

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

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Parks and Recreation	Terry Dunning/684-4860	Jeff Muhm/ 684-0485

**Legislation Title:**

AN ORDINANCE related to the Seattle Department of Parks and Recreation; amending Chapters 18.12 and 18.30 of the Seattle Municipal Code (SMC), to clarify the enforcement authority and procedures of the Seattle Department of Parks and Recreation.

**Summary of the Legislation:**

This proposed legislation amends Chapters 18.12 and 18.30 of the Seattle Municipal Code. The changes are aimed at clarifying the authority of the Superintendent; creating a formal review process for those who disagree with actions taken to resolve incidents of unauthorized uses or dumping upon park lands; making these two chapters more consistent with similar chapters in Title 15 (SDOT) and Title 23 (DPD); and generally providing mechanisms by which enforcement against encroachments and dumping can proceed in a more efficient and predictable manner.

**Background:**

City parks have several thousand neighbors, including a substantial number who have encroached upon park boundaries, establishing unauthorized uses such as landscaping, structures, drainage and other utility features. Most of these unauthorized uses interfere with public enjoyment and use of park property. In 1996, the City Council adopted Resolution 29475, supporting DPR policies aimed largely at eliminating unauthorized uses. Since that time, department staff, with assistance from the Law Department, have worked diligently to reduce unauthorized uses. As the staff have worked through many of these transactions it became clear that the provisions of Title 18 related to enforcing removal of encroachments should be clarified.

Shortcomings and ambiguity in the existing code make it difficult to respond efficiently and in many cases allow encroachment enforcement cases to extend for years without resolution. For example, the absence of a formal review process, where aggrieved parties can express their concerns to a higher authority, has resulted in cases where it is necessary to resort to litigation. With the proposed changes, it is anticipated that many more encroachment cases will be resolved short of going to court. If cases do end up in the legal arena, judges and attorneys are accustomed to dealing with clear processes such as those used by DPD and SDOT. In these departments there is a formal process for issuing notices of violation and clear steps to be taken to resolve the underlying issues that generated those notices. The proposed code changes provide DPR with formal processes for the notice of violation, appeal and resolution, as they are not addressed in the current version of Title 18.

**This legislation does not have any financial implications.**

  **X** **This legislation has financial implications.**

**Other Implications:** This legislation addresses penalties and clarifies fees that might be charged to those who fail to gain authorization for an unapproved use; therefore, it is likely there will be increased revenue as actions are undertaken pursuant to the revised code. These increases are not quantifiable since the improvements to the code may also have the effect of motivating people to more rapid removal of unauthorized uses in order to avoid penalties or fees. It is also hoped that this legislation might limit some forms of unauthorized uses, particularly dumping, which cause damage and removal and repair expenses for the City.

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
The legislation may well serve to discourage unauthorized activities as neighbors become more attuned to the consequences of encroaching or dumping on park land. This, in turn, could result in significant returns of property to public use that has been appropriated for unauthorized personal use.
- b) **What is the financial cost of not implementing the legislation?**  
The costs are not quantifiable. Property lost to encroachments and other unauthorized uses will continue to be difficult to recover and an unknown amount of fee revenue may be lost.
- c) **Does this legislation affect any departments besides the originating department?**  
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** There are none.
- e) **Is a public hearing required for this legislation?** No.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.
- g) **Does this legislation affect a piece of property?** No.
- h) **Other Issues:** There are none.

**List attachments to the fiscal note below:** There are none.