

ORDINANCE No. 118115

COUNCIL BILL No. 11218

The City of Seattle--Leg

INDEXED

REPORT OF COM

AN ORDINANCE relating to the Parks Department, amending SMC 18.12.235, clarifying that it is unlawful to drive or ride in, or to park or leave unattended, a motor vehicle in any park, roadway, or parking lot when the park, roadway, or parking lot is, by order of the Superintendent, closed to entry or use by motor vehicles.

Honorable President:

Your Committee or

to which was referred the within Council Bill No. report that we have considered the same and respectfully re

4/24/96 Parks, Public Grounds and Recre

Full Council v

ISSUED

COMPTROLLER FILE No.

Introduced: <u>5-22-96</u>	By: <u>Donaldson</u>
Referred: <u>APR 22 1996</u>	To: <u>PARKS, PUBLIC GROUNDS AND RECREATION COMMITTEE</u>
Referred:	To:
Referred:	To:
Reported: <u>APR 29 1996</u>	Second Reading: <u>APR 29 1996</u>
Third Reading: <u>APR 29 1996</u>	Signed: <u>APR 29 1996</u>
Presented to Mayor: <u>APR 30 1996</u>	Approved: <u>MAY - 3 1996</u>
Returned to City Clerk: <u>APR - 3 1996</u>	Published: <u>Full</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Committee CH

The City of Seattle--Legislative Department

INDEXED

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____

report that we have considered the same and respectfully recommend that the same:

4/24/61 Parks, Public Grounds and Recreation 2-0 Do Pass

Full Council vote 8-0

ISSUE

Committee Chair

OFFICE OF THE CLERK OF THE CITY OF SEATTLE
1000 4TH AVENUE, SEATTLE, WASHINGTON 98101
TELEPHONE 452-2000

ORDINANCE 118115

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4 AN ORDINANCE relating to the Parks Department, amending SMC
5 18.12.235, clarifying that it is unlawful to drive or ride
6 in, or to park or leave unattended, a motor vehicle in any
7 park, roadway, or parking lot when the park, roadway, or
8 parking lot is, by order of the Superintendent, closed to
9 entry or use by motor vehicles.

10 WHEREAS, a limited number of specified parks, roadways, and
11 parking lots have, due to concerns about noise and public
12 safety, historically been closed to motor vehicles earlier
13 in the evening than the park has been closed to the public;

14 WHEREAS, SMC 18.12.235 formerly established times when particular
15 parks, roadways, and parking lots were closed to motor
16 vehicles;

17 WHEREAS, Ordinance No. 117645 established uniform park operating
18 hours whereby most parks are open to the public until
19 11:30 p.m.;

20 WHEREAS, enactment of Ordinance 117645 had the unintended
21 consequence of creating ambiguity regarding the unlawfulness
22 of parking, driving, riding in, parking, or leaving a motor
23 vehicle in particular parks when the park, roadway, or
24 parking lot is closed to entry or use by motor vehicles by
25 order of the Superintendent;

26 WHEREAS, SMC 18.12.040.F authorizes the Superintendent to
establish times for closing particular parks, roadways, and
parking lots to entry or use by motor vehicles;

WHEREAS, the Superintendent has proposed a rule establishing
the hours during which particular parks, roadways, and
parking lots are closed to entry or use by motor vehicles;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. SMC 18.12.235 (last amended by Ordinance 117645
Sec. 3, 1995) is further amended as follows:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 SMC 18.12.235 Restrictions on uses of vehicles and
2 animals in a park when the park is not open to the
public.

3 A. It is unlawful to drive or ride in or on any motor
4 vehicle or animal, other than a City-owned service or
5 emergency vehicle or horse of the Police Department
6 Mounted Patrol, in any park when the park is not open
7 to the public, or when the park, roadway, or parking
8 lot is, by order of the Superintendent, closed to entry
9 or use by motor vehicles, except on a street serving as
10 necessary access through such park to a residential or
11 commercial area.

12 B. It is unlawful to park or leave a motor vehicle
13 unattended in any park during hours when the park is not
14 open to the public, or when the park, roadway, or parking
15 lot is, by order of the Superintendent, closed to entry or
16 use by motor vehicles, except pursuant to a permit issued by
17 the Department. Vehicles parked or left unattended in
18 violation of this section are hereby declared to be a
19 nuisance and may be impounded in accordance with the
20 provisions of the Traffic Code providing for impoundment
21 with or without citation and without prior notice to the
22 owner.

23 C. The prohibitions contained in this section shall not
24
25
26

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1 apply to a vehicle driven or parked, as the case may be, by
2 a person participating in an activity either conducted by
3 the Department or conducted pursuant to the terms of a
4 permit issued by the Department.

5 Section 2. This ordinance shall take effect and be in force
6 thirty (30) days from and after its approval by the Mayor, but if
7 not approved and returned by the Mayor within ten (10) days after
8 presentation, it shall take effect as provided by Municipal Code
9 Section 1.04.020.

10 Passed by the City Council the 29 day of April,
11 1996, and signed by me in open session in authentication of its
12 passage this 29 day of April 1996.

13
14 Jan V. Rizzo
President of the City Council

15 Approved by me this 3 day of May, 1996.

16
17 Norman R. Rice
Mayor

18
19 Filed by me this 3 day of May, 1996.

20
21 Judith E. Pappas
City Clerk

22 (Seal)

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RECEIVED OMP

APR 18 1996



Seattle
Department of
Parks and Recreation

Holly Miller, Superintendent
Norman B. Rice, Mayor

April 18, 1996

Honorable Sue Donaldson, Chair
Parks, Recreation and Public Grounds Committee
Seattle City Council
Via: Celia Grether, Office of Management and Planning

Dear Sue:

Attached for the Council's consideration is a proposed ordinance we submit to correct an inadvertent ambiguity in the Park Operating Hours ordinance the Council adopted in May of 1995.

The proposed ordinance clarifies that it is unlawful to drive, ride in, park or leave a motor vehicle unattended in any park during hours when the park is either not open to the public or is not open for entry or use by motor vehicles. This amendment, and the draft Superintendent's Rule I am proposing to accompany it, will provide the police the authority they need to ticket and authorize the towing of vehicles left in park and park facility roadways and parking lots after they are closed to the public.

In order to expedite Council action on this proposed ordinance, enabling the police to act in response to citizen complaints beginning around Memorial Day, I would be grateful if you would consider walking it on for introduction and referral to committee on April 22; hearing it in the Parks, Recreation and Public Grounds Committee on April 24; and sending it to the full Council for a vote on April 29.

Thank you very much for your consideration of this request; if you have questions, please call me at 4-8022 or Dewey Potter at 4-7051.

Sincerely,

Kenneth R. Bounds
Acting Superintendent

cc: Fritz Hedges, Dewey Potter

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City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor

April 19, 1996

The Honorable Mark Sidran
City Attorney
City of Seattle

*OK
plc
4/19/96*



Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Parks and Recreation

SUBJECT: AN ORDINANCE relating to the Parks Department, amending SMC 18.12.235, clarifying that it is unlawful to drive or ride in, or to park or leave unattended, a motor vehicle in any park, roadway, or parking lot when the park, roadway, or parking lot is, by order of the Superintendent, closed to entry or use by motor vehicles.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary re-drafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Celia Grether at 684-8048.

Sincerely,

Norman B. Rice
Mayor

by

Celia Grether

gr TOM TIERNEY
Director

h:\admin\legis\law\trsl\greth3

Enclosure

COPY RECEIVED
05 APR 19 AM 11:05
THE CITY ATTORNEY

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STATE OF WASHINGTON - KING COUNTY

67841
City of Seattle, City Clerk

No. ORD IN FULL

City of Seattle
ORDINANCE 118115

Affidavit of Publication

AN ORDINANCE relating to the Parks Department, amending SMC 18.12.235, clarifying that it is unlawful to drive or ride in, or to park or leave unattended, a motor vehicle in any park, roadway, or parking lot when the park, roadway, or parking lot is, by order of the Superintendent, closed to entry or use by motor vehicles.

WHEREAS, a limited number of specified parks, roadways, and parking lots have, due to concerns about noise and public safety, historically been closed to motor vehicles earlier in the evening than the park has been closed to the public;

WHEREAS, SMC 18.12.235 formerly established times when particular parks, roadways, and parking lots were closed to motor vehicles;

WHEREAS, Ordinance No. 117645 established uniform park operating hours whereby most parks are open to the public until 11:30 p.m.;

WHEREAS, enactment of Ordinance 117645 had the unintended consequence of creating ambiguity regarding the unlawfulness of parking, driving, riding in, parking, or leaving a motor vehicle in particular parks when the park, roadway, or parking lot is closed to entry or use by motor vehicles by order of the Superintendent;

WHEREAS, SMC 18.12.040.F authorizes the Superintendent to establish times for closing particular parks, roadways, and parking lots to entry or use by motor vehicles;

WHEREAS, the Superintendent has proposed a rule establishing the hours during which particular parks, roadways, and parking lots are closed to entry or use by motor vehicles;

I, the undersigned, on oath states that he is an esentative of The Daily Journal of Commerce, a newspaper, which newspaper is a legal newspaper of general circulation, it is now and has been for more than six months a newspaper of publication hereinafter referred to, published in guage continuously as a daily newspaper in Seattle, Washington, and it is now and during all of said time an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was first published on the 1st day of June, 1941, approved as a legal newspaper by the Court of King County.

NOW THEREFORE,
BE IT ORDAINED BY THIS CITY OF SEATTLE AS FOLLOWS:
Section 1. SMC 18.12.235 (last amended by Ordinance 117645 Sec. 3, 1995) is further amended as follows:
SMC 18.12.235 Restrictions on uses of vehicles and animals in a park when the park is not open to the public.
A. It is unlawful to drive or ride in or on any motor vehicle or animal, other than a City-owned service or emergency vehicle or horse of the Police Department Mounted Patrol, in any park when the park is not open to the public, or when the park, roadway, or parking lot is, by order of the Superintendent, closed to entry or use by motor vehicles, except on a street serving as necessary access through such park to a residential or commercial area.
B. It is unlawful to park or leave a motor vehicle unattended in any park during hours when the park is not open to the public, or when the park, roadway, or parking lot is, by order of the Superintendent, closed to entry or use by motor vehicles, except pursuant to a permit issued by the Department. Vehicles parked or left unattended in violation of this section are hereby declared to be a nuisance and may be impounded in accordance with the provisions of the Traffic Code providing for impoundment with or without citation and without prior notice to the owner.
C. The prohibitions contained in this section shall not apply to a vehicle driven or parked, as the case may be, by a person participating in an activity either conducted by the Department or conducted pursuant to the terms of a permit issued by the Department.
Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

in the exact form annexed, was published in regular Daily Journal of Commerce, which was regularly distributed to subscribers during the below stated period. The period of publication was from 05/10/96 to 05/10/96.

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on
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Amount of the fee charged for the foregoing publication is \$0.00, which amount has been paid in full.

Subscribed and sworn to before me on 05/10/96
Notary Public for the State of Washington, residing in Seattle

Passed by the City Council the 20th day of April, 1996, and signed by me in open session in authentication of its passage this 29th day of April, 1996.
JAN DRAGO, President of the City Council.
Approved by me Luis 3rd day of May, 1996.
NORMAN B. RICE, Mayor.
Filed by me this 3rd day of May, 1996.
(Seal) JUDITH E. PIPPIN, City Clerk.
Publication ordered by JUDITH PIPPIN, City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, May 10, 1996.
5/10/67841

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