

Requested by: Administration
Prepared by: Attorney
Introduced: March 7, 2005
Public Hearing: March 21, 2005
Amended: March 21, 2005
Failed: March 21, 2005
Vote: Cox, Ewing, Straub opposed; Lowe and Sande in favor; O'Neil absent
Reconsidered and Entered on the Minutes on March 21 to be brought back on April 11, 2005
Adopted: April 11, 2005
Vote: Cox, Lowe, O'Neil, Sande and Straub in favor; Ewing opposed

**CITY OF WASILLA
ORDINANCE SERIAL NO. 05-14(AM)**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 1.20.030.C BY CHANGING THE SECTION REFERENCE FOR VIOLATION OF PARK RULES IN THE FINE SCHEDULE, AND AMENDING WMC CHAPTER 12.24 PARKS AND RECREATION FACILITIES BY ADOPTING WMC 12.24.015 DEFINITIONS AND WMC 12.24.025 GENERAL RULES, AND REPEALING WMC 12.24.020 GENERAL RULES IN ITS ENTIRETY.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 1.20.030.C, Disposition of scheduled offenses – Fine schedule, in reference to the table entry for Violation of Park Rules, is amended as follows:

Code Section	Description of Offense	Fine
WMC 12.24.025[0]	Violation of Park Rules	\$250

* **Section 3. Adoption of section.** WMC 12.24.015, Definitions, is adopted to read as follows:

12.24.015 Definitions.

The following words or phrases, when used in this chapter, shall have the meanings set forth in this section:

"Camp" means using an outdoor area or motor vehicle for sleeping or temporary living quarters, including without limitation erecting a tent or other temporary shelter.

"Firearm" means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury.

"Park" means each of the following park or recreation areas managed or administered by the city:

1. Bumpus Recreation Area;
2. Carter Park;
3. Iditapark;
4. Lake Lucille Boat Launch;
5. Newcomb Park, including the adjacent swimming area in Wasilla Lake;
6. Nunley Park; and
7. Wasilla Multi-Use Sports Complex.

* Section 4. Adoption of section. WMC 12.24.025 is adopted to read as follows:

12.24.025 General rules.

A. The following general rules govern the public use of parks:

1. No person may cut, pick or damage trees, flowers or other vegetation in a park.

2. No person may camp in a park except in an area and at a time designated in a permit issued by the mayor or the mayor's designee.

3. No person may light, build, use or maintain an open fire or portable camp stove in a park except in a receptacle or area designated for that use. No person may leave an open fire or operating portable camp stove unattended. No person may use a flammable liquid other than charcoal lighting fluid to start or accelerate a fire.

4. No person may sell or consume any alcoholic beverage in a park except in an area and at a time designated in a permit issued by the mayor or the mayor's designee.

5. No person may possess a firearm in a park except:

a. A peace officer acting within the scope and authority of the officer's employment;

b. A person carrying a concealed handgun in accordance with AS 18.65.700 through 18.65.790, and carrying a valid permit under such statutes;
or

c. A person participating in a public demonstration under a permit issued for that purpose by the mayor or the mayor's designee.

6. No person shall shoot a bow and arrow in a park except in an area designated for archery activities by the mayor or the mayor's designee.

7. No person may discharge fireworks in a park except in accordance with a permit issued under section 8.04.050.

8. No person may operate, or stop, stand or park, a motorized vehicle in a park except:

a. In an area designed for the use, and in a manner permitted by the designation;

b. As permitted under a facility use permit issued under section 12.24.030; or

c. Construction, enforcement, maintenance or emergency vehicles operated by the state, the Matanuska-Susitna Borough, the city or their respective contractors.

9. Where the operation of motor vehicles is permitted in a park, motor vehicles shall be operated in accordance with posted speed limits, in a prudent and safe manner, and at a speed not exceeding 10 miles per hour in parking areas.

10. No person may bring an animal into a park except:

a. An animal that is under restraint as that term is defined in section 7.04.010;

b. An animal that is in an area that has been posted for use by domesticated animals;

c. A guide dog while it is accompanying a blind or deaf person;
or

d. An animal that is under the direct control of a peace officer or emergency responder performing official duties, and trained to assist in performing those duties.

11. A person having control or supervision of an animal that excretes feces in a park shall immediately collect and properly dispose of the feces.

12. No person may deposit litter or waste, or water, sewage or effluent from sinks, portable toilets or other plumbing fixtures, directly upon the surface of land or water in a park.

13. No person may swim or dive in a park except in an area designated for the activity by the mayor or the mayor's designee.

14. No person may smoke inside buildings.

* **Section 5. Repeal of section.** WMC 12.24.020 is repealed in its entirety as follows:

[THE FOLLOWING GENERAL RULES ARE ESTABLISHED FOR USERS OF CITY-OPERATED PUBLIC PARKS, SITES AND RECREATION FACILITIES, SPORTS COMPLEXES AND FIELDS:

A. WASTE MATERIAL, INCLUDING LITTER AND EXTINGUISHED SMOKING MATERIALS, SHALL BE PLACED IN THE PROVIDED RECEPTACLES OR REMOVED FROM THE FACILITY.

B. NO SMOKING INSIDE BUILDINGS.

C. DO NOT CUT, PICK OR DAMAGE TREES, FLOWERS OR OTHER VEGETATION.

D. VEHICLE SPEED LIMIT IN PARKING LOTS IS FIVE MPH.

E. OVERNIGHT CAMPING IS BY PERMIT ONLY IN DESIGNATED CAMPSITES OR DURING TOURNAMENTS AND EVENTS AND ONLY IN AREAS DESIGNATED BY THE PERMIT.

F. FIRES ARE ALLOWED ONLY IN THE PROVIDED FIRE PITS.

G. SALE AND CONSUMPTION OF BEER AND WINE IS ALLOWED IN A DESIGNATED AREA DURING ADULT SPORTS EVENTS BY PERMIT. OTHERWISE USE, CONSUMPTION, POSSESSION OR SALE OF ALCOHOL OR DRUGS IS PROHIBITED.

H. THE POSSESSION OF FIREARMS OF ANY KIND IN THE FACILITY IS PROHIBITED EXCEPT FOR PUBLIC DEMONSTRATION BY PERMIT.

I. THE USE OF FIREWORKS IS PROHIBITED EXCEPT FOR STATE LICENSED PUBLIC DISPLAY BY PERMIT.

J. GLASS BEVERAGE CONTAINERS OF ANY KIND ARE NOT PERMITTED.

K. ALL PET ANIMALS, SUCH AS DOGS, SHALL BE ON A LEASH OR OTHERWISE PHYSICALLY RESTRAINED. ALL ANIMAL EXCREMENT SHALL BE COLLECTED AND DISPOSED OF IN THE PROVIDED RECEPTACLES. HORSES, LLAMAS AND SIMILAR ANIMALS WILL BE KEPT ON ROADS, PATHS OR TRAILS TO AVOID DAMAGE TO TURF EXCEPT BY PERMIT.

L. BICYCLES MUST BE WALKED, EXCEPT IN DESIGNATED AREAS WHERE RIDING IS PERMITTED.

M. DEFACING FACILITY PROPERTY IS PROHIBITED.

N. MOTORIZED VEHICLES OF ANY KIND ARE PROHIBITED IN THE FACILITY EXCEPT BY PERMIT.

O. SCHEDULING OF FIELD USE AND MAINTENANCE IS ACCOMPLISHED BY THE CITY OR ITS CONTRACTED REPRESENTATIVES.

P. DANGEROUS OR FOREIGN OBJECTS, SUCH AS GLASS, CANS, ROCKS, LOGS, ETC., SHALL BE KEPT OUT OF AND REMOVED FROM THE PLAYING FIELDS, SWIMMING AREAS AND ACTIVE PARK AREAS.

Q. VENDORS MUST HAVE A PERMIT.

R. SPECIAL USE PERMITS ARE REQUIRED FOR EVENTS, LARGE GROUPS OR EXCLUSIVE USE.

S. MUSIC OR NOISE FROM AUDIO EQUIPMENT SHALL BE KEPT TO A LOW ENOUGH VOLUME TO AVOID DISTURBING OTHER FACILITY USERS.

T. NO LIFEGUARDS ARE PROVIDED; SWIM AT YOUR OWN RISK.))

* **Section 6. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on April 11, 2005.


DIANNE M. KELLER, Mayor

ATTEST:


KRISTIE SMITHERS, MMC
City Clerk

[SEAL]



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RE: 05-14 REQUEST TO AMEND WMC 1.20.030.C BY CHANGING SECTION REFERENCE AND WMC 12.24 BY ADOPTING NEW SECTION 12.24.015 DEFINITIONS AND 12.24.025 GENERAL RULES AND REPEALING CURRENT 12.24.020 IN ITS ENTIRETY.

Agenda of: *March 7, 2005*
Originator: City Planner

Date: February 17, 2005

Route to:	Department	Signature/Date
X	Police	
X	Recreational and Cultural Services Library, Museum	<i>[Signature]</i>
X	Public Works Planning	<i>[Signature]</i>
X	Finance *signature required	<i>[Signature]</i>
X	Clerk	<i>[Signature]</i>

REVIEWED BY MAYOR DIANNE M. KELLER:

[Signature: Dianne M. Keller]

FISCAL IMPACT: yes or no

Funds Available yes no

Account name/number:

Attachments: Proposed Ordinance Serial Number 05-14;
WPC Resolution No. 04-25(AM);
Parks & Recreation Resolution Serial No. 04-02

SUMMARY STATEMENT:

The Parks and Recreation Commission initiated a rewrite of Section 12.24.020 of the Wasilla Municipal Code last summer to update and clarify the rules governing conduct within City parks and facilities. On August 11, 2004, the Commission members adopted Parks and Recreation Commission Resolution Serial No. 04-02 and forwarded their recommended changes for WMC 12.24 to the Planning Commission.

The Planning Commission worked on the recommended changes to the rules for Wasilla parks and recreations facilities on November 9, 2004 and completed their deliberations on the proposed rules on January 11, 2005.

The Planning Commission in adopting WPC Resolution Serial No. 04-25(AM) added a paragraph on setting the maximum speed limit for motor vehicles in parking areas of parks and recreation facilities.

After deliberation and consideration of Parks and Recreation Commission Resolution 04-02, written and verbal testimony, and department comments, the Planning Commission voted to recommend that the rules for parks and recreation facilities currently in WMC 12.24.020 be amended as shown in Ordinance 05-14.

The City Attorney reviewed and restructured Ordinance 05-14 following the February 14 introduction. The structural changes he recommended are incorporated in this version as is the additional language in section 12.24.025.A.5(b) which deals with concealed handguns pursuant to state statutes.

Recommendation

Staff therefore respectfully requests that the City Council approve Ordinance 05-14 amending WMC 1.20.030.C by changing the section reference for violation of park rules, and amending WMC 12.24 by adding new definitions section as 12.24.015 and new section 12.24.020 for general rules, and repealing current section 12.24.020