

Town Hall Meeting Room
3715 Bridgeport Way West

- 6:30 pm **1. CALL REGULAR MEETING TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE – Councilmember Worthington**
- 4. APPROVAL OF MINUTES – January 2, 2018**
- 5. APPROVAL OF AGENDA**
- 6:35 pm **6. PRESENTATION**
 • **University Place School District – Jeff Chamberlain, Superintendent**
- 6:50 pm **7A. CONSENT AGENDA**
 Motion: Approve or Amend the Consent Agenda as Proposed
- The Consent Agenda consists of items considered routine or have been previously studied and discussed by Council and for which staff recommendation has been prepared. A Councilmember may request that an item be removed for the Consent Agenda so that the Council may consider the item separately. Items on the Consent Agenda are voted upon as one block and approved with one vote.

A. Receive and File: Payroll and Claims.
- 6:55 pm **8. PUBLIC COMMENTS** – (At this time, citizens have three minutes to address the Council on any matter not scheduled for Public Hearing or Council Consideration. State law prohibits the use of this forum to promote or oppose any candidate for public office or ballot measure. Public comments are limited to three minutes. Please provide your name and address for the record.)
- 9. COUNCIL COMMENTS/REPORTS**
- RECESS TO STUDY SESSION** – (At this time, Council will have the opportunity to study and discuss business issues with staff prior to its consideration. Citizen comment is not taken at this time; however, citizens will have the opportunity to comment on the following item(s) at future Council meetings.)
- 7:00 pm **10. FIREWORKS**
- 8:00 pm **11. ADJOURNMENT**

*PRELIMINARY CITY COUNCIL AGENDA

January 20, 2018
Special Council Meeting

February 5, 2018
Regular Council Meeting

February 20, 2018
Regular Council Meeting

March 5, 2018
Regular Council Meeting

Preliminary City Council Agenda subject to change without notice*
Complete Agendas will be available 24 hours prior to scheduled meeting.
To obtain Council Agendas, please visit www.cityofup.com.

American Disability Act (ADA) Accommodations Provided Upon Advance Request
Call the City Clerk at 253-566-5656

APPROVAL OF MINUTES

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Regular Meeting of the City Council
Tuesday, January 2, 2018
City Hall, Windmill Village**

1. CALL REGULAR MEETING TO ORDER

Mayor Figueroa called the Regular Meeting to order at 6:30 p.m.

2. ROLL CALL

Roll call was taken by the City Clerk as follows:

Councilmember Belleci	Present
Councilmember Grassi	Present
Councilmember McCluskey	Present
Councilmember Nye	Present
Councilmember Worthington	Present
Mayor Pro Tem Keel	Present
Mayor Figueroa	Present

Staff Present: City Manager Sugg, City Attorney Kaser, Planning and Development Services Director Swindale, Police Chief Blair, Executive Director/ACM Craig, Communications/IT Manager Seesz, and City Clerk Genetia.

3. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Keel led Council in the Pledge of Allegiance.

4. APPROVAL OF MINUTES

MOTION: By Councilmember Belleci, seconded by Councilmember McCluskey, to approve the minutes of the December 4, 2017 meeting as submitted.

The motion carried.

5. APPROVAL OF AGENDA

MOTION: By Councilmember Belleci, seconded by Councilmember Grassi, to approve the agenda.

The motion carried.

6. PRESENTATIONS

Certificate of Recognition, University Place Pierce County Library – Mayor Figueroa presented a Certificate of Recognition to Steve Carmody, Branch Manager of the University Place Library, and Georgia Lomax, Executive Director of the Pierce County Library Systems, for the Library's cooperative efforts to strengthen the social and educational vitality of the community.

7. MAYOR'S YEAR-END REPORT AND CLOSING COMMENTS

Mayor Figueroa presented a year-end review of Council's undertakings and legislative accomplishments. In his closing remarks, Mayor Figueroa expressed his gratitude to his colleagues for their insight and hard work towards accomplishing Council goals; to the City administration for its leadership and tireless efforts;

to Public Safety for keeping our community safe; and to the commissioners and community members for their advisement and City involvement. Mayor Figueroa thanked everyone for having had the opportunity to serve.

8. ELECTION OF MAYOR

Mayor Pro Tem Keel was unanimously elected as Mayor.

9. ELECTION OF MAYOR PRO TEM

Councilmember Belleci was unanimously elected as Mayor Pro Tem.

10. MAYOR'S REMARKS – NEWLY ELECTED

Newly elected Mayor Keel thanked his peers for the privilege and honor of being elected as Mayor. He expressed his gratitude to outgoing Mayor Figueroa for his hard work, dedication and outstanding leadership. On behalf of Councilmembers, City staff and the community, he presented outgoing Mayor Figueroa with an engraved gavel recognizing his service as Mayor for the last two years.

At 6:57 p.m., Council took a 15 minute break. The meeting resumed at 7:14 p.m.

11. PUBLIC COMMENTS – The following individual provided comment: David Harrowe, 4616 79th Avenue Court West.

12. COUNCIL COMMENTS/REPORTS

Mayor Pro Tem Belleci reported that she and Councilmember McCluskey attended the Pierce County Regional Council meeting. She reported that the Transportation Coordinating Committee Chair provided an update on the 2021-2022 transportation funding which will be available for application by mid-year.

Councilmember Grassi thanked Councilmember Figueroa for an outstanding job and leadership as Mayor.

Councilmember Figueroa wished Councilmembers and the public prosperity and good health for the New Year.

13. CONSENT AGENDA

MOTION: By Mayor Pro Tem Belleci, seconded by Councilmember McCluskey, to approve the Consent Agenda as follows:

- A.** Receive and File: Payroll for the period ending 12/31/17, dated 12/20/17, in the total amount of Two Hundred Thirty-Four Thousand Six Hundred Six and 50/100 Dollars (\$234,606.50); Claims dated 12/15/17, check nos. 51980677 through 51980762, in the total amount of Eight Hundred Eighteen Thousand Seven Hundred Six and 77/100 Dollars (\$818,706.77);); and Claims dated 12/29/17, check nos. 51980763 through 51980814, wire transfers 295894 and 22146322, in the total amount of Four Hundred Thirty-Five Thousand Five Hundred Seventy and 81/100 Dollars (\$435,570.81).
- B.** Authorize the City Manager to approve payment of \$49,671.94 for the Eden Systems/Tyler Technologies invoice for financial systems software maintenance and support covering January 1, 2018 through December 31, 2018.

The motion carried.

COUNCIL CONSIDERATION

14. SIGN CODE REGULATION AMENDMENTS

Staff Report – Planning and Development Services Director Swindale briefed Council on the proposed amendments to the City's Sign Code, covering nine specific provisions in the Code. These include the purpose statement, applicability, real-estate and residential open house signs, off-premise signs for abutting properties, window signs, neon signs in the Town Center Overlay Zone, banners, changing message signs, and billboards.

Public Comment – The following individual provided comment: David Harrowe, 4616 79th Avenue Court West.

Council Consideration – **MOTION:** By Councilmember Belleci, seconded by Councilmember Figueroa, to pass an ordinance updating Chapter 19.75 UPMC relating to Sign Codes.

The motion passed 6 to 1. Councilmember Nye voted no. (ORDINANCE NO. 699)

15. ADJOURNMENT

The meeting adjourned at 7:52 p.m. No other action was taken.
Submitted by,

Emy Genetia
City Clerk

U.P.S.D. LEVIES



PRESENTATION TO **UP City Council** JANUARY 2018



U.P. 2nd Grade Swimming Program

OVERVIEW

Returns

Propositions

Tax Impacts

What's Next

Questions

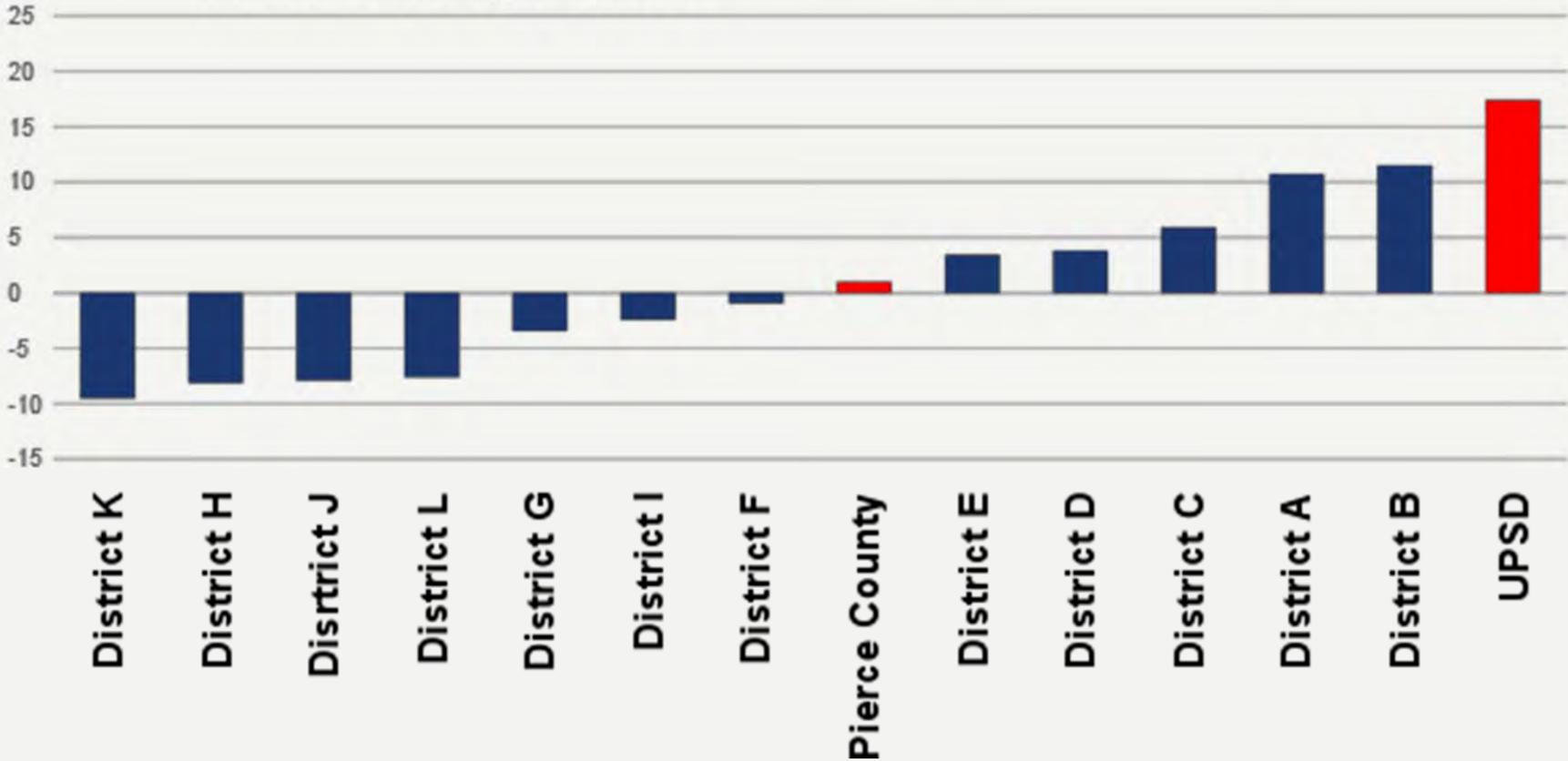


RETURNS ON INVESTMENT

LOCAL SUPPORT MAKES SUCCESSFUL SCHOOLS
POSSIBLE

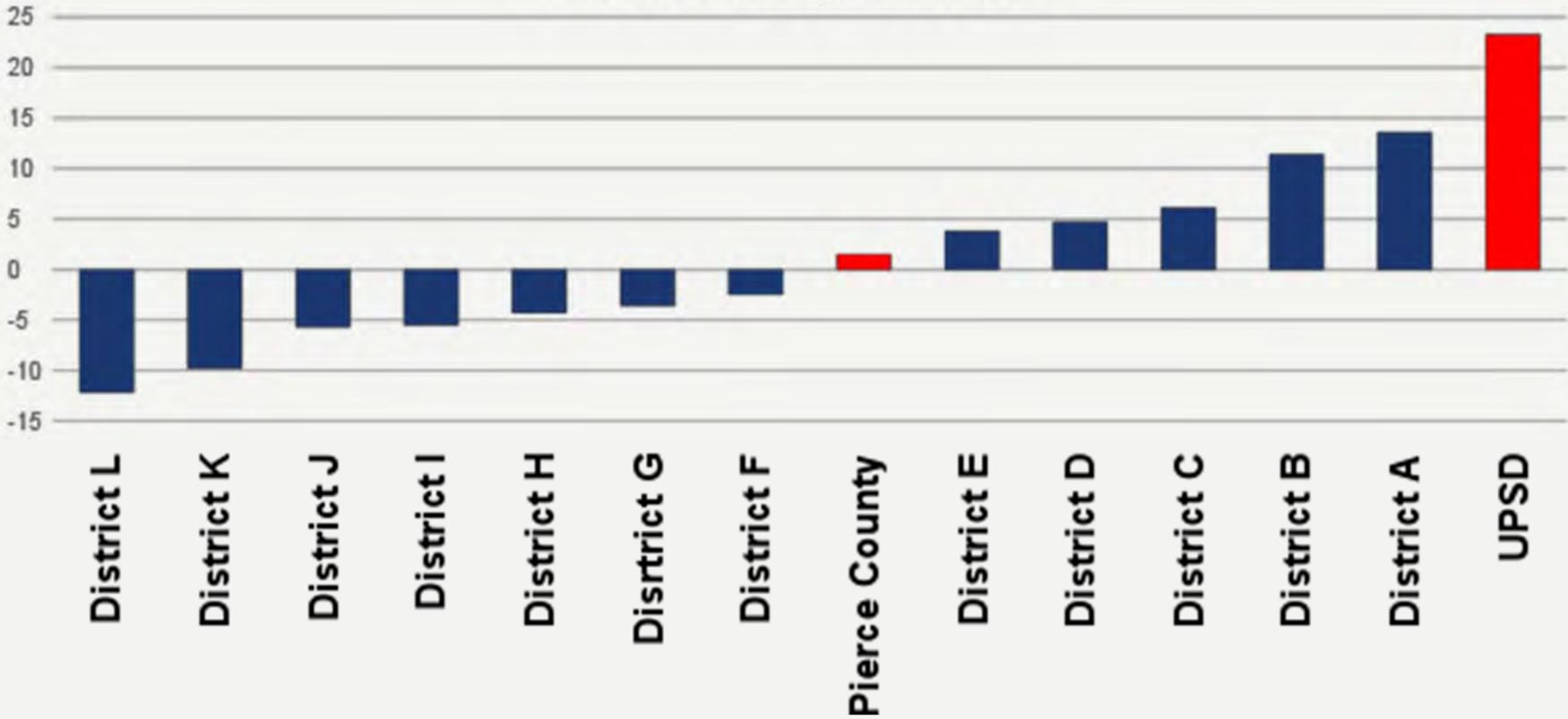
HIGH STUDENT ACHIEVEMENT - ELA

Grades 3-8 SBAC Avg % Above/Below the State
Pierce County Districts

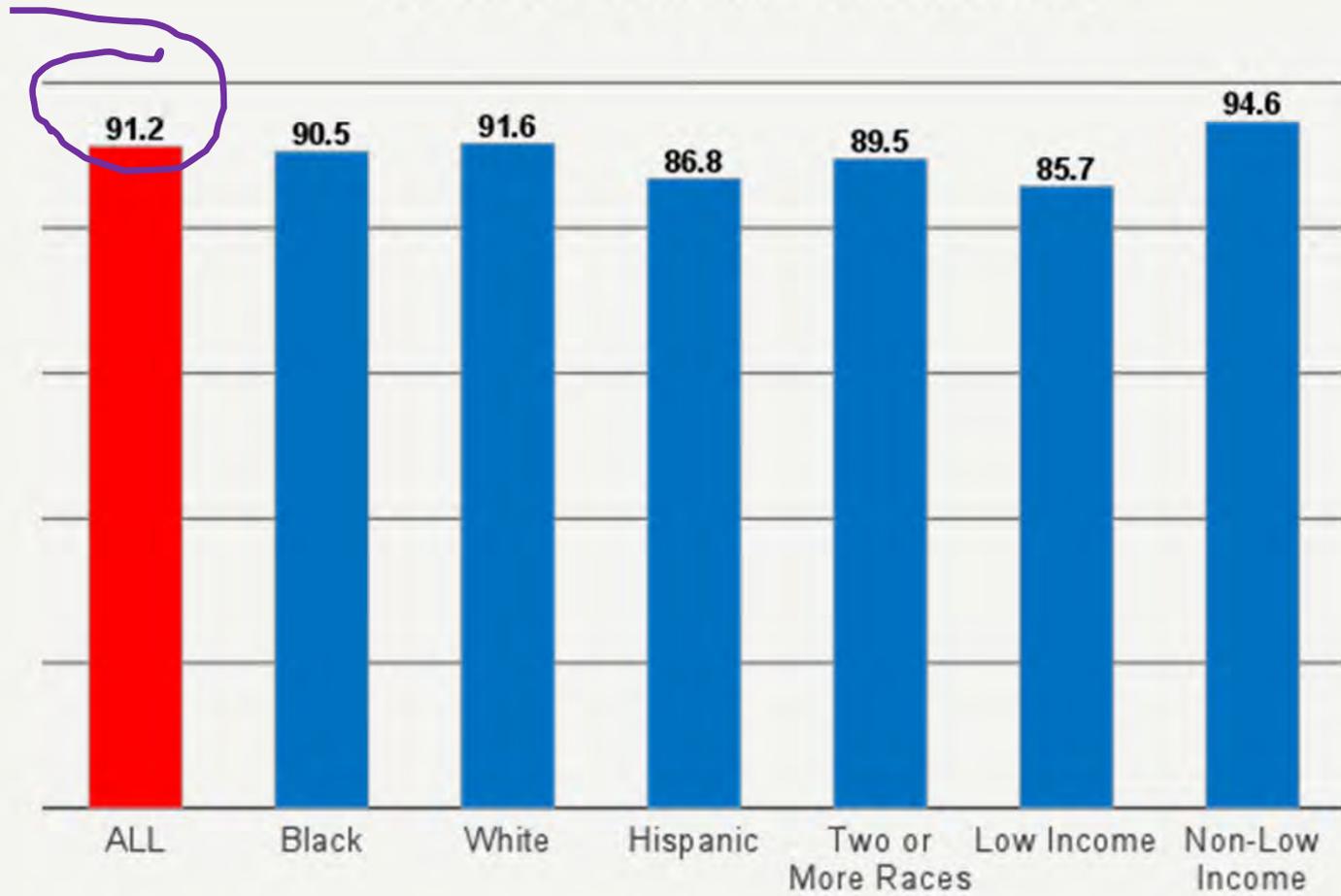


HIGH STUDENT ACHIEVEMENT- MATH

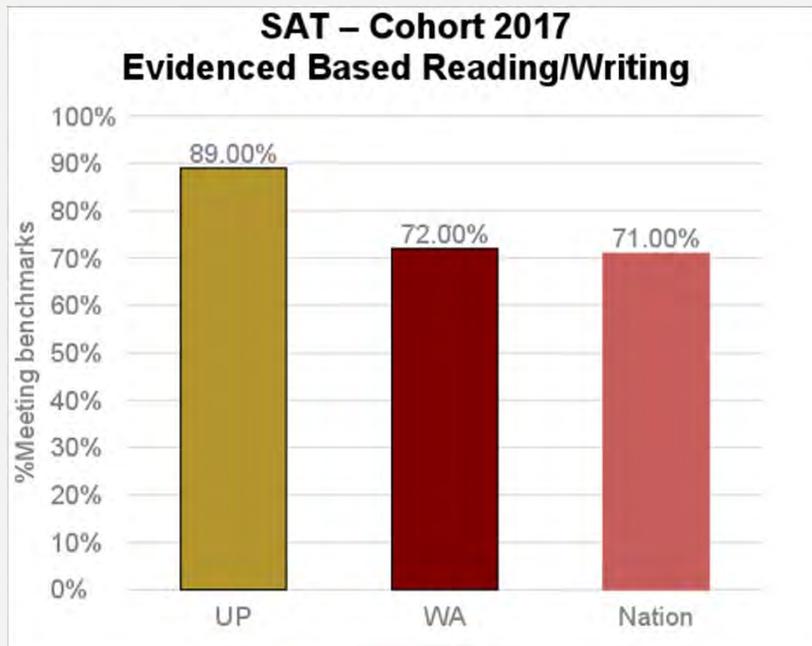
Grades 3-8 SBAC Average % Above/Below the State
Pierce County Districts



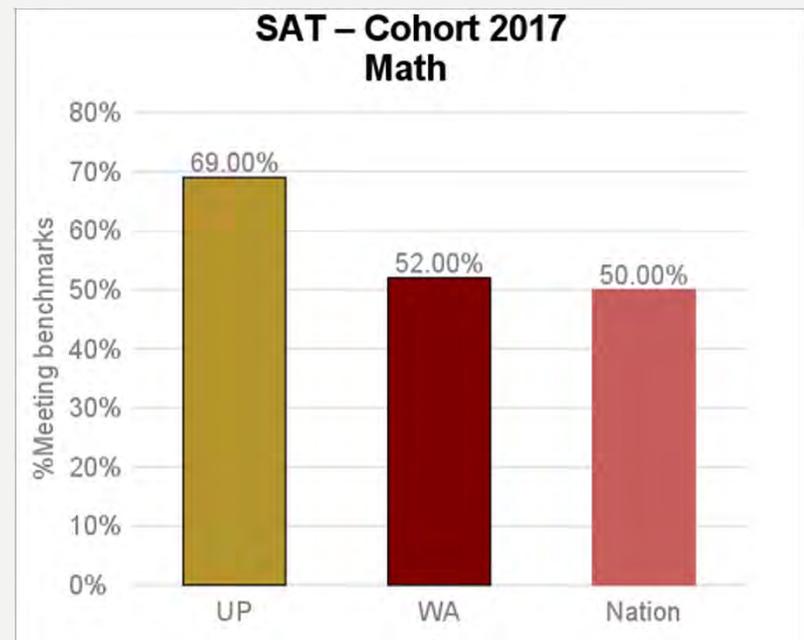
On Time Graduation Rate 2017



SAT SCORES @ CHS - 2017



*U.P. Students **outperform the state and nation** by more than **16** points on the SAT in literacy and math*



WASHINGTON STATE ACHIEVEMENT AWARD WINNERS

School	Years of Recognition
Chambers	2009, 2011, 2012, 2013, 2014, 2015, 2016
Sunset	2011, 2015, 2016
Evergreen	2013, 2015, 2016
UPP	2015, 2016 2016 School of Distinction
Drum	2012, 2015, 2016 2016 Title I Distinguished School Award
Narrows View	2015, 2016
Curtis Jr.	2013, 2014, 2015



STRONG ACADEMIC PROGRAMS

- Core Academic Program
- Support & Intervention
- Special Education
- English Language Learner
- Career & Technical Education
- Highly Capable
- Honors & Advanced Placement



Core Academics @ U.P.P.

STRONG ENRICHMENT PROGRAMS

- Music
- PE & Swimming
- Athletics
- After School Activities
- Summer School
- Guidance & Counseling
- Health Services



Musicians at Drum Intermediate



PROPOSITIONS 1 & 2

TWO BALLOT MEASURES ASK U.P. CITIZENS TO
RENEW EXPIRING LEVIES

BASIC LEVY FACTS

- Prop 1 replaces the expiring Educational Programs Levy
- Prop 2 replaces the expiring Safety & Technology Levy
- Both are 4-year levies
- Simple majority required
- Election is Feb 13, 2018
- Absentee ballots sent Jan 26, 2018



EDUCATIONAL PROGRAMS & OPERATIONS REPLACEMENT LEVY

- Renews Expiring Levy
- Sustains Current Programs
- Substantial Tax Decrease
- Qualifies UPSD for Local Effort Assistance/ Levy Equalization
- 10-15% of Total Funding



Spanish Instruction @ CJH

EDUCATIONAL PROGRAMS & OPERATIONS REPLACEMENT LEVY

- Provides funding for. . .
 - Teachers & Librarians
 - Counselors & Support Staff
 - Music & Performing Arts
 - Athletics & Aquatic Programs
 - Nurses and Safety Personnel
 - Staff Training
 - Transportation
 - Special Education



Kindergarteners board the “Spider Bus”

SAFETY, TECHNOLOGY & CAPITAL IMPROVEMENTS REPLACEMENT LEVY



Evergreen Primary

- Renews Expiring Levy
- Tax Increase (.11 to .50)
- Provides Funds for . . .
 - HVAC Systems
 - Roof Replacements
 - Improvements to Parking Lots & Grounds
 - Technology Needs
 - Safety Equipment & Upgrades to Facilities

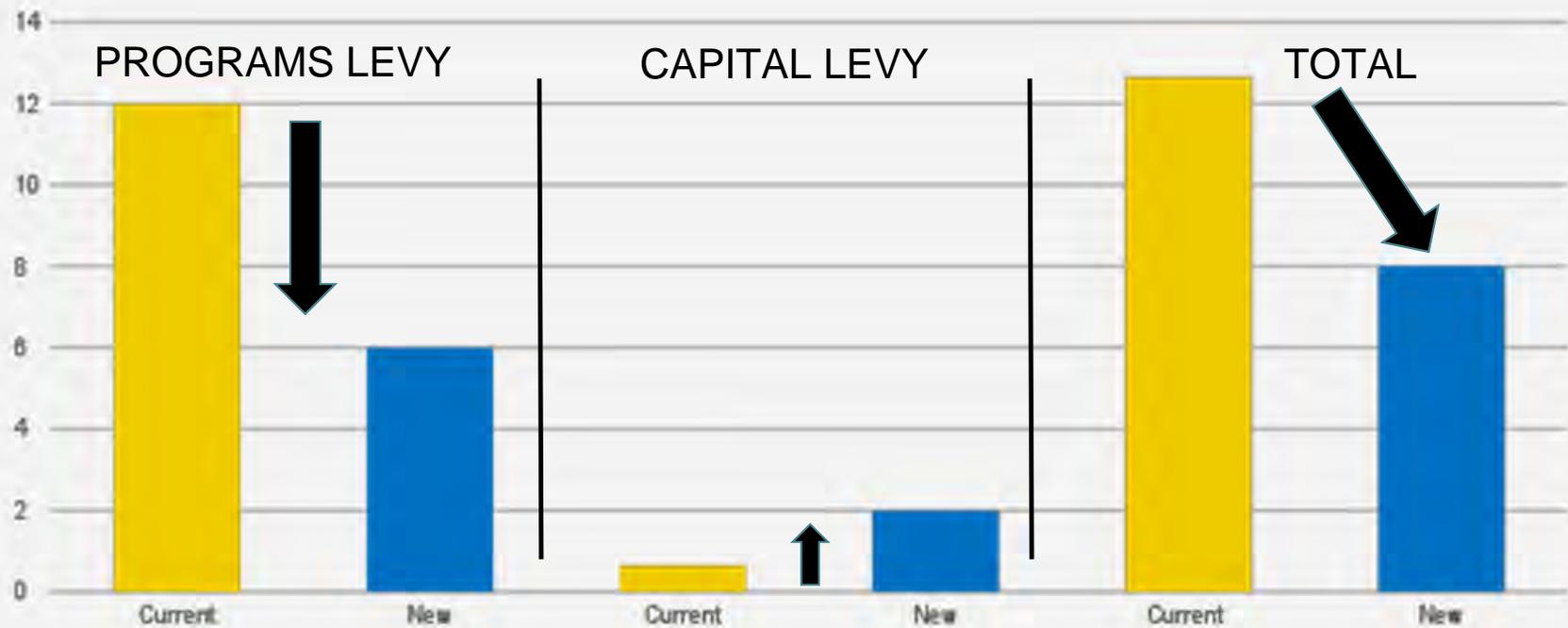


WHAT ABOUT TAXES?

OVERALL TAX BURDEN ON U.P. PROPERTY OWNER
WILL DECREASE

LOCAL CONTRIBUTIONS ARE LESS

Local Levy Collections in Millions



TAX RATE DECREASE FOR LOCAL LEVY

CURRENT RATES (2018)

$$3.51 + .11 = 3.62$$



Combined rate decrease of \$1.62/\$1,000 of assessed value

*

$$1.50 + .50 = 2.00$$

FUTURE RATES (2019-2022)

MAKING SENSE OF THE VOTER'S PAMPHLET

- Tax rates & collection amounts listed in the Voter's Pamphlet are only estimates.
- **Actual tax rates** will be determined by the legislature and/or by changes in property values.
- **Actual tax collections** – the total amount of money collected by the district from local taxpayers will be less than the amounts shown in the pamphlet.



WHAT'S NEXT??

MORE INFORMATION

www.upsd.wednet.edu

UPSD Dialog

Informational Mailer

Levy Info Night – Jan 25

CJH Library 6-7 PM

Remember to VOTE

Jan 27- Feb 13

Local Support



QUESTIONS??

APPROVAL OF CONSENT AGENDA

City of University Place
Voucher Approval Document

Control No.: 57	Agenda of: 01/16/18	PREPAY
------------------------	----------------------------	---------------

Claim of: Payroll for Pay Period Ending 12/31/2017

Check #	Date	Amount	Check #	Date	Amount
---------	------	--------	---------	------	--------

01/05/18 117,883.57 DIRECT DEPOSIT

EMPLOYEE NET 117,883.57

318799	01/05/18	389.32	IUOE LOCAL 612
318800	01/05/18	5,435.22	IUOE LOCALS 302/612 TRUST FUND
WIRE	01/05/18	64,878.77	AWC EMPLOYEE BENEFIT TRUST
WIRE	01/05/18	23,170.47	BANK OF AMERICA
WIRE	01/05/18	20,448.65	- 106006, VANTAGEPOINT TRANSF
WIRE	01/05/18	9,251.75	- 304197, VANTAGEPOINT TRANSF
WIRE	01/05/18	4,467.19	- 800263, VANTAGEPOINT TRANSF
WIRE	01/05/18	34,893.73	WA STATE DEPT OF RETIREMENT SY
WIRE	01/05/18	2,245.09	UNUM LIFE INSURANCE COMPANY
WIRE	01/05/18	837.60	UNUM LIFE INSURANCE COMPANY
WIRE	01/05/18	1,210.66	PACIFIC SOURCE ADMINISTRATORS
WIRE	01/05/18	458.33	- 705544, VANTAGEPOINT TRANSF
WIRE	01/05/18	2,066.98	- 106006 LOAN, VANTAGEPOINT
WIRE	01/05/18	141.26	AFLAC INSURANCE
WIRE	01/05/18	1,023.63	WA ST DEPT OF RETIREMENT SYS
WIRE	01/05/18	415.35	- 304197 LOAN, VANTAGEPOINT TR
WIRE	01/05/18	250.00	NATIONWIDE RETIREMENT SOLUTION

BENEFIT/DEDUCTION AMOUNT 171,584.00

TOTAL AMOUNT 289,467.57

Preparer 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 above-named governmental unit, and that I am authorized to authenticate and certify to said claim.

Signed: (Signature on file.)

Date

Steve Sugg, City Manager

FINAL CHECK LISTING
CITY OF UNIVERSITY PLACE

Check Date: 01/05/2018

Check Range: 51980815 - 51980834

Claims Approval

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, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of University Place, and that I am authorized to authenticate and certify to said claim.

I also certify that the following list of checks were issued to replace previously issued checks that have not been presented to the bank for payment. The original check was voided and a replacement check issued.

Vendor Name

Replacement Check #

Original Check #

Auditing Officer: (Signature on file.)

Date: _____

Bank : bofa BANK OF AMERICA

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
51980815	1/5/2018	002661	AIR SYSTEMS ENGINEERING INCRETAINAGE RELI	1/3/2018	RETAINAGE RELEASE/HVAC REI	1,961.10	1,961.10	
	Voucher:	43234						
51980816	1/5/2018	026126	BEYLER CONSULTING LLC	2017-2089	11/30/2017	PRELIM BDG SURVEY/BRIDGEPO	1,970.00	1,970.00
	Voucher:	43235						
51980817	1/5/2018	002275	BUNCE DBA AMERICAN PARTY P210591-5		12/27/2017	TABLE/CHAIR/LINEN/FESTIVAL E	195.21	195.21
	Voucher:	43236						
51980818	1/5/2018	001024	CITY OF TACOMA					
	Voucher:	43237						
			100668537	12/12/2017	WATER/7150 CIRQUE DR W	408.48		
			100083325	12/18/2017	POWER/4910 BRISTONWOOD DF	380.18		
			100668520	12/18/2017	WATER/4200 GRANDVIEW DR W	375.46		
			100060658	12/27/2017	POWER/3510 67TH AVE W	288.17		
			100386367	12/22/2017	POWER/7223 40TH ST W	271.75		
			100080586	12/18/2017	POWER/4951 GRANDVIEW DR W	241.10		
			100263915	12/12/2017	POWER & WATER/7250 CIRQUE	234.83		
			100668525	12/26/2017	WATER/4499 ALAMEDA AVE W	228.83		
			100385145	12/22/2017	WATER/3800 74TH AVE W	226.85		
			100611293	12/12/2017	WATER/5200 BP WAY W	220.55		
			100172057	12/18/2017	POWER & WATER/3920 GRANDV	178.11		
			100333844	12/18/2017	WATER/4951 GRANDVIEW DR W	167.01		
			100798512	12/19/2017	POWER/4402 97TH AVE W H1 ST	137.15		
			100864411	12/22/2017	POWER/6730 40TH ST CT W	125.06		
			100696565	12/26/2017	POWER/4609 ALAMEDA AVE W	107.14		
			100573267	12/26/2017	POWER/4727 ALAMEDA AVE W	106.34		
			100565439	12/22/2017	WATER/3761 BP WAY W	106.00		
			100104132	12/27/2017	POWER/3503 67TH AVE W	87.65		
			100933758	12/20/2017	POWER/7203 44TH ST W	85.86		
			100083115	12/22/2017	POWER/4000 67TH AVE W	68.42		
			100185134	12/20/2017	POWER/4401 67TH AVE W	64.27		
			100165190	12/22/2017	POWER/3761 BP WAY W	47.55		
			100131881	12/19/2017	POWER/4523 97TH AVE W	44.56		
			101007602	12/22/2017	WATER/6700 40TH ST W	42.40		
			100315888	12/5/2017	POWER/7401 CHAMBERS LN W	41.50		
			100256491	12/12/2017	POWER/7250 CIRQUE DR W	41.50	4,326.72	

Bank : bofa BANK OF AMERICA

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
51980819	1/5/2018	023782	COMPLETE OFFICE SOLUTIONS,	1629514-0	12/15/2017	DIVIDER/LABELS	51.31	
	Voucher:	43238		1629351-0	12/15/2017	DIARY	45.88	
				1629350-0	12/15/2017	CALCULATOR	20.76	
				C1610423-0	12/7/2017	CREDIT/FOLDER/HIGHLIGHTER	-40.76	77.19
51980820	1/5/2018	022207	CRAIG, MARIZA	REIMB	12/5/2017	REIMB/COFFEE/SNACKS/PUBLIC	62.97	62.97
	Voucher:	43239						
51980821	1/5/2018	002878	DELL MARKETING L.P.	10210894829	12/12/2017	XC430 FOR HYPER-V	76,820.12	
	Voucher:	43240		10212429604	12/16/2017	PRECISION TOWER/MONITOR	3,352.99	80,173.11
51980822	1/5/2018	026118	DREISBACH, KARI	REIMB	12/29/2017	REIMB/WELLNESS SUPPLIES/HC	173.02	173.02
	Voucher:	43241						
51980823	1/5/2018	001212	GRAY & OSBORNE INC	9	12/12/2017	SOUNDVIEW DR/BROOKSIDE W/	23,768.78	23,768.78
	Voucher:	43242						
51980824	1/5/2018	026035	LAYLA AND ME PHOTOGRAPHY	17-036	12/26/2017	2017 WINTER FEST PHOTOS/SAI	1,115.88	1,115.88
	Voucher:	43243						
51980825	1/5/2018	001797	LOWE'S BUSINESS ACCOUNT/GE874-3507-900095-		12/17/2017	MISC REPAIR & MAINTENANCE S	107.90	107.90
	Voucher:	43244						
51980826	1/5/2018	001378	MOUNTAIN MIST WATER	001781904	12/12/2017	#075361/BOTTLED WATER/CITY I	73.98	
	Voucher:	43245		001807292	12/27/2017	#075361/BOTTLED WATER/CITY I	44.31	
				001781877	12/12/2017	#075361/BOTTLED WATER/PW SI	28.93	
				001781905	12/12/2017	#068332/BOTTLED WATER/CM O	23.98	
				001807284	12/27/2017	#075361/BOTTLED WATER/PW SI	14.09	
				001807293	12/27/2017	#068332/BOTTLED WATER/CM O	7.50	192.79
51980827	1/5/2018	023808	P.C. FAMILY JUSTICE CENTER	2017CONTRIBUTI	12/14/2017	2017 CONTRIBUTION	3,000.00	3,000.00
	Voucher:	43246						
51980828	1/5/2018	001288	PACIFIC WELDING SUPPLIES, LL	01498882	12/14/2017	POWERMAX TORCH/NOZZLE/EL	1,594.52	1,594.52
	Voucher:	43247						
51980829	1/5/2018	001114	PITNEY BOWES GLOBAL FIN. SV	DEC17	1/4/2018	DEC17/ACCT19533470/POSTAGE	85.00	85.00
	Voucher:	43248						
51980830	1/5/2018	001161	PUGET SOUND ENERGY CORP	200014542258	12/28/2017	GAS/7450 MARKET SQ W	288.32	
	Voucher:	43249		200000971479	12/26/2017	GAS/4910 BRISTONWOOD DR W	230.37	
				220014491314	12/28/2017	GAS/3715 BP WAY W #E1	41.47	
				220008861142	12/28/2017	GAS/3715 BP WAY W, #BLDG D1	38.54	598.70
51980831	1/5/2018	002613	SUPERIOR LINEN SERVICE,INC.	76046	12/27/2017	OFFICE MAT RENTAL/PW SHOP	89.40	
	Voucher:	43250		67527	11/17/2017	OFFICE MAT RENTAL/DEVELOPM	13.77	
				73701	12/15/2017	MAT RENTAL/DEVELOPMENT SE	13.77	116.94

Bank : bofa BANK OF AMERICA

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51980832	1/5/2018	002823	THOMPSON ELECTRICAL CONST1217-1262CV	12/19/2017	CLOCK SYSTEM ADDED TO OVE	2,556.97	2,556.97
	Voucher:	43251					
51980833	1/5/2018	001331	UNIVERSITY PLACE REFUSE SV,1994063	12/20/2017	JAN17/BILLING PERIOD/REFUSE	4,822.85	
	Voucher:	43252	994062	12/20/2017	JAN17/BILLING PERIOD/COMPAC	1,393.48	6,216.33
51980834	1/5/2018	001153	VERIZON WIRELESS,LLC.	12/12/2017	CELL PHONE/PW & PARK MAINT	562.50	562.50
	Voucher:	43253					
Sub total for BANK OF AMERICA:							128,855.63

20 checks in this report.

Grand Total All Checks: 128,855.63

FINAL CHECK LISTING
CITY OF UNIVERSITY PLACE

Check Date: 01/08/2018

Check Range: 51980835 - 51980845

Claims Approval

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, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of University Place, and that I am authorized to authenticate and certify to said claim.

I also certify that the following list of checks were issued to replace previously issued checks that have not been presented to the bank for payment. The original check was voided and a replacement check issued.

Vendor Name

Replacement Check #

Original Check #

Auditing Officer: _____ (Signature on file.)

Date: _____

Bank : bofa BANK OF AMERICA

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51980835	1/8/2018	002718	AMERICAN PUBLIC WORKS ASSN146977	12/8/2017	2018 DUES/NURI AVCULAR	221.00	
	Voucher:	43254	155901	12/8/2017	2018 DUES/JACK ECKLUND	221.00	
			127202	12/8/2017	2018 DUES/GARY COOPER	221.00	663.00
51980836	1/8/2018	001007	ASSN OF WASHINGTON CITIES 56680	1/1/2018	2018 DUES/AWC	23,272.00	
	Voucher:	43255	57643	12/18/2017	2018/SAFETY ALLIANCE PROGR	1,639.01	
			57079	12/18/2017	2018/DRUG & ALCOHOL CONSOI	539.00	25,450.01
51980837	1/8/2018	001211	GFOA 0133705	12/14/2017	2018 MEMBERSHIP DUES/L.BLA	250.00	250.00
	Voucher:	43256					
51980838	1/8/2018	001226	INSTITUTE OF TRANS. ENGINEE2018DUES/10149	11/3/2017	2018 DUES/JOHN ECKLUND/#10	302.00	302.00
	Voucher:	43257					
51980839	1/8/2018	001283	PC CLERKS/FIN OFFICERS ASSN2018DUES	1/2/2018	2018 DUES/E.GENETIA & D.NICH	35.00	35.00
	Voucher:	43258					
51980840	1/8/2018	002891	WA ASSOC. OF TELECOMMUNIC/01-2018-UNIV	1/2/2018	2018 WATOA MEMBERSHIP DUE	100.00	100.00
	Voucher:	43259					
51980841	1/8/2018	001158	WA CITIES INSURANCE AUTHORI18138	1/1/2018	2018/LIABILITY/PROGRAM ASSE	110,203.00	110,203.00
	Voucher:	43260					
51980842	1/8/2018	022202	WA STATE DEPT. OF AGRICULTUI2018RENEWAL	11/8/2017	2018 PESTICIDE LICENSE RENE	198.00	198.00
	Voucher:	43261					
51980843	1/8/2018	022202	WA STATE DEPT. OF AGRICULTUIJAN2018	1/5/2018	TESTING/LICENSE FEES/G.RAMI	58.00	58.00
	Voucher:	43262					
51980844	1/8/2018	021897	WEDA 6945	9/1/2017	2018 MEMBERSHIP DUES/M.CRA	400.00	400.00
	Voucher:	43263					
51980845	1/8/2018	001428	WILBUR-ELLIS COMPANY 11438218	12/8/2017	2018 SEMINAR/VARIOUS STAFF	270.00	270.00
	Voucher:	43264					
Sub total for BANK OF AMERICA:							137,929.01

11 checks in this report.

Grand Total All Checks: 137,929.01

STUDY SESSION

Memo

DATE: January 16, 2018
TO: Mayor and Members of the City Council
FROM: Matt Kaser, City Attorney
SUBJECT: Proposed Ordinance Relative to Fireworks

In the November 2017 General Election, the voters were asked the following question, “Should the sale, possession and discharge of consumer fireworks be prohibited in the City of University Place?” 7,281 people casted ballots with 61.45% answering that question in the affirmative.

Attached for Council consideration is a draft Ordinance which would implement a prohibition on the sale, possession and discharge of consumer fireworks within the City.

University Place’s Current Regulations

Presently, the City of University Place implements a number of prohibitions relating to fireworks. Those include the following:

- for any person to sell, at retail or wholesale, or to offer for sale, at retail or wholesale, fireworks to any person under 16 years of age
- for any person under 16 years of age to possess or to discharge any fireworks within the City without direct supervision of an adult
- to sell or purchase consumer fireworks except between noon and 11 p.m. on June 28th, between 9 a.m. and 11:00 p.m. on June 29th through July 3rd and between 9:00 a.m. and 9:00 p.m. on July 4th.
- to discharge or use consumer fireworks in the City except between 9:00 a.m. and midnight on July 4th and between 6:00 p.m. on December 31st and 1:00 a.m. on January 1st of the subsequent year.

It is not a violation, however, to purchase and use common fireworks provided that a permit is obtained in advance from the City’s Fire Code Official.

A violation is a misdemeanor offense (criminal) with a maximum penalty of 90 days jail, or a \$1,000.00 fine or both plus fees, costs and restitution.

The Proposed Ordinance

Given the overwhelming support by the electorate for a prohibition on the sale, possession and discharge of consumer fireworks, staff has drafted the attached Ordinance for Council consideration and as a foundation for future discussion. This draft legislation implements the prohibition, provides for a permitting process for those instances where firework displays might be allowable, redefines the penalty structure, and makes several housekeeping changes.

Implementing Fireworks Prohibitions

The draft legislation implements four prohibitions:

1. The Sale, Possession or Discharge Prohibited. The sale, possession, or discharge of fireworks of any kind within the city is prohibited.
2. No Property or Roadways Adjacent Thereto to be Used for Fireworks. The owner of property, or a person renting, leasing, or who has control over the use of property, to knowingly permit the property that he or she owns, rents, leases or has control over, or any portion of any city roadway adjacent to such property, to be utilized for the discharge of fireworks when the discharge of fireworks is not properly permitted pursuant to this chapter.
3. No Fireworks Litter. No person to deposit fireworks or parts of fireworks, whether discharged or not, in or upon any street, sidewalk or other public place, except when discharged fireworks or parts of discharged fireworks are deposited in private or public litter receptacles, and it shall be unlawful for an owner of property, or a person renting, leasing, or who has control over the use of property, to fail to remove fireworks or parts of fireworks, whether discharged or not, that are not contained in a litter receptacle from private property that is open to the public or open to public view within 72 hours of the deposit of such fireworks or parts of fireworks on the private property
4. Minors May Not Possess, Use, etc. No parent or guardian having custody or control of any minor to permit or knowingly allow such minor to sell, deliver, distribute, possess or discharge fireworks of any kind within the city.

The Ordinance contains several exemptions from these prohibitions. These include acts performed under a city-issued permit (discussed below), uses which are expressly allowable by statute, the transportation of fireworks as part of interstate commerce, and uses incidental to an already-allowed use.

The most notable exemption (other than those under a permit) include the one for “trick and novelty devices.” These are defined by WAC 212-17-025(10) as “any small fireworks devices that are not regulated as explosives and are not classified as consumer or display fireworks by the

United States Department of Transportation.” Items included within this definition include: snakes, glow worm, party popper, snappers, toy smoke devices and toy caps.

The Permit Process

A permit may be obtained by any person to engage in what would otherwise be prohibited by this Ordinance. The Development Services Director or designee in consultation with others would make this determination. The permit may be revoked by either the Development Services Director or the local fire official.

The fee for the permit is as set forth in the City’s fee schedule. Currently, the fee schedule sets forth the following fees for fireworks-related applications.

Fireworks Display	\$ 270.00
Fireworks Stand	\$ 110.00

The fee schedule currently requires that a bond for cleanup is required in the amount of \$500.00 in a bond or cashier’s check for all fireworks stands.

Penalties

The Ordinance would recategorize the default penalties from criminal misdemeanor charges to civil infractions. These infractions would carry a base fine of \$250.00 together with fees, costs and assessments. Currently, the fine, plus fees, costs and assessments would result in a total ticket of \$513.00. Assuming that the full amount of the fine was imposed and collected, this would result in a local share of \$273.36 (53.29%), with the balance going to the state.

It should be noted that current data reflects that the current volume of calls for service (CFS) relative to fireworks over the Independence Day holiday has been decreasing:

UP Fireworks CFS - 2000-2017																			
Date	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	TREND
28-Jun	1	1	1	6	2	3	3	3	4	0	0	1	0	1	1	1	0	1	
29-Jun	4	1	7	2	4	5	2	2	4	0	0	0	5	3	1	1	1	0	
30-Jun	6	3	14	7	6	4	12	5	4	0	1	4	9	0	6	1	2	2	
1-Jul	10	3	6	7	3	6	16	7	5	5	0	0	3	2	4	3	6	6	
2-Jul	10	9	4	5	11	12	16	6	8	6	0	6	2	2	5	6	7	3	
3-Jul	16	17	23	13	20	26	23	27	16	10	3	16	10	9	13	22	15	10	
4-Jul	39	43	49	46	20	42	34	42	33	31	20	22	27	41	21	30	20	19	
5-Jul	34	29	27	28	25	17	10	37	19	13	10	19	10	8	10	12	4	6	
Total	120	106	131	114	91	115	116	129	93	65	34	68	66	66	61	76	55	47	

Some violations, however, would be criminal and punishable as a gross misdemeanor (364 days in jail or \$5,000.00 fine, or both) and would include:

1. Conducting an indoor or outdoor public display of fireworks¹ without a properly issued city permit or in violation of a properly issued city permit;
2. Discharging special effects or articles pyrotechnic without a properly issued city permit or in violation of a properly issued city permit;
3. Making any misrepresentation of fact, or knowingly permitting any misrepresentation of fact, on any application for a city permit required pursuant to this chapter; or
4. Possessing or storing in excess of 20 pounds of fireworks, except when such possession or storage is incidental to a properly issued city permit.

State law provides (RCW 70.77.549) and the Ordinance also adopts this language that “[i]n addition to criminal penalties, a person who violates this chapter is also liable for a civil penalty and for the costs incurred with enforcing this chapter and bringing the civil action, including court costs and reasonable investigative and attorneys' fees.”

Cost Impacts

If Council were to adopt this Ordinance, the City would lose permit fees and some sales tax revenue associated with firework sales.

	2017	2016	2015
Firework Permits Issued	5	5	6
Tax Revenue	Incomplete (taxpayers have through December to file)	\$388.95	\$278.62

Because relying on revenues associated with court fines is wholly unpredictable, looking solely to the loss of this tax and permit revenue on the legislation (if adopted) does not carry a significant financial impact on its own.

With that said, one additional observation should be noted: additional staffing will be sought which does carry a financial impact. This would take the form of additional officers working overtime providing informational teaching relative to this legislation (in 2018) and increased enforcement (in 2019).

Staff estimates a total cost of \$7,200.00 in 2018 and \$21,000.00 in 2019. The 2018 figure accounts for 6 officers working overtime on July 4 from 6:00 p.m. until 3:00 a.m. on July 5. The 2019 figure accounts for two officers working overtime from July 1 to July 5 from 6:00 p.m. until 3:00 a.m., and an additional four officers dedicated to enforcement on July 4 during these same hours. These expenditures need not be made in this Ordinance.

¹ A "Public display of fireworks" is defined by state law, "means an entertainment feature where the public is or could be admitted or allowed to view the display or discharge of display fireworks."

Housekeeping & State Law Adoption by Reference

Finally, if adopted there are several changes which are suggested to bring this Ordinance in line with current Code. First, a change is necessary to the Parks Code to require that any fireworks use is in line with the permitting process set forth in this new Ordinance (and not as a special events permit, under the current Code). Second, a number of provisions of state law are adopted by reference. These provisions are mostly definitional (the current Code lacks any definitions). Third, an express statement that this legislation supersedes all other fireworks-related provisions of the municipal code which may be in conflict.

Two groups of state law adoptions by reference should be highlighted.

First, state law allows the seizure and forfeiture of fireworks by law enforcement. To alleviate any potential inconsistencies, these provisions are expressly adopted.

Second, state law contains criminal penalties for certain discharges, uses and sales of fireworks. These cover such matters as the reckless discharge of fireworks, unauthorized sales and transfers to minors, and while not likely to arise, the adoption of these provisions is necessary to allow prosecution of such offenses in municipal court.

On a final note: owing to provisions of state law, any ordinance which the Council may pass which contains provisions more restrictive than state law, shall take effect and be in force no sooner than one year from and after its adoption as provided by RCW 70.77.250.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, REPEALING CHAPTER 9.20 UPMC, CREATING CHAPTER 9.20A UPMC, AND AMENDING THE PARKS CODE RELATIVE TO THE SALE, POSSESSION AND DISCHARGE OF FIREWORKS

WHEREAS, through its adoption of Resolution No. 843 on July 17, 2017, the City Council determined that the interests of the City would be best served by placing before voters an advisory proposition asking whether the sale, possession, and discharge of consumer fireworks should be prohibited in University Place; and

WHEREAS, Advisory Proposition 1 appeared on the November 7, 2017, ballot, and asked the following question of the voters: "Should the sale, possession and discharge of consumer fireworks be prohibited in the City of University Place?"; and

WHEREAS, as of the passage of this Ordinance, a majority of voters have answered the question set forth in Advisory Proposition 1 in the affirmative; and

WHEREAS, in light of voter recommendation, the City Council desires to repeal the City's existing fireworks regulations, and enact an ordinance that will prohibit the sale, possession, and discharge of consumer fireworks, but will allow, in certain circumstances, the public display of fireworks and the use of fireworks conditioned upon a permit issued by the city;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE DOES ORDAIN AS FOLLOWS:

Section 1. Repeal Chapter 9.20. Chapter 9.20 of the University Place City Code, entitled "Fireworks," is repealed in its entirety.

Section 2. Enact New Chapter 9.20A. The University Place City Code is amended to add a new Chapter 9.20A of the University Place City Code, entitled "Fireworks," as set forth in Exhibit A and incorporated by reference.

Section 3. Amend UPMC 15.05.060. Section 15.05.060 of the University Place Municipal Code entitled "Regulations and prohibited activities" is amended to read as set forth in Exhibit B and incorporated by reference.

Section 4. Savings. The existing Chapter 9.20 of the University Place City Code, which is repealed and replaced by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 6. Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 7. Effective Date. This ordinance shall take effect and be in force one year from and after its adoption as provided by RCW 70.77.250.

PASSED BY THE CITY COUNCIL ON _____, 2018.

Kent D. Keel, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

Date of Publication: xx/xx/xx

Effective Date: xx/xx/xx

DRAFT

EXHIBIT A TO ORDINANCE

**Chapter 9.20A UPMC
Fireworks**

Sections

- 9.20A.010 Intent
- 9.20A.020 Prohibited Acts
- 9.20A.030 Exceptions
- 9.20A.040 Permits
- 9.20A.050 Violations and Penalties
- 9.20A.060 Chapter 70.77 RCW Entitled "State Fireworks Law" – Adoption by reference
- 9.20A.070 Applicability of Chapter

9.20A.010. Intent.

The University Place City Council certified Advisory Proposition 1 to the voters for the November 7, 2017 general election. Advisory Proposition 1 asked the following question: "Should the sale, possession and discharge of consumer fireworks be prohibited in the City of University Place?" A majority of voters answered in the affirmative.

The City Council, having determined that the prohibition of the sale, possession, and discharge of consumer fireworks is requested by the voters and is in the interests of the public health, safety, and welfare, establishes this ordinance to prohibit the sale, possession, and discharge of consumer fireworks, to establish the circumstances in which public displays of fireworks and fireworks used in theatrical presentations are permitted, and to establish the penalty for a violation of the ordinance.

9.20A.020. Prohibited acts

A. Except as permitted in this chapter, the sale, possession, or discharge of fireworks of any kind within the city is prohibited.

B. It shall be unlawful for an owner of property, or a person renting, leasing, or who has control over the use of property, to knowingly permit the property that he or she owns, rents, leases or has control over, or any portion of any city roadway adjacent to such property, to be utilized for the discharge of fireworks when the discharge of fireworks is not properly permitted pursuant to this chapter.

C. It shall be unlawful for any person to deposit fireworks or parts of fireworks, whether discharged or not, in or upon any street, sidewalk or other public place, except when discharged fireworks or parts of discharged fireworks are deposited in private or public litter receptacles, and it shall be unlawful for an owner of property, or a person renting, leasing, or who has control over the use of property, to fail to remove fireworks or parts of fireworks, whether discharged or not, that are not contained in a litter receptacle from private property that is open to the public or open to public view within 72 hours of the deposit of such fireworks or parts of fireworks on the private property.

D. It shall be unlawful for any parent or guardian having custody or control of any minor to permit or knowingly allow such minor to sell, deliver, distribute, possess or discharge fireworks of any kind within the city.

9.20A.030 Exceptions

Notwithstanding the prohibition set forth in UPMC 9.20A.020, the following shall be permitted in the City of University Place:

1. The public display of fireworks authorized by permit issued by the city;

2. The use of articles pyrotechnic and special effects, when used in accordance with RCW 70.77.535 and when authorized by permit issued by the city;
3. The use by law enforcement or emergency response agencies of devices that may fall within the definition of firework, when such devices are used in furtherance of law enforcement or emergency response operations or training;
4. The transportation of consumer fireworks through the city as part of interstate commerce;
5. The use of flares to warn motor vehicles of road hazards; or the use of torpedoes, flares, or fuses by railroads or other government transportation agencies for signal purposes as provided in RCW 70.77.530;
6. The use of agricultural and wildlife fireworks when used in accordance with RCW 70.77.311;
7. The possession, storage, or transportation of fireworks that is incidental to the permitted uses in this subsection.
8. The use, possess and display of "trick and novelty devices," as defined by WAC 212-17.025.

9.20A.040. Permits.

A. Except to the extent that it is inconsistent with this section, the procedures, requirements and conditions set forth in Chapter 70.77 RCW, chapter 212-17 WAC, chapter 5.10 UPMC and the provisions of the most recent version of the International Fire Code (as adopted within this Code) which are applicable to the submittal, consideration, or granting of permits shall apply to the filing, review, and issuance of any permit required by this chapter, provided however, that such permit for the sale, possession or discharge of fireworks which would otherwise be prohibited by this chapter shall be issued by the Development Services Director or designee, in consultation with the local fire official and, as applicable, the fire code official.

B. In reviewing an application for a permit, the issuing official may consider relevant provisions in the fire codes, building codes, and health and sanitation codes adopted by the city in determining whether the discharge, possession, or storage of fireworks is performed in a safe manner or presents a risk to public health, safety, or welfare.

C. A permit will only issue under this section in the event a pyrotechnic operator licensed by the state of Washington is designated as the person to discharge the fireworks. The permit application shall designate the licensed pyrotechnic operator by name and Washington state license number.

D. As a condition of the issuance of any permit, the local fire official and the Development Services Director or designee shall each retain the authority to revoke a permit at any time due to safety concerns.

E. The fee for any permit issued in accordance with this chapter shall be set forth in the City's fee schedule.

9.20A.050 Violations and penalties.

A. It shall be a gross misdemeanor, for any person to:

1. Conduct an indoor or outdoor public display of fireworks without a properly issued city permit or in violation of a properly issued city permit;
2. Discharge special effects or articles pyrotechnic without a properly issued city permit or in violation of a properly issued city permit;
3. Make any misrepresentation of fact, or knowingly permit any misrepresentation of fact, on any application for a city permit required pursuant to this chapter; or
4. Possess or store in excess of 20 pounds of fireworks, except when such possession or storage is incidental to a properly issued city permit.

B. Any person violating any provision of this chapter for which no other penalty is specified shall be deemed to have committed a class 1 civil infraction as set forth in RCW 7.80.120. An infraction issued

pursuant to this section shall be filed in the University Place Municipal Court and processed in the same manner as other infractions filed in the University Place Municipal Court.

C. In addition to criminal penalties, a person who violates this chapter is also liable for a civil penalty and for the costs incurred with enforcing this chapter and bringing the civil action, including court costs and reasonable investigative and attorneys' fees.

D. In addition to those individuals authorized by law or this Code to enforce this Code, the local fire official shall also have the authority to enforce the provisions of this chapter.

9.20A.060 Chapter 70.77 RCW Entitled "State Fireworks Law" – Adoption by reference

A. The words and phrases used in this chapter shall be given the definitions contained in Chapter 70.77 of the Revised Code of Washington ("RCW") as now enacted or hereafter amended or recodified.

B. Any reference to a section of the RCW or the Washington Administrative Code ("WAC") in this chapter shall refer to the chapter or section referenced and any amendment or recodification thereof.

C. The following RCW sections, as currently enacted or as hereinafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

70.77.120	Definitions—To govern chapter.
70.77.124	Definitions—"City."
70.77.126	Definitions—"Fireworks."
70.77.131	Definitions—"Display fireworks."
70.77.136	Definitions—"Consumer fireworks."
70.77.138	Definitions—"Articles pyrotechnic."
70.77.141	Definitions—"Agricultural and wildlife fireworks."
70.77.146	Definitions—"Special effects."
70.77.160	Definitions—"Public display of fireworks."
70.77.165	Definitions—"Fire nuisance."
70.77.170	Definitions—"License."
70.77.175	Definitions—"Licensee."
70.77.177	Definitions—"Local fire official."
70.77.180	Definitions—"Permit."
70.77.182	Definitions—"Permittee."
70.77.190	Definitions—"Person."
70.77.200	Definitions—"Importer."
70.77.205	Definitions—"Manufacturer."
70.77.210	Definitions—"Wholesaler."
70.77.215	Definitions—"Retailer."
70.77.230	Definitions—"Pyrotechnic operator."
70.77.236	Definitions—"New fireworks item."
70.77.241	Definitions—"Permanent storage"—"Temporary storage."
70.77.435	Seizure of Fireworks
70.77.440	Seizure of Fireworks – Proceedings for forfeiture – Disposal of confiscated fireworks.
70.77.488	Unlawful discharge or use of fireworks – Penalty
70.77.510	Unlawful sales or transfers of display fireworks – Penalty
70.77.515	Unlawful sales or transfers of consumer fireworks – Penalty
70.77.549	Civil penalty -- Costs

9.20A.070 Applicability of Chapter

This chapter supersedes all provisions of the municipal code relative to the use, possession or discharge of fireworks within the City that may be in conflict.

DRAFT

EXHIBIT B TO ORDINANCE _____

UPMC 15.05.060 Regulations and prohibited activities

A. Park Property.

1. Destruction and Removal. No person shall vandalize, damage, destroy, mark, deface by graffiti, displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, signs, notices or placards, monuments, stakes, posts, stones, trees, shrubs, plants, public utilities, or other structures, equipment, facilities or park property or appurtenances whatsoever, either real or personal.

2. Erection of Structures. No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across park property, except by facility rental or reservation or special event permit issued under Chapter [5.10](#) UPMC.

3. Climbing Trees, Etc. No person shall climb any tree or walk, stand or sit upon monuments, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

4. Pollution of Waters. No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any stream, or other body of water in or adjacent to any park or any stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters.

5. Deposit Trash. No person shall bring in, dump or deposit any trash, waste or garbage not generated during lawful use of the park or City moorage facilities. All trash, waste and garbage generated during lawful use of the park or City moorage facilities shall not be placed in any waters in or contiguous to the park nor left anywhere on the grounds, but shall be placed in the proper receptacles where provided.

Where receptacles are not so provided, all such trash, waste and garbage shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

B. Animals.

1. Hunting. No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles or objects at any animal, reptile or bird, nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

2. Feeding. No person shall feed any bird or wild animal or give or offer, or attempt to give, to any animal or bird any tobacco, alcohol or other known noxious substances.

3. Hitching of Animals. No person shall tie or hitch any animal to any tree, plant or fence, unless in a designated area or unless such action is not reasonably likely to cause damage to park property.

4. Domestic Animals. No person shall allow a dog or animal under that person's care, custody or control to run at large. All animals in those areas where animals are permitted shall be restrained at all times on adequate leashes, unless dogs are in a designated off-leash dog area. A person whose dog or other domestic animal is in a park is responsible for removing feces deposited by such animal from the park.

C. Traffic.

1. City Motor Vehicle Laws Apply. No person shall fail to comply with all applicable provisions of the City motor vehicle traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.

2. Enforcement of Traffic Regulations. No person shall fail to obey all traffic officers and park employees, such persons being authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director.

3. Obey Traffic Signs. No person shall fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.

4. Speed of Vehicles. No person shall drive a vehicle at a rate of speed exceeding 10 miles an hour, except upon such roads as the Director may designate, by posted signs for speedier travel.

5. Vehicle Operation Confined to Roads. No person shall drive any vehicle on any area except designated park roads or parking areas, or such other areas as may be specifically designated by the Director.

6. Vehicles in Designated Areas. No person shall park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions and with the instructions of any attendant who may be present.

7. Abandoned Vehicles. No person shall leave any vehicle in the park that is or appears to be inoperable, immobile, disassembled or extensively damaged. Evidence of inoperability and damage includes, but is not limited to, a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a flat tire, a nonfunctional motor or transmission, missing bumpers, or missing license plates.

8. Immovable Vehicles. No person shall leave any vehicle in the park with one or more wheels chained, or with motor set in gears and doors locked, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand.

9. Double Parking. No person shall double-park any vehicle on any road or parkway unless directed by a park official.

10. Vehicle Parking Hours. No person shall park a vehicle overnight on park property.

11. Bicycle Operation. No person shall ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Persons shall at all times operate their bicycles with reasonable regard for the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.

12. Immobile Bicycles. No person shall leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

D. Picnic Areas and Use.

1. Regulated. No person shall picnic or lunch in a place other than those designated or reasonably useful for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

2. Availability. No person shall violate the regulation that use of the tables and benches and other park amenities follows, generally, the rule of "first come, first served," unless by facility rental or reservation or by special event permit issued under Chapter [5.10](#) UPMC.

3. Nonexclusive. No person shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded, unless by a facility rental or reservation or by a special use permit issued under Chapter [5.10](#) UPMC.

4. Barbeque. No person shall operate a barbeque except in designated areas and unless he or she takes all necessary safety precautions to ensure the safety of others and of the park property. All barbeques must be self-contained units that use coal or propane gas, and only be used outside. Coals, ashes, grease or other byproducts of said barbeques may not be disposed of on park property.

E. Recreational Activities.

1. Bathing Areas. No person shall erect, maintain, use or occupy on or in any beach, stream bank, or bathing area, any tent, shelter or structure of any kind.

2. Firearms. No person shall use, carry, or possess weapons of any description potentially inimical to wildlife and dangerous to human safety, or any kind of trapping device; provided, however, that firearms are permitted subject to the following limitations. No person except duly authorized law enforcement personnel and/or persons licensed to carry a concealed weapon shall possess a concealed firearm in a City park. No person shall aim or discharge a firearm in, into, or across any park area.

3. Camping. No person shall camp in the open, or in tents, shacks, or any other temporary shelter, nor shall any person leave any movable structure or special vehicle to be used or that could be used for such purpose, such as a house trailer or camp trailer; provided, that camping as a component activity of a properly permitted special event sponsored and organized or supported by the City, or sponsored and organized by a Federally certified nonprofit youth education organization, may be allowed for not more than 48 hours. Further provided that this provision does not apply to temporary tent encampments as those are elsewhere defined and regulated in this code.

4. Games. No person shall take part in or abet the playing of any games involving thrown or otherwise propelled objects, or the playing of rough or comparatively dangerous games such as football or baseball, except in areas set apart for such use, or otherwise reasonably useful for such use and not

reasonably likely to cause injury or interfere with the use of park facilities by the general public. Roller skating and skateboarding, golf and horseshoes shall be confined to those areas specifically designated for such use.

5. Model Aircraft. No person shall fly or operate any gas- or electric-powered aircraft, model aircraft, model rockets or hot air balloons, except at specified places and times designated for such activities by the Director upon his determination that:

- a. Adequate provision has been made to ensure that the health and safety of participants in and spectators of any such activities will not be subject to undue hazard;
- b. Such activities will be conducted in such a manner as to minimize potential damage to public or private property;
- c. Such activities will not constitute a public nuisance;
- d. Such activities will not unduly interfere with the use of park facilities by the general public; and
- e. User has provided to the City a certificate of insurance satisfactory to the Director naming the City as an additional insured.

6. Racing. No person shall engage in conduct or hold any trials or competitions for speed, endurance or hill climbing involving any vehicle, boat, aircraft or animal, except at specified places and times designated for such activities by the Director upon his determination that:

- a. Adequate provision has been made to ensure that the health and safety of participants in and spectators of any such activities will not be subject to undue hazard;
- b. Such activities will be conducted in such a manner as to minimize potential damage to public or private property;
- c. Such activities will not constitute a public nuisance;
- d. Such activities will not unduly interfere with the use of park facilities by the general public; and
- e. User has provided to the City a certificate of insurance satisfactory to the Director naming the City as an additional insured.

F. Behavior.

1. **Illegal Substances and Alcoholic Beverages.** No person shall have or be under the influence of any illegal substances. No person shall have or be under the influence of alcoholic beverages of any kind, except that alcohol may be served in conjunction with a special event permit or facility rental agreement.
2. **Violence.** No person shall exhibit violence at any time, whether or not in possession of a weapon pursuant to this chapter.
3. **Fireworks and Explosives.** No person shall bring, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or water adjacent thereto including any City park or on the grounds of any City facilities, except in conjunction with a ~~special event permit~~ [permit issued under chapter 9.20A UPMC](#). This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.
4. **Fires.** No person shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the Director. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.
5. **Closed Areas.** No person shall enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of, any area in violation of posted notices.
6. **Games of Chance.** No person shall gamble, or participate in or abet any game of chance.
7. **Loitering and Boisterousness.** No person shall sleep or protractedly lounge on the seat, or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.
8. **Signs.** No person shall attach, affix or otherwise post any sign, placard, advertisement, or inscription to any park property, nor shall any person erect or cause to be erected any sign whatsoever on any public lands or roads in or adjacent to a park, except by facility rental or reservation or special event permit issued under Chapter [5.10](#) UPMC, or by permission of the Director.

9. Noise. No person shall operate a loudspeaker or mechanical amplifier, nor play a radio, stereo, television set, or similar device at volumes such that they may be heard from over 20 feet from the source, except by facility rental or reservation or special event permit issued under Chapter [5.10](#) UPMC.

10. Exhibit Permits. No person shall fail to produce and exhibit any permit from the Director he claims to have upon request of any person who desires to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

11. Interference with Permittees. No person shall disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit, rental, or reservation.

G. Sales.

1. Vending and Peddling. No person shall expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing, except by sales permit issued under this chapter, or special event permit issued under Chapter [5.10](#) UPMC.

2. Advertising. No person shall announce, advertise, or call the public attention in any way to any article or service for sale or hire, except by sales permit issued under this chapter.