



CITY OF KIRKLAND

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000

www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Jennifer Schroder, Director

Date: November 1, 2005

Subject: Amending Park Definitions

Recommendation

To amend Section 11.80.030 Definitions in the Kirkland Municipal Code Chapter 11.80 Park Rules pertaining to the definition of "Park"

Background

There have been instances in which persons cited for violations of park rules have argued in court that they were not in a park. For example, a defendant in possession of alcohol in the municipal parking garage argued that they were not in a park because the parking garage is not under the management and control of the parks department. This ordinance will broaden the definition of "park" so that it covers all areas within a park boundary, even structures which may not be under the jurisdiction of the parks department.

On October 19, the Park Board passed a motion to recommend to the City Council to approve the amendment to Section 11.80.030 Definitions in the Kirkland Municipal Code Chapter 11.80 Park Rules pertaining to the definition of "Park".

The proposed Ordinance is attached for your review and consideration.

ORDINANCE 4018

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING PARK DEFINITIONS

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 11.80.030 of the Kirkland Municipal Code is hereby amended to read as follows:

11.80.030 Definitions.

The terms herein used unless clearly contrary to or inconsistent with the context in which used shall be construed as follows:

(1) "Director" means the director of the parks and recreation department of the city as established by Chapter 3.68.

(2) "Park" means and includes all city parks and all areas within the boundaries of a city park, including structures, regardless of whether the area is, public squares, public drives, parkways, boulevards, golf courses, park museums, zoos, pools, bathing beaches and play and recreation grounds under the management and control of the park and recreation department.

(3) "Park board" means the board of park commissioners as established and created by Chapter 3.36.

(4) Wherever consistent with the context of this chapter, words in the present, past or future tenses shall be construed to be interchangeable with each other and words in the singular number shall be construed to include the plural.

Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2005.

Signed in authentication thereof this _____ day of _____, 2005.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney