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ORDINANCE

NO. 621 Repealed By 1006-1007 Date: \_\_\_\_\_

AN ORDINANCE RELATING TO PARKS, PLAYGROUNDS, AND RECREATIONAL FACILITIES, CREATING A BOARD OF PARK COMMISSIONERS OF THREE MEMBERS, PRESCRIBING THEIR POWERS AND DUTIES, REQUIRING A BUDGET, AND PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT OF THE RULES AND REGULATIONS MADE BY SAID BOARD, DECLARING A VIOLATION OF ANY SUCH RULE OR REGULATION TO BE A VIOLATION OF THIS ORDINANCE, PROVIDING PENALTIES, AND CREATING A PARK FUND FOR DEPOSITING MONIES RECEIVED FOR THE PARK DEPARTMENT OF THE CITY OF KIRKLAND, AND REPEALING ORDINANCE NO. 520 AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

THE CITY COUNCIL OF THE CITY OF KIRKLAND DO ORDAIN AS FOLLOWS:

Section 1.

Definition. Words used shall have the following meaning:

"Parks" means areas of land, with or without water, developed and used for public recreational purposes, including landscaped tracts, picnic grounds, playgrounds, athletic fields, camps, foot, bicycle and bridle paths, motor vehicle drives, wild-life sanctuaries, museums, zoological and botanical gardens, facilities for bathing, boating, hunting and fishing, as well as other recreational facilities for the use and benefit of the public. "Board" means Board of Park Commissioners. "City Council" includes the city commission when the city is governed by a body consisting of commissioners.

Section 2

Creation of Board of Park Commissioners and Eligibility. There is hereby created a Board of Park Commissioners, consisting of three members, who shall be appointed by the mayor, with the approval of the city council, from citizens of recognized fitness for such positions who reside in said city. No commissioner shall receive any compensation for his services.

Section 3

Terms of Commissioners; Filling Vacancies. The first commissioners appointed shall determine by lot whose term shall expire in one, two, and three years respectively, and their terms shall begin after their appointment has been approved by the city council, and upon taking the

usual oath of qualification. The terms of office, except the first, shall begin on the first Monday in June, and, at the expiration of each commissioner's term, the mayor shall appoint, with the approval of the city council, one member for a three-year term. Members of the Board may be removed at any time by the mayor, <sup>subject to approval by a majority of the City Council</sup> and vacancies for the remainder of unexpired terms shall be filled in the same way that original appointments are made. Immediately after their appointment, members of said Board shall meet and organize by electing one of their members President and such other officers as may be necessary.

Section 4.

General Powers and Duties. The Board of Park Commissioners shall have all the powers and perform all the duties provided by the laws of the State of Washington relating to Boards of Park Commissioners of Cities of the Third Class. Said Board shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner, and shall have control and supervision of all parks belonging to said city, and may plan, promote, manage and acquire, construct, develop, maintain, and operate, either within or without city limits, parks, squares, parkways and boulevards, play and recreation grounds, and/or other municipally owned recreation facilities, including community buildings, and improve and ornament the same; enter into any contract in writing, acting independently or in conjunction with any organization, the United States, the State of Washington, any county, city or town, park district, school district, or any such public organizations for the purpose of conducting a recreation program or exercising any other power granted by this ordinance; and exercise censorship over any statuary, monuments or works of art presented to the city. The Board may also solicit or receive on behalf of the city council any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds, parks, or other recreational purposes. Powers of said Board include the authority to grant concessions and privileges herein under such restrictions and for such compensation as it shall prescribe, the revenue from which shall be

used for park purposes. Provided that no concession or privilege shall ever be granted for the sale of any intoxicating liquors, beer, and/or wine in any public park, and that no concession or privilege shall be granted for a period of more than three years unless approved by ordinance. The Board shall have no power to acquire land or property, or to accept gifts of real or personal property, without the approval of the city council, and any property acquired shall be in the name of the city.

Section 5.

Rules and Regulations. The Board shall have power to make rules and regulations for the government and management thereof, including the power to fix charges for the use of any municipally owned or controlled park or recreation facility. All rules and regulations and use charges and amendments and changes adopted by the Board shall be promulgated by one publication in the official newspaper of the city, if there be one, and a copy thereof shall be filed in the office of the City Clerk, or if there is no official newspaper nor other newspaper in said city, then the publication shall be in such manner as the city council shall direct. These rules and regulations shall have full force and effect from and after the date of said publication. This ordinance and rules and regulations adopted pursuant thereto shall be enforced by the Police Department of the city. Violation of rules and regulations so adopted shall be a violation of this ordinance.

Section 6.

Appointment and Duties of Superintendent. The Board shall have the power to appoint a superintendent who is the best trained and qualified person available therefor, such appointment to be subject to confirmation by a majority of the membership of the city council. The Park Superintendent, under the direction of the Board, shall have the management of the park and playground system and the appointment and supervision of employees thereof for the efficient administration, construction, and development

of the public park and recreation system. Such superintendent may be the executive officer of the Board and shall have powers and duties as prescribed by the Board, and such other duties and powers as may from time to time be imposed or conferred upon him by law or by ordinance. The Board shall have the power to remove the Park Superintendent at their discretion.

Section 7

Park Budget. Annually, the Board shall submit a budget to the governing body of the city on or before the second Monday in August for its approval.

Section 8

Park Fund. There is hereby created a fund to be known as the Park Fund into which fund shall be deposited all monies received for park purposes from taxation, income of park department, state aid, donations, or any other source.

The City Council shall appropriate money annually for the park department. All monies for such department shall be deposited into the Park Fund which Fund shall be maintained by the City Treasurer and shall not be drawn upon for any but park purposes. It is specifically provided that any unexpended balances of fund remaining at the end of each year in said park fund may be held in such fund as a cumulative reserve and expenditure may be made therefrom only for park purposes as herein provided.

The Board of Park Commissioners shall have the exclusive control of expenditures for park purposes subject to any examination of accounts required by the State and money shall be paid for park purposes only upon vouchers of the Board of Commissioners without further audit. The Board shall not make expenditures or incur indebtedness in any single year in excess of the amount of money appropriated and/or available or accumulated for park purposes.

Section 9.

Penalties. The violation of this ordinance shall be punished by a fine not to exceed One Hundred Dollars (\$100.00).

Section 10.

Repealed Ordinance Ordinance No. 520 and all other ordinances or parts of ordinances of the city in conflict are hereby repealed.

Section 11.

Effective Date and Publication. This ordinance shall be in full force and effect after it shall have been passed by the council, signed by the mayor, attested by the clerk, and from and after five days after its publication according to law.

Introduced the 6th day of August, 1951.

Passed by the Council on the <sup>5</sup>th day of ~~October~~ <sup>November</sup>, 1951.

Approved the <sup>5</sup>th day of ~~October~~ <sup>November</sup>, 1951.

Wm. C. Leland  
Mayor

Attest:

Sam L. Fitch  
City Clerk

Approved as to Form:

Charles W. Johnson Jr  
City Attorney

I hereby certify that the foregoing is a true and correct copy of an Ordinance of the City of Kirkland and that the same was published or posted according to law, said Ordinance being No. 621

and entitled "A" Ordinance as above.  
Sam L. Fitch, City Clerk