

**METROPOLITAN PARK DISTRICT
OF TACOMA**



AGENDA

September 9, 2019

6:00 P.M.

**PEOPLE'S COMMUNITY CENTER
1602 Martin Luther King Jr. Way**

**MEETINGS ARE RECORDED AND MAY BE HEARD AT THE
PARK DISTRICT OFFICES UPON REQUEST**

COMMISSIONERS

AARON POINTER, PRESIDENT

TIM REID, CLERK

ANDREA SMITH

ERIK HANBERG

JESSIE BAINES, JR.

5:30 P.M. **STUDY SESSION** CONTINUITY OF OPERATIONS PLAN

6:00 P.M. **CALL TO ORDER**

ROLL CALL

FLAG SALUTE

SPECIAL PRESENTATIONS

PEOPLE'S CENTER UPDATE

WELCOME WEEK PROCLAMATION

GREEN TACOMA/ARBOR DAY PROCLAMATION

PRESIDENT'S REPORT

STANDING COMMITTEE & COMMISSION REPORTS

EXECUTIVE DIRECTOR'S REPORT

REGULAR MEETING

"Park District meeting sites are accessible to people who require special accommodations, please contact 305-1091 48 hours prior to the meeting time."



CITIZEN COMMENTS

MINUTES

(5-10) MINUTES OF THE AUGUST 26, 2019 REGULAR BOARD MEETING

CONSENT AGENDA

(11-12) **RESOLUTION NO. C57-19:** APPROVAL OF WARRANTS CLAIM FUND FOR AUGUST 2019
(Contact: Erwin Vidallon, Chief Financial Officer)

REGULAR AGENDA

PURCHASING RESOLUTIONS

(Requiring one reading for adoption)

PUBLIC WORKS PURCHASING RESOLUTIONS

(Requiring one reading for adoption)

(13-16) **RESOLUTION NO. PW58-19:** CENTER AT NORPOINT RE-ROOF CONTRACT AWARD TO QUEEN CITY SHEET METAL & ROOFING, INC.
(Contact: Debbie Terwilleger, Director of Planning & Development)

SINGLE READING RESOLUTIONS

(Requiring one reading for adoption)

(17-45) **RESOLUTION NO. R59-19:** RECOMMENDING THE TACOMA CITY COUNCIL APPROVE REVISIONS TO TACOMA MUNICIPAL CODE TITLE 8, PUBLIC SAFETY, PERTAINING TO CHAPTER 8.27---PARK CODE
(Contact: Pete Mayer, Deputy Executive Director & Marina Becker, Director of Parks & Recreation)

SECOND READING RESOLUTIONS

(Requiring two readings for adoption)

FIRST READINGS:

(Requiring two readings for adoption)

UNFINISHED BUSINESS

NEW BUSINESS

BOARD COMMENTS

ADJOURNMENT

UPCOMING BOARD MEETINGS

September 11, 2019	Capital Improvement Committee	5:00 PM	Park Headquarters
September 16, 2019	Committee of the Whole	5:00 PM	Park Headquarters

* Committee Meetings are subject to change - please check the Metro Parks Website, www.metroparkstacoma.org for the most up to date meeting schedules.





**MINUTES OF REGULAR MEETING
BOARD OF PARK COMMISSIONERS
August 26, 2019**

PRESENT: Aaron Pointer, President
Tim Reid, Clerk
Andrea Smith
Erik Hanberg
Jessie Baines

IN THE CHAIR: Aaron Pointer

PLACE: Eastside Community Center

FLAG SALUTE: Commissioner Hanberg

STUDY SESSION: STATE PARKS UPDATE

Pete Mayer introduced Don Hoch, Peter Herzog and Commissioner Pat Lantz from Washington State Parks Commission. Mr. Hoch and Mr. Herzog commented on the commission's new partnership with Parks RX America program. He noted that Washington State Parks is looking to help more people enjoy the outdoors and improve their health. The nonprofit organization Park Rx America and State Parks are working with healthcare providers across Washington to prescribe nature to patients as part of a healthcare regimen. Parks Commissioner Pat Lantz then commented on the work that is being done to promote the Palouse to Cascade trail. Ms. Lantz commented that The Washington State Parks Commission approved leasing management of the Beverly Bridge and about 40 miles of the PTCT from the Department of Natural Resources. The lease allows State Parks to take over the rehabilitation of the Beverly Bridge and management of two trail segments from the DNR.

Mr. Hoch commented that the commission is also promoting their folk arts program that will bring more arts and cultural heritage opportunities into the state parks. This includes events such as musicians, dancers, craftspeople and story tellers who represent a wide variety of new and old Washington traditions.

State Commission staff also stated that they, like Metro Parks Tacoma are a finalist for NRPA Gold medal this year. Their Gold Medal video submission was then viewed.

Commissioner Lantz then gave a quick update on Saint Edwards Seminary restoration. Located in Saint Edwards Park, the restoration will repurpose the badly deteriorated interior of the Seminary building into a park lodge with 80-100 guest rooms, a conference center, meeting rooms, a wellness spa, and a restaurant and café.

Ms. Lantz was then honored for her time as a State Parks Commissioners.

REGULAR MEETING

The regular meeting of the Metropolitan Park District Board of Park Commissioners was called to order by Commissioner Pointer at 6:10p.m.

SPECIAL PRESENTATIONS**EASTSIDE COMMUNITY CENTER UPDATE**

Marina Becker introduced and welcomed Eastside center staff who were present. Ms. Becker commented on afterschool program that will be offered for middle school children this year at ESCC. She also commented the Metronome coffee shop in the center is now open. The slide in the front of the building is currently under design review and will be replaced with a covered slide by the end of the year. Jefri Peters, center supervisor and Stacie Gath of the Boys and Girls Club commented on the great partnership with the two agencies operating out of the center.

BETTER TOGETHER RECOGNITION

Stuart Young with BCRA presented Metro Parks with an award from his firm. Mr. Young commented that BCRA's theme for 2019, their 30th anniversary, is that we are "better together". He commented that by developing strong partnership with clients, we build towards a shared vision that serves the communities in which we work.

PRESIDENTS REPORT

President Pointer commented that he was recently awarded with the Harold G. Moss Decades Award at the NAACP annual dinner.

STANDING COMMITTEE AND COUNCIL REPORTS**Arts & Heritage Advisory Council**

Commissioner Smith commented that at the last meeting the committee had a presentation on the Heidelberg Sports Village Feasibility Study.

EXECUTIVE DIRECTOR'S REPORT

Executive Director, Shon Sylvia commented on the following:

- Free Swimming on Monday, September 2nd, 12noon-5pm at Kandle and Stewart Heights Pool
- Saturday, September 7th Dune Peninsula Celebration 9am-2pm Annual Downtown to Defiance, 1-4pm Concert(Vertical Horizon) at Dune Peninsula
- Pierce Transit advised staff today that The News Tribune is asking for information about an autonomous vehicle research grant that Pierce Transit is seeking. The transit agency wants to try something like the self-driving shuttle that's operating in Las Vegas. If it gets the grant, Pierce Transit has an agreement with the City of Lakewood to try it there.
- Paul Weed introduced new GIS Analyst, Renee Opatz
- District All Staff meeting is Wednesday, August 28th at 1am at the STAR Center

CITIZEN COMMENTS

Sandra Ford, Wendi Villagomez and Corina Going thanked the Board for their help in getting safety issues taken care of a Blueberry Park.

MINUTES OF THE AUGUST 12, 2019 REGULAR BOARD MEETING

Commissioner Hanberg moved to adopt the minutes as amended; seconded by Commissioner Reid and passed on a vote of 5-0.

CONSENT AGENDA

RESOLUTION NO. C49-19: W.W. SEYMOUR BOTANICAL CONSERVATORY RESTROOM ADDITION PROJECT NO. J2017-06 FINAL ACCEPTANCE TO GOOD NEWS GROUP

RESOLUTION NO. C50-19: REVISING SEPTEMBER 2019 MEETING SCHEDULE FOR THE BOARD OF PARK COMMISSIONERS

RESOLUTION NO. C51-19: AUTHORIZING SURPLUS AND DISPOSAL OF PERSONAL PROPERTY

Commissioner Hanberg moved adopt the consent agenda as presented; seconded by Commissioner Reid.

Commissioner Pointer stated that three commissioners will attend the NRPA conference in September and the Board will not have a quorum for the September 23rd meeting.

Being no additional comments the consent agenda passed on a vote of 5-0.

PURCHASING RESOLUTIONS

RESOLUTION NO. P52-19: AUTHORIZING PURCHASE OF GOODS AND SERVICES FOR METRO PARKS TACOMA

1. STOKE STRATEGY INC. FOR BRAND DESIGN /RESEARCH IN AN AMOUNT NOT TO EXCEED \$130,000
2. COLOR GRAPHICS FOR EMPLOYEE UNIFORMS/PROGRAM SUPPLIES IN AN AMOUNT NOT TO EXCEED \$65,0000

Commissioner Reid moved adoption of the resolution; seconded by Commissioner Hanberg.

Sandra Eliason explained that the project contract with Stoke will illuminate opportunities to strengthen Metro Parks Tacoma's brand through recommendations that guide agency-wide consistencies that help reflect a clear alignment of parks, programs, services, and attractions. She further commented that the project will identify gaps in brand perception and opportunities to develop a strategic approach to effectively convey our brand in ways that resonate with the public, invites their continued use of our parks, attractions, and programs, and leads to continued support of MPT. In addition the work with Stoke will provide recommendations for a refresh of the District's master brand aligned with the agency's strategic direction both now and for the foreseeable future, and to enhance public awareness of all District sub-brands. The board engaged in brief dialogue regarding the District's logos.

Marina Becker stated than the District will be using Color Graphics for employee uniforms and program t-shirts. The Board and staff had a brief discussion about using the state roster as opposed to going out for an RFP.

Being no additional comments the consent agenda passed on a vote of 5-0.

PUBLIC WORKS PURCHASING RESOLUTIONS**RESOLUTION NO. PW53-19: W.W. SEYMOUR BOTANICAL CONSERVATORY REHABILITATION A&E CONTRACT TO SHKS ARCHITECTS**

Commissioner Hanberg moved adoption of the resolution; seconded by Commissioner Reid.

Debbie Terwilleger commented that this resolution was reviewed by the CIC on August 14th. Ms. Terwilleger commented that the current scope of work address the next phase of work to rehabilitate the existing conservatory and recreate three facades that once stood at the entrances. A State Heritage Grant has been procured to supplement MPT 2014 UTGO Bonds for this rehabilitation. Under this contract SHKS will provide construction documents, permitting and construction administration for this project. Kristi Evans indicated that construction is planned for May 2020- December 2020 which will require some closures of the facility during that time.

Being no additional comments the consent agenda passed on a vote of 5-0.

RESOLUTION NO. PW54-19: TITLOW PARK - TOA SITE DEMOLITION CONTRACT AWARD TO DICKSON COMPANY

Commissioner Hanberg moved adoption of the resolution; seconded by Commissioner Reid.

Debbie Terwilleger commented that this resolution was reviewed by the Capital Improvement Committee at their meeting on Wednesday, July 31, 2019 and was forwarded on to the full Board with no recommendation, pending further discussion with the full Board. The project was further discussed by the full Board under “New Business” at the Park Board meeting held on August 12, 2019, with a recommendation that the resolution should be brought forward for consideration.

Commissioner Hanberg commented that the concerns he raised in July have now been addressed. Commissioner Reid commented that following the demo. he would like the public to have access to that part of the park. Debbie Terwilleger noted that is the intent at this point in time. Ms. Terwilleger also commented that the Boards concerns about the master plan for the park have been heard and recognized by staff.

Commissioner Baines commented that it may be hasty to demo the structures at this time, before the master plan update is finished. Debbie Terwilleger commented that because of the conditions of the structures there are healthy and safety issues.

Being no additional comments the consent agenda passed on a vote of 4-1 (Commissioner Baines voting no).

SINGLE READING RESOLUTIONS**RESOLUTION NO. R55-19: APPROVING AN AGREEMENT FOR CONSTRUCTION OF PLAY SPACE AT EASTSIDE COMMUNITY CENTER BY THE TRUST FOR PUBLIC LAND**

Commissioner Hanberg moved adoption of the resolution; seconded by Commissioner Reid.

Debbie Terwilleger commented that this resolution authorizes the Executive Director to enter into an agreement for the installation of play equipment, pathways, site furniture and landscaping estimated at \$200,000.00 at First Creek (Eastside Community Center) by The Trust for Public Land as a donation to Metro Parks Tacoma.

Being no additional comments the consent agenda passed on a vote of 5-0.

RESOLUTION NO. R56-19: ACCEPTING AND APPROPRIATING WASHINGTON STATE HISTORICAL SOCIETY HERITAGE CAPITAL GRANT FOR W.W. SEYMOUR BOTANICAL CONSERVATORY RESTORATION AND AUTHORIZING APPROVAL OF FINAL PROJECT AGREEMENTS

Commissioner Hanberg moved adoption of the resolution; seconded by Commissioner Reid.

Debbie Terwilleger informed the Board that this resolution will accept and appropriate a grant for W.W. Seymour Botanical Conservatory Restoration from the Washington State Historical Society, and will authorize the Executive Director to enter into a project agreement for the grant award.

Being no additional comments the consent agenda passed on a vote of 5-0.

SECOND READINGS RESOLUTIONS None

FIRST READING RESOLUTIONS None

UNFINISHED BUSINESS None

NEW BUSINESS None

EXECUTIVE SESSION REAL ESTATE

President Pointer tabled the real estate issue to a later date.

BOARD COMMENTS None

ADJOURN:

Being no further business, the meeting was adjourned at 7:15 p.m.

APPROVED:

President

Clerk

Submitted by: Jennifer Bowman, Board Secretary



METROPOLITAN PARK DISTRICT OF TACOMA

RESOLUTION NO. C57-19

APPROVAL OF WARRANTS CLAIM FUND FOR AUGUST 2019

WHEREAS, the Board of Park Commissioners approved, appropriated and adopted the 2019-2020 Biennial Budget in Resolution No. RR92-18, dated December 10, 2018 to meet public expenses, bond retirement, interest and operational expenses for the biennium ending December 31, 2020; and

WHEREAS, the Board of Park Commissioners has authorized the Executive Director to establish procedures to meet the fiscal year public debt, to maintain accountable records of all transactions, and to provide certification that labor and debt claims have been met; now, therefore, be it

RESOLVED by the Board of Park Commissioners of the Metropolitan Park District of Tacoma that the warrants issued to meet obligations in the Warrants Claim Fund and the Disbursements by Funds in the amounts and for the period indicated on Attachment "A" have been audited and certified by the auditing officer as required by RCW.42.24.080 and those expense reimbursement claims certified as required by RCW 42.24.090, be approved for payment.

The foregoing resolution was adopted by the Board of Park Commissioners of the Metropolitan Park District of Tacoma at a regular meeting held on _____, 2019.

ATTEST:

President

Secretary

Clerk

BLANKET CERTIFICATION AND WARRANT APPROVAL FORM

AUDITOR'S CERTIFICATION

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein, and that the claim is a just, due and unpaid obligation against the Metropolitan Park District of Tacoma, and that I am authorized to authenticate and certify to said claim.

FOR THE PERIOD STARTING AUGUST 1, 2019 AND ENDING AUGUST 31, 2019.

WARRANTS CLAIM FUND

ACCOUNTS PAYABLE CLAIMS FUND:

Warrant Serial Numbers <u>328897</u> to <u>329296</u>	AMOUNT:	<u>\$7,213,584.99</u>
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PAYROLL CLAIMS FUND:

Warrant Serial Numbers <u>050963</u> to <u>051327</u>	AMOUNT:	<u>\$184,751.76</u>
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(Most employees receive payment through direct deposit advices, which are paid to the bank through the Accounts Payable Claims Fund.)

TOTAL	<u>\$7,398,336.75</u>
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Finance and Accounting Auditing Officer
Metropolitan Park District of Tacoma

- Warrant summary reports are available with the board secretary.
- Detail reports and claim vouchers are available in the Finance and Administrative Services Office.



MEMORANDUM

TO: Board of Park Commissioners

THROUGH: Shon Sylvia, Executive Director *Shon Sylvia*

FROM: Debbie Terwilleger, Director of Planning & Development

SUBJECT: **Center at Norpoint Re-Roof
Contract Award to Queen City Sheet Metal & Roofing, Inc.**

DATE: September 9, 2019

EXECUTIVE SUMMARY: This resolution authorizes a contract award to Queen City Sheet Metal & Roofing, Inc. to construct a new roof system at the Center at Norpoint in the amount of \$660,814.30.

CAPITAL IMPROVEMENT COMMITTEE RECOMMENDATION: This resolution was reviewed by the Capital Improvement Committee at their meeting on Wednesday, August 28, 2019 and with a recommendation to forward the action on to the full Board for approval.

BACKGROUND: The work to occur under this contract includes the full design and construction of new roof system at the Center at Norpoint. The building, built in the early 1990s, includes a sloped roof system with asphalt shingle roofing material, and a low-slope roof with a single-ply roofing membrane.

The work under this project includes the following:

1. Protect existing site improvements and the building, including the systems, from damage due to the work of this project.
2. Provide temporary weather protection during re-roofing work to prevent the roof deck and building interior from being exposed to wet weather and water intrusion.
3. Remove the existing asphalt shingle and built-up roofing; remove existing sheet metal flashings as shown on Construction Drawings.
4. Install asphalt shingle roofing system on sloped roofs and single-ply roofing system on low slope roofs as shown on Construction Drawings.
5. Install sheet metal as shown on the Construction Drawings.
6. Remove and reinstall existing roof mounted HVAC equipment and skylights as required to perform the re-roofing work of this project.

A formal bid was issued for this work and three (3) bid proposals were received; two (2) were considered responsive.

Please refer to the attached bid tabulation for the list of contractors and bid amounts. Queen City Sheet Metal & Roofing, Inc. submitted the low Base Bid as a responsive bidder in the amount of \$599,650.00. Reference checks by staff have confirmed that Queen City Sheet Metal & Roofing, Inc. is a responsible contractor and performs quality work.

Staff is recommending award of the Base Bid for a total amount of \$660,814.30 (including Washington State Sales Tax).

The construction is expected to take 120 calendar days to complete after issuance of a Notice to Proceed, with an expected stop work period due to inclement weather.

FISCAL IMPACT: A construction contract in the amount of \$660,814.30 is requested. The funds allocated to this project are from the 2014 UTGO Park Bond Neighborhood Parks, Natural Areas & Recreation Facilities, Community Centers, Center at Norpoint.

ADDITIONAL INFORMATION: For additional information, please contact Debbie Terwilleger, Director of Planning and Development at 253-305-1086.

METROPOLITAN PARK DISTRICT OF TACOMA

RESOLUTION NO. PW58-19

**CENTER AT NORPOINT RE-ROOF CONTRACT AWARD TO
QUEEN CITY SHEET METAL & ROOFING, INC.**

WHEREAS, the Board of Park Commissioners of the Metropolitan Park District of Tacoma desires to re-roof the Norpoint Community Center to extend the effective life of this popular facility; and

WHEREAS, Queen City Sheet Metal & Roofing, Inc. was selected to provide roofing construction services as the lowest bidder of two (2) responsive Bid Proposals received in response to Metro Parks formal bid process (J2019-15); and

WHEREAS, a construction contract will be entered into with Queen City Sheet Metal & Roofing, Inc. for proposed roofing construction services; and

WHEREAS, funds for the project are provided by 2014 UTGO Park Bond Neighborhood Parks, Natural Areas & Recreation Facilities, Community Centers, Center at Norpoint; Now, therefore, be it

RESOLVED by the Board of Park Commissioners of the Metropolitan Park District of Tacoma to award the contract for roofing construction services to Queen City Sheet Metal & Roofing, Inc. in the amount of \$660,814.30.

The forgoing resolution was adopted by the Board of Park Commissioners of the Metropolitan Park District of Tacoma at a regular meeting held on _____ 2019.

President

ATTEST:

Secretary

Clerk





MEMORANDUM

TO: Board of Park Commissioners

THROUGH: Shon Sylvia, Executive Director

FROM: Peter M. Mayer, Deputy Executive Director
Marina Becker, Director of Parks and Recreation

SUBJECT: Recommending the Tacoma City Council Approve Revisions to Tacoma Municipal Code Title 8, Public Safety, pertaining to Chapter 8.27---Park Code

DATE: September 5, 2019

EXECUTIVE SUMMARY: This resolution recommends to the Tacoma City Council that it approve certain proposed amendments to the Tacoma Municipal Code Title 8, Public Safety, pertaining to the Park Code revisions to Chapter 8.27---Park Code.

City staff, including the Tacoma Police Department, have worked collaboratively with Metro Parks' staff to review the Park Code and develop proposed Code amendments (see Exhibit A). The proposed amendments address a number of issues including use of drones, use of vaping devices, aligning e-scooters, e-bikes, mono-wheels, surreys and other "micro-mobility devices" with existing code, defining authorized temporary structures in parks, and enabling the Executive Director to adopt a code of conduct for parks, facilities and programs.

The Park Code was last updated 10 years ago. Since then, staff have determined that additional amendments are necessary to respond to current and emerging park use trends, changing technology and public safety issues in Tacoma's parks. A comprehensive public outreach program has been conducted and is continuing, including the solicitation of public comments and opportunities for community involvement via Metro Parks' website, development of a "Frequently Asked Questions" guide, links to the existing Park Code and to the proposed amendments and more.

The City of Tacoma's Community Vitality and Safety Committee, together with the Metro Parks Park Board have reviewed the proposed Code amendments and a Resolution recommending that the City Council adopt the proposed Code amendments is attached for the Park Board's consideration and approval. The amendments to the Park Code would become effective 10 days after City Council approval, which is currently anticipated to be October 18, 2019.

BACKGROUND: In late 2018 and early 2019, Metro Parks' staff began identifying sections of the Tacoma Municipal Code Chapter 8.27—Park Code that they recommended be explored for amendment to respond to current and emerging issues that impact patrons of the parks system in

Tacoma. Subsequent discussions with the Tacoma Police Department yielded further requests for amendments and updates. Many of the amendments address minor “housekeeping” items- e.g. aligning penalties for violation with State law, clarifying definitions or updating references, etc. In mid-June 2019, a preliminary draft of proposed amendments was developed and City and Metro Parks review meetings were subsequently conducted.

A summary of the substantive proposed Park Code amendments include the following:

- **Clarifies current prohibition of smoking in parks to now include the use of e-cigarettes, vapor products or other nicotine-containing products.**
- **Adds drones, hot air balloons, “sky lanterns,” unmanned aircraft systems and motorized models as prohibited equipment except as specifically authorized.**
- **Aligns electric scooters, e-bikes, mono-wheel devices, surreys, scooters and similar devices with existing rules for bicycles and skateboards- permitting them on roads, sidewalks, paths or trails.**
- **Defines vehicles to include personal transportation devices that are motorized.**
- **Clarifies continuous moorage in a park as three non-consecutive or consecutive overnight stays within a 10 day period.**
- **Limits permissible “structures” in parks to only those specifically authorized or are temporary and have only a roof and no walls.**
- **Authorizes Metro Parks’ Executive Director to adopt a code of conduct that regulates activities or behavior in parks to protect the public’s health and safety, to promote respect for the rights and needs of others, and to preserve park property.**

Public Review Process

At a July 22, 2019 Study Session, the Board of Park Commissioners was briefed on the intent of the proposed Park Code amendments by Metro Parks’ legal counsel, and staff. Tacoma Police Department and Community and Neighborhood Services Department staff also attended and addressed Park Board questions.

On August 5, 2019, the Park Board convened a Committee of the Whole Meeting to more fully explore the proposed amendments with Metro Parks’ staff , the Tacoma Police Department and the City Manager’s Office.

The Park Policy Group (CM C. Ushka; CM C. Beale; PC A. Pointer; PC T. Reid) convened on August 20, 2019 to jointly review the proposed Park Code amendments and address questions, during which time modest revisions to the proposed amendments were requested.

On August 22, 2019, an updated copy of the proposed amendments were presented to the City Council’s Community Vitality and Safety (CVS) Committee along with a summary of over 230

public comments received as of August 18th, collected as part of a 3-week public comment period. Comments were collected via an online survey, email, phone and public meetings. The CVS Committee voted 3-0 to advance the proposed Park Code amendments to the full City Council on October 1, 2019 for a first reading, pending the review and recommendation of the Park Board at its September 9, 2019 meeting.

In response to recent concerns MPT staff and Park Board members received regarding micromobility devices, staff have revised the proposed amendments since the latest review by the CVS Committee to further clarify that micromobility devices are permitted “on roads, sidewalks, paths and trails in any park unless otherwise prohibited and signed for the particular micromobility device(s) being prohibited.” This latest revision eliminates any question regarding the approved use(s) within a park and further clarifies the Districts’ intention to allow micromobility devices within its park areas while reserving the ability to regulate a particular device or devices to address use conflicts or safety concerns.

Upon Park Board approval, the proposed Park Code amendments will be advanced to the Tacoma City Council for a first reading on October 1st and subsequently for a 2nd reading and potential adoption on October 8th. The revisions will become effective ten days from adoption, on October 18, 2019.

Public Outreach

Metro Parks conducted a 3-week public comment period on the proposed Park Code amendments from August 7-28. A copy of the proposed Park Code amendments and an invitation to provide public comments were promoted using the following methods:

- News release sent to local media and posted online, which resulted in news coverage on KING, KIRO and the News Tribune, as well as Metro Parks and news media social channels.
- Information and documents posted on Metro Parks’ homepage.
- Included in Metro Parks e-newsletter sent to 15,000+ subscribers.
- Included in messages sent directly to the 8 Neighborhood Councils, Associated Ministries, Tacoma Housing Authority, Centro Latino, Hilltop Action Coalition, Tacoma Urban League, The Black Collective, MDC, Comprehensive Life Resources and the Tacoma Chamber of Commerce.

Over 328 survey responses were received and are quantified below:

Vaping	#
Support	132
Oppose	39
No Comment	136
Questions/Unclear Response	19

Moorage	#
Support	64
Oppose	4

No Comment	242
Questions/Unclear Response	16

Drones/UAV's	#
Support	103
Oppose	33
No Comment	165
Questions/Unclear Response	25
Micromobility Devices/e-scooters	#
Support	123
Oppose	10
No Comment	165
Questions/Unclear Response	28

Temporary Structures	#
Support	146
Oppose	81
No Comment	67
Questions/Unclear Response	32

Code of Conduct	#
Support	110
Oppose	36
No Comment	144
Questions/Unclear Response	36

While survey respondents were provided a chance to comment on all five proposed areas of amendment, the one with the greatest level of public interest was the clarification of temporary structures authorized in parks.

Staff continues to solicit public comment as the process transitions to review by the Park Board and City Council. For a summary of comments supporting and opposing the proposed amendments, please see the attached Public Comment Summary (Exhibit B).

Next Steps

Upon approval and adoption by the Park Board and City Council, MPT Staff will coordinate with the Tacoma Police Department and other City of Tacoma staff to developing an implementation plan for the amended Park Code. This will include engaging the public as to what kinds of micro-mobility devices may be prohibited in specific park areas and the safety measures that may be implemented in park areas jointly used by pedestrians and micro-mobility devices. Metro Parks' staff will help develop public awareness and education strategies, install enhanced signage where needed, conduct courtesy compliance checks and more to help inform the community of Park Code changes.

Recommendation

City of Tacoma and Metro Parks staff recommend the Board of Park Commissioners adopt Resolution No.R59-19, Revisions to Tacoma Municipal Code Title 8, Public Safety, pertaining to Chapter 8.27---Park Code, as attached in Exhibit A.

FISCAL IMPACT: No financial impact.

ADDITIONAL INFORMATION: For additional information, please contact Peter M. Mayer at 253.305.1009 or Marina Becker at 253.305.1024.

METROPOLITAN PARK DISTRICT OF TACOMA

RESOLUTION NO. R59-19

**RECOMMENDING THE TACOMA CITY COUNCIL APPROVE REVISIONS TO
TACOMA MUNICIPAL CODE TITLE 8, PUBLIC SAFETY,
PERTAINING TO CHAPTER 8.27---PARK CODE**

WHEREAS, Section 2.16 of the Tacoma City Charter “provides that the City Council shall arrange for the compilation or codification of the charter and all ordinances of a general, public or permanent nature, or imposing a fine, penalty or forfeiture...shall become the official Code of the City;” and

WHEREAS, the Tacoma Municipal Code (TMC) Chapter 8.27 together with other provisions of the TMC, the general police regulations of the City of Tacoma and rules adopted by Metro Parks constitute the park code for regulating conduct in all public parks within the City of Tacoma and to promote public peace, health, safety and welfare; and

WHEREAS, the Revised Code of Washington (RCW) 35.61.130 states in part “...all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city within whose limits they lie”; and

WHEREAS, to enable enforceable police regulations applicable within/upon Metro Parks’ property, park rules must be adopted into the TMC; and

WHEREAS, the Board of Park Commissioners adopted a 2018 Strategic Master Plan inclusive of eight values, including the following: “MPT will provide safe and inviting parks, recreation facilities and program services for social interaction, learning and enjoyment”; and

WHEREAS, the current Park Code was last updated in June 2009; and

WHEREAS, with the development of new parks and facilities, population growth and changing use trends, the City of Tacoma and Metro Parks’ staff recommend amendments to Tacoma Municipal Code Title 8, Public Safety, pertaining to Chapter 8.27---Park Code; and

WHEREAS, the Tacoma Police Department staff and Metro Parks’ staff believe the proposed amendments will provide increased safety and help assure a more enjoyable experience for park users, and provide tools to better manage park uses and visitor conflicts; and

WHEREAS, the Board of Park Commissioners reviewed the proposed amendments at a July 22, 2019 Study Session; and

WHEREAS, the Board of Park Commissioners reviewed the proposed amendments at an August 5, 2019 Committee of the Whole meeting; and

WHEREAS, the Park Policy Group (with two members of the Tacoma City Council and two members of the Board of Park Commissioners) convened in a joint meeting on August 20, 2019 to provide further review and comment on the proposed amendments; and

WHEREAS, the City of Tacoma's Community Vitality and Safety Committee has recommended the proposed amendments be forwarded to the Tacoma City Council for adoption pending concurrency from the Board of Park Commissioners; and

WHEREAS, upon adoption of the proposed Park Code amendments by the Tacoma City Council, Metro Parks staff will engage the public as to what kinds of micromobility devices may be prohibited in specific park areas and the safety measures that may be implemented in park areas jointly used by pedestrians and micromobility devices; now therefore be it

RESOLVED that the Board of Park Commissioners hereby recommends to the Tacoma City Council that it adopt the proposed amendments to Chapter 8.27---Park Code, as reflected in the attached Exhibit A.

The foregoing resolution was adopted by the Board of Park Commissioners of the Metropolitan Park District of Tacoma on _____, 2019.

ATTEST:

President

Secretary

Clerk

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

8.27.010 Chapter constitutes park code.

This chapter shall constitute the park code of the City of Tacoma and may be cited as such. Conduct in all public parks shall be subject to all the applicable provisions of the Tacoma Municipal Code, the general police regulations of the City of Tacoma and rules adopted by the Metropolitan Park District of Tacoma and not exclusively to the provisions of this chapter.

8.27.020 Exercise of police power.

This chapter is hereby declared to be an exercise of the police power of the State of Washington, the City of Tacoma and the City Metropolitan Park District of Tacoma for the public peace, health, safety, and welfare, and its provisions shall be liberally construed.

8.27.030 Definitions.

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

“Civil infraction” has the meaning given that term by chapter 7.80 RCW, the Infraction Rules for Courts of Limited Jurisdiction and any local rule adopted thereto by the Tacoma Municipal Court.

“Director” means the Executive Director of ~~Parks and Recreation of~~ the Metropolitan Park District of Tacoma or his or her designee.

“Drones” or “Unmanned Aircraft Systems” (UAS) or “Unmanned Aerial Vehicle” (UAV) means a powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely. The vehicle may be expendable or recoverable.

“Hearing Board” means the panel consisting of the persons designated by the City Manager or his or her designee or by the Director to adjudicate matters relating to the use of parks. The Hearing Board shall consist of three members. At least one member shall be appointed by the City Manager and at least one member shall be appointed by the Director.

“Hearing Officer” means a person designated by the City Manager or by the Director to adjudicate matters relating to the use of parks.

“Micromobility device” means a personal transportation device such as bicycles, scooters, skateboards, roller skates, roller blades, unicycles, mono wheel devices, surreys, electric personal assistive mobility devices (EPAMD) as defined in TMC 11.06.010 and electric motorized foot scooters as defined in TMC 11.06.020. A micromobility device includes all human powered devices, including devices powered by more than one person, and devices that are powered by an electric motor that is capable of propelling the device with or without the assistance of human propulsion.

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

“Park” means and includes all parks, squares, drives, parkways, docks, piers, moorage buoys and floats, boathouses, boulevards, golf courses, zoos, beaches, playgrounds, and recreation areas, community centers and any other facilities either developed or undeveloped, that are owned by the Metropolitan Park District of Tacoma or the City of Tacoma, or under the management and control of the Metropolitan Park District of Tacoma or the City of Tacoma, or otherwise publicly owned or open to the public, that are used for public or recreational purposes.

“Rafting” is the berthing of multiple boats, one outside the other, beside a pontoon, in between piles, or around a mooring buoy.

“Vape” or “Vaping” means the use of any consuming, inhaling or tasting of any kind of vapor product.

“Vapor product” means any noncombustible product containing solution or other consumable substance, regardless of whether it contains nicotine, which employs a mechanical heating element, battery, or electronic circuit regardless of shape or size that can be used to produce vapor from the solution or other substance, including an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. ~~combustible product that may or may not contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size that can be used to produce vapor or aerosol from a solution or substance. This includes but is not limited to any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container that may or may not contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.~~

“Vehicle” shall have the meaning set forth in RCW 46.04.670 as currently enacted or hereafter amended and shall also include (1) trailers, including trailers designed to be towed behind any vehicle, and (2) ~~motorized scooters and electric personal assistive mobility devices, as defined in Chapter 11.06 of this code. any personal transportation device such as bicycles, scooters, skateboards, unicycles, surreys or mono wheel devices that are powered by an internal combustion engine that is capable of propelling the device with or without human propulsion. A micromobility device is not a vehicle.~~

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.

8.27.040 Permits – Assemblies, entertainment, etc.

It is necessary for any person who conducts or participates in any organized entertainment, demonstration, or public gathering in any park to obtain the prior written

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

permission of the Director. The procedure for application and consideration of permits for this purpose is as follows:

A. Any person desiring a permit under the above provisions shall file a written application with the Director no later than one month prior to the date of the proposed use. The application shall state the purpose for which the park would be used, the date and time of the proposed use, the name of the park and the area thereof that would be used, the anticipated number of persons who would be present, and such other information reasonably relating to the contemplated use as the Director may require; provided, however, that ~~said the~~ Director may, for good cause shown, waive the one-month requirement for filing said application.

B. In reviewing an application under this section, the Director shall consider the following conditions and standards:

1. The size of the park and any specialized purpose for which it is normally used or for which specialized facilities have been provided;
2. The location of the park, its aesthetic character and physical characteristics, and the character of the area surrounding it;
3. The anticipated size of the ~~proposed-intended~~ use and assemblage;
4. Policing problems that may arise from the intended use;
5. The effect of the intended use, including consideration of the noise to be expected, upon the adjacent area and its occupants; and
6. Other activities scheduled for the parks at the anticipated time and place.

C. If, under the conditions set forth in subsection B of this section, the Director finds after an investigation that the safety, comfort, and convenience of the public in the use of the parks, or in the usage of the area adjacent to the park, would be unduly disturbed, he or she may deny the application, may impose restrictions upon the permit, or may issue a permit for a different date, time, park, or park area so as to alleviate such burden. The Director may issue a permit for use of the park during hours when the park is closed if he or she approves the application.

8.27.050 Permits – Generally.

Permits, when required by this chapter, shall be applied for through the Director unless otherwise ~~specified~~provided. The granting or denying of permits shall be based upon the policies and standards set forth in this chapter and the ~~regulations~~rules of the Board of Park Commissioners or the Director, as now or hereafter amended, which are incorporated herein as though fully set forth. Where fees are required by the Board of Park Commissioners or the Director for the issuance of permits, payment of such fees will be required before permits are issued.

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

All permits issued ~~by the Board of Park Commissioners hereunder~~ shall be subject to other applicable ~~city~~Tacoma Municipal Code provisions, City ordinances and ~~Metropolitan Park Board regulations~~District of Tacoma rules. The persons to whom such permits are issued ("permittees") shall be bound by said ~~rules, regulations, and code~~, ordinances and rules as fully as though the same were contained in such permits. A permittee shall be liable for any loss, damage, or injury sustained by any person by reason of the negligence, unlawful or wrongful conduct of the permittee, as well as for any breach of such ~~rules, regulations, or codes~~, ordinances or rules, to the person or persons so suffering ~~damages~~a loss, damage or injury.

Permits issued for musical acts or bands shall specify that the noise/sound level emitting from such act or band shall be no greater than 90 decibels at or beyond 50 feet from the act or band and in no event greater than 90 decibels at the boundary of the park.

Any person claiming to have a permit ~~from the Board of Park Commissioners issued hereunder~~ must produce and exhibit such permit upon the request of any authorized person who may desire to inspect the same.

8.27.060 Public disturbance noises.

A. Noise in parks and penalties for violations is regulated by TMC 8.12.060 and TMC 8.12.065, as now enacted or as subsequently amended, except that permitted events must comply with the standard set forth in TMC 8.27.050.

B. The use of public address systems or other sound-amplifying devices must be approved by specific permit.

1. A "sound-amplifying device" is any machine or device for the amplification of the human voice, music, or any other sound. "Sound-amplifying device," as used in this chapter, shall not be construed as including standard radios or similar equipment, when used in compliance with TMC 8.12.060, nor warning devices on authorized emergency vehicles nor horns or other warning devices on other vehicles and used only for traffic safety purposes.

C. It is a violation to use a public address or sound-amplifying device in a park without a permit.

8.27.070 Destruction of park property.

It is unlawful for any person to damage or destroy any real or personal property within a park or to physically interfere with any Metropolitan ~~Parks~~Park District of Tacoma employee in the discharge of his or her duties within a park.

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

8.27.080 Intoxicating liquors and marijuana.

The display, possession, or consumption of intoxicating liquors in any park is prohibited, except in particular areas or facilities which may be expressly designated from time to time by the Director. ~~Every A~~ person who violates ~~any provision of this section~~ shall be guilty of a class 2 civil infraction ~~and shall be fined, not more than \$100, which includes~~ including statutory assessments.

The opening of a package containing marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates, or consuming marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates, in any park is prohibited. "Marijuana" means marijuana as defined by RCW 69.50.101 as now or hereafter amended. A person who violates this section shall be guilty of a class 3 civil infraction, not including statutory assessments.

Whenever any person is stopped for a violation of this section, the officer may detain that person for a reasonable period of time necessary to identify the person and check for outstanding warrants.

8.27.085 Smoking and vaping in parks prohibited.

~~It is unlawful for any person to smoke or vape or use any product derived from or containing nicotine or light cigars, cigarettes, tobacco, or other smoking material within a park. The Director or City Manager shall post signs in appropriate locations, prohibiting smoking in parks. This includes but is not limited to the use of e-cigarettes and/or other vapor products, including but not limited to any product made, derived from, or containing nicotine whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means.~~

For the purposes of this section, "smoke" or "smoking" means the carrying, holding, or smoking of any kind of lighted pipe, cigar, cigarette, vapor product or any other object that is lighted and used for smoking equipment.

A violation of this section is a class 4 civil infraction ~~\$25~~, not including statutory assessments. Such penalty is in addition to any other remedies or penalties provided by law.

8.27.090 Selling, advertising, soliciting.

No person, except duly authorized concessionaires, and those having a specific permit, shall sell or offer for sale in any park any goods, refreshments, photographs, or other articles.

Advertising by the distribution, carrying, erection, attachment, or use of a handbill, sign, or device of any kind in any park is prohibited. ~~It is unlawful to place or erect a structure of any kind in any park.~~ It shall be unlawful to carry on any activity whatsoever for

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

compensation or remuneration except upon express authorization of ~~said Board of Commissionersthe Director~~, including, but not limited to, the sale of goods, wares, merchandise, and services.

8.27.100 Damage or removal of plants prohibited.

Unauthorized cutting, removal, or destruction of any turf, tree, plant, shrub, flower, or seaweed on park property is prohibited. While inside any park, having in one's possession any newly-plucked branch, tree, flower, plant, fungus (mushrooms, shelf fungus, etc.), algae (seaweed, etc.), or shrub without specific permission shall be presumptive evidence of such unauthorized cutting, removal, or destruction.

8.27.110 Disposal of trash.

No person shall throw or leave litter, garbage, trash, or yard waste in or at a park except in a receptacle provided for that purpose. No person shall deposit on any park property any household or commercial garbage, refuse, or rubbish which is brought as such from any private property. The penalty for violation of this section shall be as provided in TMC 8.12.150.

8.27.120 Animal control.

A. Unless in a designated off-leash area, dogs and cats must be on a leash no longer than eight feet or secured inside a vehicle and are not allowed to enter wading pools, ponds, lakes, fountains, spraygrounds, or any play area designed to utilize water in any park. Animals of any other type are not permitted in any park unless first approved by the Director, except for service animals, as defined in RCW 9.91.170.

B. Any person with an animal in his or her possession shall be responsible for the conduct of the animal.

C. The provisions of this section do not apply to animals owned or maintained by the Metropolitan Park District of Tacoma.

D. The Director may prohibit animals, except for service animals as defined in RCW 9.91.170, from events and/or facilities within a park.

E. All provisions of Title 17 of this code remain in full force and effect in all parks and may be enforced by any police officer or animal control officer.

F. Any violation of this section is a class 1 civil infraction unless a different penalty is provided in Title 17 of this code.

8.27.130 Molesting or feeding animals.

No person shall molest or attempt to touchharass any birdwildlife or non-domesticated animal in a park ~~except to the extent permitted at the Point Defiance Zoo & Aquarium.~~ It shall be unlawful for any person to give, offer, or attempt to give to any wildlife or non-domesticated animal within ~~the parks~~ a park any tobacco, drink, or other

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

~~articlesubstance~~ known to be dangerous or noxious to wildlife or non-domesticated animals. It is also unlawful to feed any ~~bird or~~wildlife or non-domesticated animal in a park, except as authorized by the Director.

8.27.140 Damage by animals.

Owners of dogs or other animals damaging or destroying park property will be held liable for the full value of the property damaged or destroyed, in addition to impounding fees and the penalty imposed for violation of these provisions.

8.27.150 Prohibitions as to boating, fishing, and swimming.

It is unlawful for any person to boat, fish, wade, swim, scuba dive, snorkel, or bathe in any park except in the places and at times designated by the Director.

8.27.160 Boats and beaches.

No dock or any other structure shall be built upon any beach unless expressly authorized. No boat shall be kept for hire or private use upon any waters under the jurisdiction of the Metropolitan Park District of Tacoma, except as expressly authorized by the Director. Launching of waterborne craft from any shoreline is prohibited, except for specifically designated areas or with specific permit issued by the Director. The launching of waterborne craft, as provided in this section, shall be unlawful if the required fee, as determined by the Director, has not been paid.

8.27.165 Moorage buoy and float regulations.

Use of the park moorage buoys and floats shall be regulated as follows:

A. ~~Continuous moorage at a park by one vessel shall be limited to three consecutive nights (72 hours maximum).~~ A boat shall not be moored at a park in excess of three overnight periods, whether continuous or not, within any 10-day period, unless authorized by the Director and then only upon payment of the applicable moorage fees.

B. Rafting shall be allowed only as follows: three vessels, when each is less than 21 feet in length; two vessels, when each is less than 30 feet in length; no rafting shall be allowed for vessels of 30 feet or more in length.

C. No trash shall be dumped from any moored vessel and all moored vessels must keep a litter bag on board.

D. Open display and/or consumption of alcoholic beverages while vessels are moored is prohibited.

E. No sewage shall be dumped from a vessel while moored.

F. Moored vessels must be currently registered and properly numbered.

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

G. Moorage fees, including parking and launching fees, shall be paid according to a fee schedule adopted by the Director. Any person who fails to pay the fees when due shall be guilty of a class 1 civil infraction, not including statutory assessments.

8.27.170 Fires.

Fires are prohibited except in picnic stoves installed under the authority of the Director or in portable barbeques. Fires in any other facility or area are allowed only by special permit. Fires in picnic stoves or portable barbeques may only utilize propane or charcoal briquettes as fuel; all other fuel sources, including wood, are specifically prohibited. Portable barbeques may be utilized only for cooking food. Briquettes must be completely extinguished and properly disposed of or removed from the park. The Director may further restrict the use of barbeques within any park, provided that signs are installed to notify patrons of the restrictions.

8.27.180 Use of certain equipment.

It is unlawful for any person to use a slingshot, beanshooter, skylantern, paintball gun or similar implement or equipment, or any hot air balloon, sky lantern or other device that uses a flame for lift or propulsion or other similar implement, or golf or archery equipment in or upon any park; except that golf and archery equipment may be used in areas especialllyspecifically designated or provided for that use, or as otherwise authorized by the Director by specific permit.

It is unlawful to practice or play golf, baseball, tennis, soccer, or other games of like character, or to hurl or propel any projectile or missile into or over any park, except in areas specifically designated for that use at places set apart for such purposes. It is unlawful to use operate motorized model aircraft), drones, unmanned aircraft systems (UAS), unmanned aerial vehicle (UAV), motorized models such as cars, cycles, trucks or watercraft, in any park, except as specifically designated for that use. Any use of such models with engines or motors with a greater than twenty five one hundredths cubic inch displacement is prohibited or as otherwise authorized by the Director.

8.27.190 Fireworks.

It is unlawful to carry, shoot, fire, or explode any fireworks or explosives of any kind in any park.

8.27.200 Vehicular Vehicle and Micromobility Device standards.

A. It is unlawful:

1 to enter or leave a park by other than established entrances and exits.

2B. Vehicular traffic, including bicycles, is Vehicles are prohibited in any park, except on roads intended for the movement of public vehicular traffic, or on roads and trails specifically designated for special use. specifically designated and signed for such use.

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

~~C. Micromobility devices are permitted prohibited in any park, except on roads intended for the movement of public vehicular traffic, or on roads, sidewalks, paths or trails in any park unless otherwise prohibited and signed for the particular micromobility device(s) being prohibited. specifically designated for use of a particular device. The provisions of this section limiting the use of micromobility devices does not apply to wheelchairs or a micromobility device when that device is operated by a person with a mobility impairment caused by a physical disability who uses that device to enhance that person's mobility.~~

~~3. Roller skating and skateboarding is prohibited in parks except in designated areas.~~

~~34D.~~ The parking of vehicles in any park is prohibited except in established parking areas. It is unlawful to park along roadways if the normal flow of traffic is impeded or if parking causes conditions that are hazardous to public safety. Any vehicle that is impeding traffic or is illegally parked may be impounded.

~~45E.~~ No person shall service, wash, wax, or change the oil of any vehicle within a park.

~~5F6.~~ It is unlawful to engage in, conduct, or hold any trials or competitions for speed, endurance, or hillclimbing involving any vehicle, boat, aircraft, micromobility device or animal in any park without specific permit.

~~6G7.~~ All vehicles, including bicycles, and micromobility devices shall obey the posted speed limits and all other regulatory signs.

~~8. Between the hours of 10:00 p.m. and 4:00 a.m., only persons engaged in fishing activities shall be allowed to park vehicles in the parking lot immediately adjacent to the Les Davis Fishing Pier.~~

8.27.205 Entrance fees.

Where fees are required by the Director for entering any park, it is unlawful to enter without paying the prescribed fee. Any person who fails to pay the fee when due shall be guilty of a class 1 civil infraction, not including statutory assessments.

8.27.210 ~~Overnight use~~No Structures in parks; exceptions.

~~A. It is unlawful to camperect, install or set tents or other shelters overnight in place any structure within a park, unlessexcept as provided herein.~~

~~B. "Structure" means any structure or shelter, including but not limited to any temporary makeshift dwelling units, lean-tos, shacks and/or trailers, comprised of tree branches, wood, plastic, metal, nylon, tarp, or any other materials.~~

~~C. This section shall not apply to:~~

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

1. Any structure erected, installed or placed within a park by the owner or operator of the park or as expressly authorized by the Director.

2. A temporary structure that has only a roof and no walls.

8.27.215 Parking fees required.

Where parking fees are required by the Board of Park Commissioners or the Director for parking within any park, it is unlawful to park without paying the prescribed parking fee. Any person violating this section shall be deemed to have committed a parking class 1 civil infraction, ~~the penalty for which shall not exceed the sum of \$250.00.~~

8.27.220 Opening and closing hours, no use of parks when closed, exceptions.

A. Parks ~~shall~~ are considered open one-half hour before sunrise and ~~close~~ closed one-half hour after sunset, unless otherwise expressly determined by the Director or otherwise posted at the park. Any person entering or remaining in a park when it is closed is subject to arrest and prosecution for criminal trespass. Any vehicle remaining in a park when the park is closed may be impounded and any personal property or structure remaining in a park when the park is closed may be removed.

B. The Director may extend open hours for sanctioned events or uses, but only that portion of a park ~~being used for~~ specified by the event ~~Director~~ will be open beyond normal hours; other areas of such a park shall remain closed.

C. This section shall not apply to:

1. the police substation at Wapato Park or to any other City facility constructed and operated in a park.

2. police officers or park employees while on-duty.

3. sidewalks that are within the right-of-way of a public street, when the street is not within the boundaries of a park.

8.27.230 Emergency conditions.

A. In case of an emergency, or in case where life and property are endangered, all persons, if requested to do so by the Director or other Metropolitan Park District of Tacoma employee or a police officer, shall depart from the portion of the grounds specified by such employee or officer ~~or employee~~, and shall remain off the same until permission is given to return.

B. Any person who remains on park property after being required to leave by a Metropolitan Park District of Tacoma employee or by a police officer, or who returns to

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

the park without permission, is guilty of criminal trespass and may be arrested and prosecuted under the Tacoma Municipal Code. Any juvenile violating this section may be arrested and prosecuted under chapter 9.52 RCW, as currently enacted or hereafter amended.

8.27.240 Aiding and abetting violations.

Anyone concerned in the violation of this chapter, whether directly committing the act or omitting to do the thing constituting the offense, or who aids or abets the same, and whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit such offense, is and shall be a principal under the terms of this chapter and shall be proceeded against and prosecuted as such.

8.27.250 Penalty for violations.

Unless specifically designated ~~in this chapter as a gross misdemeanor or misdemeanor, or if specified~~ to be enforced pursuant to other law, including, but not limited to, another section, chapter, or title of the Tacoma Municipal Code, any violation of this chapter shall constitute a Class 1 civil infraction, not ~~to exceed \$250, not~~ including statutory assessments. Such penalty is in addition to any other remedies or penalties provided by law: including, but not limited to, another section, chapter, or title of the Tacoma Municipal Code or the Revised Code of Washington. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

8.27.251 Authority to adopt a code of conduct.

The use and enjoyment of parks are enhanced when patrons abide by a code of conduct that promotes health and safety, that requires respect for the rights and needs of others, and that requires respect for park property. The Director may adopt a code of conduct that regulates any activity or behavior in parks to protect the public's health and safety, to promote respect for the rights and needs of others, and to preserve park property. The Director may also include within the code of conduct criteria to determine the length of any exclusion notice issued pursuant to TMC 8.27.255.

8.27.255 Violators may be required to leave park.

A. When any Metropolitan Park District of Tacoma employee or any police officer has probable cause to believe that a person has violated any rule of the Metropolitan Park District of Tacoma, including but not limited to any code of conduct adopted by the Director pursuant to TMC 8.27.251, any provision of the Tacoma Municipal Code, or any provision of the Revised Code of Washington while in a park or other applicable law, he or she may require that person to leave the park immediately. Any person who remains on park property after being required to leave by a Metropolitan Park District of Tacoma employee or by a police officer, or who returns to any park on the same

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

calendar day, is guilty of criminal trespass and may be arrested and prosecuted under the Tacoma Municipal Code. Any juvenile violating this section may be arrested and prosecuted under the Tacoma Municipal Code or under chapter 9.52 RCW as currently enacted or hereafter amended.

B. When any Metropolitan Park District of Tacoma employee or any police officer has probable cause to believe that a person has committed any of the following violations while in a park, he or she may require that person to leave the park immediately. Any person who remains on park property after being required to leave by a Metropolitan Park District of Tacoma employee or by a police officer, or who enters any park during the period of exclusion, is guilty of criminal trespass and may be arrested and prosecuted under the Tacoma Municipal Code. Any juvenile violating this section may be arrested and prosecuted under Tacoma Municipal Code or under chapter 9.52 RCW, as currently enacted or hereafter amended. The exclusion may be for 90 days and shall be in writing and delivered to the person being excluded.

A person committing any of the following violations may be excluded for 90 days:

1. a drug offense, including a violation of TMC 8.29.060 (drug paraphernalia); TMC 8.72, Drug-related Loitering; and TMC 8.28 Narcotics; or
2. a violation of TMC 8.46 (prostitution); or
3. an alcohol-related offense, including a violation of TMC 8.27.080 (drinking in a park), a violation of TMC 8.20 (intoxicating liquor), a violation of chapter 66 RCW (alcoholic beverage control); or
4. TMC 8.12.013, assault; or
5. TMC 8.106.010, harassment; or
6. TMC 8.12.111, indecent exposure; or
7. TMC 8.32.020, indecent conduct; or
8. TMC 8.12.120, destruction of property; or
9. TMC 17.04, relating to a dangerous or potentially dangerous dog; or
10. TMC 17.02.100, TMC 17.02.110, directing a dog to attack; or
11. TMC 17.01.160, TMC 17.01.161, a crime relating to animals or cruelty to animals; or
12. TMC 8.12.026, vehicle prowling; or
13. TMC 8.12.170, stalking; or
14. TMC 8.13A.040, solicitation by coercion; or
15. TMC 8.12.010(8), theft; or

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

16. TMC 8.12.010(6), discharging a firearm; or
17. TMC 8.12.014, reckless endangerment; or
18. TMC 8.12.090, sexual assault; or
19. TMC 8.12.113, communication with minor for immoral purposes; or
20. TMC 8.12.115, sexual misconduct with a minor in the second degree; or
21. TMC 8.12.025, criminal trespass, but only when the trespass is based on the person violating a previously issued exclusion order; or
22. RCW 46.61.500 or 46.61.530, Reckless driving/racing; or
23. RCW 46.61.502 or 46.61.504, DUI; or
24. RCW 79A.60.040, boating - DUI or reckless; or
25. TMC 8.66 (weapons); or
26. violation of a court order issued pursuant to chapter 8.105 TMC, chapter 7.90 RCW, chapter 10.99 RCW, chapter 26.09 RCW, chapter 26.10 RCW, chapter 26.26 RCW, chapter 26.50 RCW, chapter 74.34 RCW, RCW 26.52.010, or a foreign protection order, as defined by RCW 26.52.010; or
27. TMC 8.120.030, graffiti; or
28. TMC 8.12.150, littering, but only when the amount of garbage, rubbish, refuse, or material amounts to five gallons or more; or
29. TMC 8.27.210, Overnight use no structures in parks; or
30. TMC 8.27.220, no use of parks when closed; or
31. TMC 8.27.251, code of conduct adopted by the Director; or
32. a violation of any other rule of the Metropolitan Park District of Tacoma, any provision of the Tacoma Municipal Code, or any provision of the Revised Code of Washington when or other applicable law when it is a repeat violation or the person has been the subject of one (1) prior exclusion notice issued under this section within one (1) year prior to the current violation.

C. When any Metropolitan Park District of Tacoma employee or any police officer has probable cause to believe that a person has committed any of the following violations while in a park, he or she may require that person to leave the park immediately. Any person who remains on park property after being required to leave by a Metropolitan Park District of Tacoma employee or by a police officer, or who enters any park during the period of exclusion, is guilty of criminal trespass and may be arrested and prosecuted under the Tacoma Municipal Code. Any juvenile violating this section may be arrested and prosecuted under the Tacoma Municipal Code or under chapter 9.52

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

RCW, as currently enacted or hereafter amended. The exclusion shall be for one (1) year and shall be in writing and delivered to the person being excluded.

A person committing any of the following violations may be excluded for one (1) year:

1. Any felony, as defined by state or federal law; or
2. a violation of TMC 8.67 (firearms); or
3. a violation of any rule of the Metropolitan Park District of Tacoma, any provision of the Tacoma Municipal Code, or any provision of the Revised Code of Washington when the person has been the subject of two (2) or more prior exclusion notices issued under ~~this section~~ subsection B above within one (1) year prior to the current violation.

D. The person being excluded need not be charged, tried, or convicted of any crime or be issued an infraction or have an infraction found committed in order for an exclusion notice to be issued or effective. The exclusion may be based upon observation by a Metropolitan Park District of Tacoma employee or observation by a police officer or upon the sort of civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.

E. The exclusion notice shall be in writing and shall contain the date of issuance; the violation which the person is alleged to have committed; and a citation of the code, statute, or park rule violated. The exclusion notice shall specify the length and places of exclusion and the method for appealing the notice. It shall be signed by the issuing individual. Warning of the consequences for failure to comply shall be prominently displayed on the notice.

F.1. A person receiving an exclusion notice longer than one (1) day may file a written appeal before the Hearing Officer to have the exclusion notice rescinded or the duration of the exclusion shortened. The written appeal must be under oath and set forth all facts relied upon by the person for his or her contention that the notice should be rescinded or shortened. The written appeal shall be accompanied by a copy of the exclusion notice which is being appealed. The written appeal must be delivered to the Hearing Officer or postmarked no later than seven (7) calendar days after the issuance of the exclusion notice. The Hearing Officer shall issue a ruling upholding, rescinding, or shortening the duration of the exclusion no later than five (5) business days after receipt of the written appeal.

2. The Hearing Officer shall consider the exclusion notice and any other materials submitted that the Hearing Officer considers relevant and trustworthy.

3. If the violation is proved by a preponderance of the evidence, the exclusion notice shall be upheld; but upon good cause shown, the Hearing Officer may shorten the duration of the exclusion. If the violation is not proved by a preponderance of the evidence, the Hearing Officer shall rescind the exclusion. If the Hearing Officer rescinds

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

an exclusion, the exclusion shall not be considered a prior exclusion for purposes of this section.

G.1. A person receiving an exclusion notice longer than one (1) day may request a hearing before the Hearing Board to have the exclusion notice rescinded or the duration of the exclusion shortened. A person requesting a hearing must comply with the requirements of subsection F above and contain a written request for a hearing. The hearing should occur within ten (10) business days after the Hearing Board receives the request for hearing. The Hearing Board shall take reasonable steps to notify the offender of the date, time, and place of the hearing.

2. At the hearing, the violation must be proved by a preponderance of the evidence in order to uphold the exclusion notice. The exclusion notice establishes a prima facie case that the offender committed the violation as described. The Hearing Board shall consider a sworn report or a declaration under penalty of perjury, as authorized by RCW 9A.72.085, written by the individual who issued the exclusion notice, without further evidentiary foundation. The certifications authorized in Rule 6.13 of the Criminal Rules for Courts of Limited Jurisdiction shall be considered without further evidentiary foundation. The rules and procedures for the Hearing Examiner set forth in TMC 1.23 and the Rules of Procedure for Hearings adopted by the Hearing Examiner shall govern hearing procedures.

3. If the violation is proved, the exclusion notice shall be upheld; but upon good cause shown, the Hearing Board may shorten the duration of the exclusion. If the violation is not proved by a preponderance of the evidence, the Hearing Officer shall rescind the exclusion. If the Hearing Board rescinds an exclusion, the exclusion shall not be considered a prior exclusion for purposes of this section.

H. The decision of the Hearing Officer or Hearing Board is final. An offender seeking judicial review of the Hearing Officer's or Hearing Board's decision must comply with TMC 1.23 and the Rules of Procedure for Hearings adopted by the Hearing Examiner.

I. The exclusion shall remain in effect during the pendency of any administrative or judicial proceeding.

J. No determination of facts made by a person conducting a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and shall not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.

K. Any person who remains on park property after being required to leave by a Metropolitan Park District of Tacoma employee or by a police officer, or who enters any park during a 90-day or one-year exclusion, is guilty of criminal trespass and may be arrested and prosecuted under the Tacoma Municipal Code. Any juvenile violating this section may be arrested and prosecuted under the Tacoma Municipal Code or under chapter 9.52 RCW as currently enacted or hereafter amended.

PROPOSED REVISIONS TO TACOMA MUNICIPAL CODE 8.27- PARK CODE

8.27.260 Severability.

If any part, provision, or section of this chapter is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

DRAFT

EXHIBIT B



August 29, 2019

Proposed Updates to Tacoma Municipal Code Title 8, Public Safety: Park Code Public Comment Summary

Metro Parks conducted a 3-week public comment period for the proposed park code updates from August 7-28. Copies of proposed code changes and the review process are available on the District's website. The proposed code changes and the invitation to provide public comments were promoted using the following methods:

- News release sent to local media and posted online, which resulted in news coverage on KING, KIRO and the News Tribune, as well as district and news media social channels.
- Information and documents posted on the District's homepage.
- Metro Parks e-newsletter sent to 15,000+ subscribers.
- Messages sent directly to the 8 Neighborhood Councils, Associated Ministries, Tacoma Housing Authority, Centro Latino, Hilltop Action Coalition, Tacoma Urban League, The Black Collective, MDC, Comprehensive Life Resources, Tacoma Chamber of Commerce

Comments Received

Electronic Comment Form: 328 survey responses received through August 29, 2019
MPT Facebook: Reach 2,226 /Engagement 204/
KIRO Facebook: 392 comments/168 shares

Relative to this Report

While survey respondents have a chance to weigh in on all five proposed areas of change the one with the greatest level of public interest centered on the changes proposed to temporary structures in parks.

RESPONSES RELATIVE TO PERMISSIBLE "STRUCTURES":

Limiting permissible "structures" in parks to only those specifically authorized or are temporary and have only a roof and no walls:

Support - 146 - (44%)

Oppose - 81 - (25%)

No Comment - 67 - (21%)

Questions/Comments - 32 - (9%)

Summary of Comments Supporting Proposed Changes to Structures

- Drug use and paraphernalia littered throughout several parks pose a threat to safety of kids.
- When community members have reported concerns they are advised police can't do anything about it without visibility to the illegal actions.
- Behaviors, including: public urination and defecation, accumulations of trash surrounding tents, and drug activity in parks is creating a public health and safety concern.
- Supporters and those opposed to the ban alike speak to the need to provide resources and services for those who are homeless.
- Parks need to be restored to safe conditions where children can play without fear.
- Some respondents expressed concerns that while they are in support of this change in principal, they and others have skin conditions which require limited exposure to sun. They've requested consideration to allow at least 1 side walls to protect those with medical conditions.
- Common theme of need for enforcement relative to all proposed code revisions; this is voiced most strongly relative to this item.
- Several comments pleading "do not allow Tacoma to become the next Seattle."
- Many expressions of frustration about investing tax dollars for parks they no longer are able to use and decreasing interest in supporting park bonds based on the illegal uses and unsafe conditions they perceive to be unaddressed.

Summary of Comments Opposed to the Proposed Changes to Structures

- A number of opponents expressed concerns over criminalizing poverty and homelessness.
- Some community members are concerned that without resources for placement, those occupying tents in parks will simply move out into neighborhoods. At least one respondent stated this is happening in Hilltop alleyways.
- Others are concerned that it is inhumane to displace those who are homeless without providing alternative resources for drug rehabilitation and/or to meet basic housing needs.
- A handful cited concern that the proposed language is in conflict with the Federal Court's determination in *Martin v. Boise*.

RESPONSES RELATIVE TO SMOKING & VAPING IN PARKS:

Support - 132 - (41%)

Oppose - 39 - (11%)

No Comment 136 - (42%)

Questions/Comments- 19 - (5%)

Summary of Comments Supporting Proposed Changes to Smoking/Vaping

- Several individuals with asthma or children with asthma strongly support this.
- Many commented that although banned by state law, the use of marijuana in parks is of even greater impact than vaping, the smell is a concern at many locations and folks are asking this to be added.
- Health concerns relative to secondhand smoke.

Summary of Comments Opposed to the Proposed Changes to Smoking/Vaping

- Several who oppose do not believe there are any secondhand health risks related to vaping.
- Believe it's a better alternative than cigarettes as no butts are littered when vaping.
- Including all nicotine products would ban gums and patches used by those trying to quit smoking.
- Several suggested that there should be designated areas away from playgrounds where this is allowed.

RESPONSES RELATIVE TO VEHICULAR STANDARDS IN PARKS:

Support - 123 - (38%)

Oppose - 10 - (3%)

No Comment - 165 - (51%)

Questions/Comments- 28 -(8%)

Summary of Comments Supporting Proposed Changes to Vehicle Standards

- A number of people report concerns with the conflicts between wheeled devices and pedestrians on the sidewalks along Ruston Way.
- Pedestrian hospitalized when struck by scooter traveling at high rate of speed.
- Surrey operators speeding down hillsides and on walking paths.
- Rental scooters left in paths blocking those with disabilities from safe travel.
- Don't allow on sidewalks.

Summary of Comments Opposed to the Proposed Changes to Vehicle Standards

- Integral part of reducing carbon footprint and providing transportation options to get to and enjoy parks.
- Individuals with disabilities who don't use wheel chairs use as alternative transportation .
- We have modernized as a society so if these vehicles pose a safety threat then make them in a designated area within the park.
- Enforcement is not going to happen.

Other:

- Be sure motorcycles, mini-bikes, go-carts, and ATVs are included in definition of prohibited vehicles.

RESPONSES RELATIVE TO ADOPTING A CODE OF CONDUCT:

Support - 110 - (34%)

Oppose – 36 - (11%)

No Comment - 144 - (44%)

Questions/Comments- 36 -(11%)

Summary of Comments Supporting Proposed Changes to Code of Conduct

- Behaviors, including: public urination and defecation, accumulations of trash surrounding tents, and drug activity in parks is creating a public health and safety concern.
- Parks need to be restored to safe conditions where children can play without fear.
- If enforced will restore safety, common sense of decency and usability of parks.
- Remove unlawful actions and ban them from parks.
- Recommendation that the millions invested in McNeil Island be repurposed to support rehab for those who need it.

Summary of Comments Opposed to the Proposed Changes to Code of Conduct

- Concerns about equity - avoid policies rooted in, or that can be used to further racist policing and community engagement practices.
- Dehumanizing individuals by criminalizing poverty.
- Consider it far-reaching.
- Questions about whether it will be enforceable.

RESPONSES RELATIVE TO CERTAIN TYPES OF EQUIPMENT (DRONES ETC):

Support - 70 - (21%)

Oppose - 29 - (8%)

No Comment - 111 (34%)

Questions/Comments- 23 - (7%)

Summary of Comments Supporting Proposed Changes to Code Relative to Certain Types of Equipment

- Dangerous behaviors by those using in several parks scaring visitors and their dogs.
- Needed for privacy, safety and peaceful park experiences for people and wildlife.
- Sky lanterns are a big public safety risk.
- Causes anxiety for children and pets.
- Noise.

Summary of Comments Opposed to the Proposed Changes to Code Relative to Certain Types of Equipment

- Parks have no control over air rights over parks; that is FAA responsibility. Restricting take offs and landings within parks increases safety risk as operators are farther away from the air craft when operating.
- Parks are the best place for this – wide open spaces, some of the most scenic areas of the city.
- Only place where many kids have enough space to use these kinds of “toys.”

Other:

Both those in opposition to the ban and some who favored it recommended providing designated areas similar to off leash dog parks set aside for drone ops and remote operated car racing, etc.

Questions about permitting process for authorized use.

RESPONSES RELATIVE TO MOORAGE:

Support - 64 - (19%)

Oppose - 4 - (1%)

No Comment - 242 - (74%)

Questions/Comments- 15 - (6%)

Summary of Comments Supporting Proposed Changes to Code Relative Moorage

- In general respondents those who responded were generally indifferent to this topic; however a handful commented that it's good to ensure a limit to allowable days.

Summary of Comments Opposed to the Proposed Changes to Moorage

- Need to provide options for those who live on the water.
- Need to impose greater restrictions.