

CITY COUNCIL AGENDA REQUEST FORM

Today's date: 11 / 14 / 18

Date of meeting 11 / 20 / 18

(City Council meetings are held the 1st and 3rd Wednesday of each month.)

Name of Citizen, Organization, Elected Official, or Department Head making request:

City Clerk Maree Peck

Address: 1123 Lake St., Sandpoint

Phone number and email address: 208-263-3310 mpeck@sandpointidaho.gov

Authorized by: Maree Peck

name of City official

Maree Peck
City official's signature

(Department Heads, City Council members, and the Mayor are City officials.)

Subject: Amend City Code Title 7 Chapters 5 and 10 - City Beaches and Park Regulations

Summary of what is being requested: review and adopt proposed ordinance

The following information **MUST** be completed before submitting your request to the City Clerk:

1. Would there be any financial impact to the city? Yes No

If yes, in what way? _____

2. Name(s) of any individual(s) or group(s) that will be directly affected by this action:

Have they been contacted?
Yes or No

Annual City event organizers

Yes

3. Is there a need for a general public information or public involvement plan? **Yes or No**

If yes, please specify and suggest a method to accomplish the plan: Yes No

4. Is an enforcement plan needed? **Yes or No** Additional funds needed? **Yes or No**

Yes No

Yes No

5. Have all the affected departments been informed about this agenda item? **Yes or No**

Yes No

This form must be submitted no later than 6 working days prior to the scheduled meeting. All pertinent paperwork to be distributed to City Council must be attached.

ITEMS WILL NOT BE AGENDIZED WITHOUT THIS FORM

**CITY OF SANDPOINT
AGENDA REPORT**

DATE: November 14, 2018

TO: MAYOR AND CITY COUNCIL

FROM: City Clerk Maree Peck

SUBJECT: Proposed Ordinance to Amend City Code Title 7, Chapters 5 and 10 – City Beaches and Parks Regulations

DESCRIPTION/BACKGROUND:

The goal is to make our ordinances as a guidance and incorporate the details from code such as regulations and processes into a policy. Park regulations specific to special events have been eliminated and moved to the special event ordinance. Clarity is provided for all other events in the parks such as Parks and Recreation Department sponsored tournaments and leagues. Provisions in code that requires requests for special events within a city park require approval by City Council when there is an expectation of 150 or more persons attending the special event. These types of requests will be done administratively since all impacted City departments will be involved in the pre-event meeting.

STAFF RECOMMENDATION:

Approve the proposed ordinance amending City Code

ACTION:

Adopt the proposed ordinance

WILL THERE BE ANY FINANCIAL IMPACT? No HAS THIS ITEM BEEN BUDGETED? No

ATTACHMENTS:

Proposed Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SANDPOINT CITY CODE TITLE 7 CHAPTERS 5 AND 10 TO CHANGE "CITY CLERK" TO "SPECIAL EVENT COORDINATOR"; AMEND CHAPTER 5 SECTION 3 REMOVING THE REQUIREMENT THAT A REASONABLE FEE TO BE ESTABLISHED BY THE CLERK; REMOVE CHAPTER 5 SECTION 3 SUBSECTIONS F(1) THROUGH F(16); AMEND CHAPTER 10 SECTION 2: "DEFINITIONS"; REMOVE PORTION OF CHAPTER 10 SECTION 3, AMEND CHAPTER 10 SECTION 4 "ALL OTHER PARK REQUESTS"; AMEND CHAPTER 10 SECTION 5 "RESPONSE TO REQUESTS FOR USE OF CITY PARKS"; REMOVE CHAPTER 10 SECTION 6 "APPEAL"; RENUMBERING THE REMAINING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING SECTIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Now therefore, be it ordained by the Mayor and Council of the City of Sandpoint, Idaho:

Section 1. That Sandpoint City Code Section Title 7 Chapter 5 and the same hereby is amended to read as follows:

7-5-1: SANDPOINT CITY BEACH DESIGNATED:

The city owns and operates a parcel of real property within the city lying east of the Burlington Northern Railway right of way and adjacent and adjoining Lake Pend Oreille, Sandpoint, Bonner County, Idaho, hereinafter referred to as the Sandpoint City Beach. Said property consists of beach front, lawn area, recreational facilities and parking lot.

7-5-2: APPLICABILITY OF PROVISIONS:

This chapter shall apply to and govern the use of all of the city property described as the Sandpoint City Beach beginning at the entrance gate to the beach and encompassing all of the city property described as the Sandpoint City Beach.

7-5-3: BEACH RULES AND REGULATIONS:

- A. No dogs shall be allowed on the Sandpoint City Beach property out of any vehicle whether on or off a leash, tether or tie at any time, except as follows:
1. Service dogs under constant control of their owner; and
 2. Dogs utilized by the city for the purpose of controlling waterfowl. (Ord. 1314, 7-1-2015)
- B. No person shall be allowed or permitted to camp overnight on the Sandpoint City Beach property in recreational vehicle, motor vehicle or any other type of facility, contrivance, tent, camper, trailer or other vehicle and no persons shall be allowed to camp overnight on said beach property. Any such overnight camping is specifically prohibited¹.
- C. No vehicular traffic shall be allowed on the Sandpoint City Beach property, including the parking lot and driveways, between the hours of eleven o'clock (11:00) P.M. and four o'clock (4:00) A.M. The hours may be changed at the discretion of the chief of police.
- D. It shall be and is unlawful and prohibited for any seaplane or any aircraft capable of traveling and operating on the water surface, to be operated, driven, flown, beached, landed, pulled up upon,

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attached to, or operated from any property of the city known as the Sandpoint City Beach, except as follows:

1. Not more than three (3) such aircraft operated on a noncommercial basis shall be allowed to moor, on a first come, first served basis, for not more than five (5) consecutive days, nor for more than twenty (20) days in any calendar year, in the designated seaplane moorage area at the city beach boat basin, being the area west of the city beach boat ramps to the east side of the Burlington Northern Railroad trestle, on the north bank of Sand Creek.
2. Any such aircraft shall taxi one-fourth ($1/4$) mile out from the city beach shoreline before executing any takeoff, and any such aircraft shall not land closer than one-fourth ($1/4$) mile out from the city beach shoreline.
3. Any such aircraft moored at such boat basin shall be moored solely at the risk of the owner(s) thereof.

E. No boat of any type, description, size, make or model shall be docked or parked overnight on the property owned by the city known as the Sandpoint City Beach, with the exception of the boat basin. Any boat found docked, parked or placed on the city beach, beach property or boat basin in violation of the provisions hereof, shall be subject to being removed, impounded and stored for violation of this chapter at the owner's sole responsibility, liability, and cost. Special use event permits may be approved by application to the ~~city clerk~~ special event coordinator as designated in the City's Special Event Policy and Procedures. ~~or other designated official for exceptions to these provisions herein set forth for special use events only. A reasonable fee to be established by the clerk shall accompany each application.~~

Any boat placed, docked or parked at the city beach, city beach property or boat basin after proper authority and approval, shall be at the risk of the owner(s) thereof.

F. ~~Notwithstanding the foregoing,~~ Camping overnight (excluding weekends) at the city beach may be approved by the ~~city parks and recreation director~~ Mayor for nonprofit organizations, subject to the following conditions within the Special Event Policy and Procedures.:

~~1. The sponsoring organization must file a special event application with the parks and recreation department at least thirty (30) days in advance of the requested camping date ("event").~~

~~2. Prior to the event, the sponsoring organization shall provide proof of liability insurance of at least five hundred thousand dollars (\$500,000.00) naming the city as additional insured.~~

~~3. The sponsoring organization shall provide a refundable damage deposit of five thousand dollars (\$5,000.00) prior to the event of damage, the city shall retain the amount reasonable for costs of repairs.~~

~~4. The sponsoring organization shall pay a nonrefundable user fee of three hundred dollars (\$300.00) in advance.~~

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~~5. If deemed necessary by the parks and recreation director, the sponsoring organization shall employ at no cost to the city at least two (2) private security officers to control parking, maintain order and enforce rules, regulations and city laws.~~

~~6. If deemed necessary by the parks and recreation director, the sponsoring organization shall at no cost to the city provide an ambulance on standby throughout the event for emergency transportation to the hospital.~~

~~7. If deemed necessary by the parks and recreation director, the sponsoring organization shall provide at its own expense porta johns, a shower truck, additional trash receptacles and/or trash removal. The sponsoring organization shall comply with the parks and recreation director's directions regarding processing of black and gray water.~~

~~8. If deemed proper and reasonable by the parks and recreation director vendors may be permitted to operate on site during the event based on the provisions of Sandpoint City Code Chapter 6, Title 6.~~

~~9. The portion of city beach utilized for the event must be approved in advance by the parks and recreation director and the sponsoring organization must adhere to the specified area.~~

~~10. Use for camping purposes shall be limited to weekdays only and shall not exceed twenty four (24) hours.~~

~~11. Open flames of any kind are prohibited.~~

~~12. Possession and/or consumption of alcohol is prohibited.~~

~~13. The sponsoring organization must benefit the Sandpoint area residents through an educational component or community clinic as approved by the parks and recreation director.~~

~~14. Parking shall be in designated areas only, maintaining open ingress and egress travel lanes for emergency vehicles and permitting public access to the boat launch. The sponsoring organization shall specify its parking needs in advance and shall not exceed twenty five percent (25%) of the available parking.~~

~~15. Neither tent stakes nor any other implement shall be driven deeper than six inches (6") into the ground.~~

~~16. All participants must adhere to standard park rules and regulations and local and state laws.~~

7-5-4: PENALTY:

Any person who shall violate this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be liable for a fine not exceeding three hundred dollars (\$300.00).

7-5-5: SANDPOINT PARKS CAPITAL IMPROVEMENT FUND:

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- A. Fund Established: There is hereby established within the city a capital improvement fund which shall be known and cited as "the Sandpoint parks capital improvement fund". The source of the money for such fund shall be all fees generated by public or private use of any public park or beach in the city. All such fees, including, but not limited to, concession fees, use fees and donations, shall be deposited in such fund only. The fund shall not be subject to the provisions of section 50-1014 of the Idaho Code which provides that the city council of the city may transfer an unexpended balance in one fund to the credit of another fund.
- B. Purposes: The purposes for which "the Sandpoint parks capital improvement fund" may be used are as follows:
1. The acquisition of land for public parks or beaches.
 2. The construction of public facilities for parks or beaches.
 3. The improvement of Sandpoint's public parks or beaches.
- C. Expenditure Of Funds: None of such funds shall be expended unless specifically appropriated by the city council pursuant to sections 50-1001 through 50-1003, both inclusive, of the Idaho Code.
Chapter 10

PARK REGULATIONS

7-10-1: PURPOSE:

It is hereby declared to be the intent of the governing body of the city to promote and protect the health, safety and general welfare of its citizenry and to enhance the use and enjoyment of the parks within the city limits of the city of Sandpoint.

7-10-2: DEFINITIONS:

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

COMMERCIAL ACTIVITY: An occupying of a park conducted or sponsored by any person at which a product or service is offered for sale or rent with the intent of making a profit, whether or not such profit is for a nonprofit cause.

DESIGNATED REPRESENTATIVES: Those persons listed by the sponsor, whether by name(s) or number(s), who will work, whether for remuneration or as a volunteer, at a special event or other park activity.

NONCOMMERCIAL ACTIVITY: An occupying of, or an occurrence or happening at, a city park, at which no product or service is offered for sale or rent.

PARK: Any property owned or leased by the city or governed by permits issued to the city by the army corps of engineers or state of Idaho and managed as a park or recreational area.

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SPECIAL EVENT: Any meeting, dash, demonstration, festival, concert, march, marathon, parade, procession, public assembly, race, rally, sporting tournament not sponsored by the City, gathering, performance, or the activity consisting of persons, animals, or vehicles or a combination thereof within a public park, outdoor recreation area or facility, a public parking lot, or public right-of-way, such as a street, with an intent of attracting public attention which has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon the streets or occupies any street or other public property managed by the City of Sandpoint, or defined within the City's Special Event Policy and Procedures.

SPONSOR: Each person making application to the city, and thereby becoming responsible for all other parks requests or as defined within the City's Special Event Policy and Procedures. ~~a special event~~ in a city park.

~~SPORTING EVENT: ALL OTHER REQUESTS FOR PARKS: Any request for park use related to programming, contests, Parks and Recreation Department sponsored tournaments, leagues and amenity reservations. Any organized competitive recreational physical activity, commercial or noncommercial in nature, including league play, contests and tournaments or other sports involving school activities~~

7-10-3: SPECIAL EVENTS AT CITY PARKS:

All requests for special events at City parks are subject to standardized special event procedures as outlined in the City's Special Event Policy and Procedures.

~~All requests for special events within a city park must be submitted to the parks and recreation director on a form provided by the city no less than sixty (60) days prior to the date requested for the event. The parks and recreation director may approve special events within a city park at which few than one hundred fifty (150) persons are expected to attend. Special event requests expecting one hundred fifty (150) or more persons to attend will be forwarded to city council for consideration at the next scheduled regular meeting.~~

A. ~~The request shall include, but not be limited to:~~

- ~~_____ 1. Name, address and telephone number of the sponsor;~~
- ~~_____ 2. Location of the activity;~~
- ~~_____ 3. Date of the activity;~~
- ~~_____ 4. A detailed description of the proposed activity;~~
- ~~_____ 5. All appropriate licenses, permits and insurance certificates; and~~
- ~~_____ 6. If applicable, accurate information regarding the audience attendance historically attracted to or expected for the event.~~

~~B. For Category 1 special events (fewer than 150 people), all properly submitted requests shall be considered by the Parks and Recreation Director. Requests approved by the Director shall be reduced to a written agreement between the Parks and Recreation Department and the sponsor of the event. If deemed~~

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~~necessary, the Parks and Recreation Director may forward requests to City Council for consideration or additional input.~~

~~The use fee for Category 1 special events shall be the facility use fees established by resolution adopted by City Council.~~

~~For Category 2 special events (more than 150 people), all properly submitted requests shall be presented by the Parks and Recreation Director to the City Council for consideration. Requests approved by the City Council shall be reduced to a written agreement between the City and the sponsor of the event.~~

~~The use fee for Category 2 special events shall be established on a case by case basis by the City Council.~~

~~Sponsors of special events shall be limited to four (4) events per year for any activities exceeding 1.5 hours in length.~~

~~Sponsors and participants shall be required to comply with all policies, rules and regulations adopted by the City by ordinance or resolution.~~

~~Sponsors shall provide general, comprehensive liability insurance, acceptable to the City's insurance agent, which names the City as an additional insured in an amount not less than the amount prescribed by title 6, chapter 9, Idaho Code and which shall not be subject to cancellation or modification without at least thirty (30) days' advance written notice to the City.~~

~~7-10-4: SPORTING EVENTS: ALL OTHER PARK REQUESTS:~~

~~The Parks and Recreation Director Department may permit and schedule sporting events all other park requests (not related to special events) as defined in this chapter at the City parks. All requests for sporting events programming, contests, Parks and Recreation Department sponsored tournaments, leagues and amenity reservations within a City park must be submitted to the Parks and Recreation Director Department on a form provided by the City.~~

~~A. The request shall include, but not be limited to:~~

- ~~—— 1. Name, address and telephone number of the sponsor;~~
- ~~—— 2. Location(s) requested for the sporting event;~~
- ~~—— 3. A schedule for the sporting event; and~~
- ~~—— 4. All appropriate licenses, permits and insurance certificates.~~

~~The Various fees for sporting events park requests unrelated to special events shall be established by resolution adopted by the City Council.~~

~~Sponsors and participants shall be required to comply with all policies, rules and regulations adopted by the City by ordinance or resolution.~~

~~— Sponsors shall provide general, comprehensive liability insurance, acceptable to the City's insurance agent, which names the City as an additional insured in an amount not less than the amount prescribed within Sandpoint City Code, Title 5 Chapter 7 and which shall not be subject to cancellation or modification~~

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~~without at least thirty (30) days advance written notice to the City.~~

7-10-5: RESPONSE TO REQUESTS FOR USE OF CITY PARKS:

The City of Sandpoint Parks and Recreation staff shall respond to requests for programs in parks, by phone or e-mail, within ~~sixty (60)~~ twenty one (21) calendar days, and to league requests at the next scheduled allocation meeting. ~~to all requests submitted under this chapter.~~ Response to special event requests will be handled by the City's designated Special Event Coordinator.

~~7-10-6: APPEAL:~~

~~A sponsor aggrieved by the decision of the Parks and Recreation Director may file a written notice of appeal with the City Clerk. Such notice must be filed within ten (10) days after the Director has notified the sponsor of the decision and shall clearly state the basis on which such sponsor is aggrieved and the grounds for appeal. The Clerk shall schedule the appeal to be heard by the City Council at the next regularly scheduled meeting. The decision by the City Council shall constitute the final decision. The sponsor aggrieved by the decision may, within sixty (60) days of the decision rendered, seek judicial review under the procedures of Idaho Code. (Ord. 1280, 5-15-2013)~~

Section 2. Severability. Should any provision of this Ordinance be deemed unlawful or unconstitutional, such finding shall not affect the remaining provisions of this Ordinance.

Section 3. Repeal of Conflicting Provisions. All provisions of the current Sandpoint City Code which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED BY THE CITY COUNCIL, as an ordinance of the City of Sandpoint on the ___ day of _____, 2018.

CITY OF SANDPOINT

Shelby Rognstad, Mayor

ATTEST:

Maree Peck, City Clerk

SUMMARY OF ORDINANCE NO.

City Beaches and Park Regulations

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SANDPOINT CITY CODE TITLE 7 CHAPTERS 5 AND 10 TO CHANGE "CITY CLERK" TO "SPECIAL EVENT COORDINATOR"; AMEND CHAPTER 5 SECTION 3 REMOVING THE REQUIREMENT THAT A REASONABLE FEE TO BE ESTABLISHED BY THE CLERK; REMOVE CHAPTER 5 SECTION 3 SUBSECTIONS F(1) THROUGH F(16); AMEND CHAPTER 10 SECTION 2: "DEFINITIONS"; REMOVE PORTION OF CHAPTER 10 SECTION 3, AMEND CHAPTER 10 SECTION 4 "ALL OTHER PARK REQUESTS"; AMEND CHAPTER 10 SECTION 5 "RESPONSE TO REQUESTS FOR USE OF CITY PARKS"; REMOVE CHAPTER 10 SECTION 6 "APPEAL"; RENUMBERING THE REMAINING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING SECTIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

This full Ordinance is on file with the Sandpoint City Clerk and will be promptly provided during regular hours to any citizens on personal request.

Publish:

CITY OF SANDPOINT

Maree Peck, City Clerk

STATEMENT OF LEGAL ADVISER

I, Scot Campbell, legal adviser for the City of Sandpoint, Idaho, have examined the foregoing summary of Sandpoint Ordinance No. _____ and find it to be a true and complete summary of said ordinance, which provides adequate notice to the public of the contents thereof.

Scot Campbell, City Attorney