Chapter 9.40 Park Regulations.

Conclusions/Decision:

Based upon the entire record in this matter, which shall be incorporated by this reference, the Stanwood City Council adopts the following conclusions and decisions.

1. Repeal reference to the Parks Board approving events in parks
2. Add a cross reference to SMC 5.06, the Special Events process.
3. Provide housekeeping amendments and updates to code language including regulations for open hours for parks, burning allowances and posting of park rules.