

Suggested Motion


I MOVE TO approve Ordinance 2014-36 on second and final reading.



City & Borough of Sitka
Municipal Clerk's Office
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Memorandum

To: Mayor and Assembly
Cc: Municipal Administrator Mark Gorman
From: Municipal Clerk Colleen Ingman 
Date: 11-14-14
Subject: **Ordinances resulting from Legal Analysis**

In September of 2014, CBS contracted with Code Publishing to complete a legal analysis of our code. Their attorney recommended items that they felt needed immediate action to bring the code into legal compliance and, where possible, has recommended amending language for this purpose.

Chapter 2.52 Parks and Playgrounds became outdated when it was superseded by Title 23 Parks and Recreation. Title 23 encompasses the parks and playgrounds referred to in Chapter 2.52, making Chapter 2.52 absolute. This ordinance has been reviewed by legal, Parks and Recreation Manager Lynne Brandon, and Maintenance and Operations Superintendent Gary Baugher.

Attachment: Ordinance 2014-36

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2014-36

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA
REPEALING SITKA GENERAL CODE CHAPTER 2.52
PARKS AND PLAYGROUNDS

- 1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.
- 2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.
- 3. **PURPOSE.** Chapter 2.52 Parks and Playgrounds became an outdated section of the Sitka General Code when it was superseded by Ordinance 2004-39 which established Title 23 Parks and Recreation. Title 23 sets out extensive operational rules for all of the municipality’s parks and recreational facilities, lands, and trails. Title 23 encompasses the parks and playgrounds referred to in Chapter 2.52, making Chapter 2.52 obsolete.
- 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Chapter 2.52 Parks and Playgrounds be repealed in its entirety.

**Chapter 2.52
PARKS AND PLAYGROUNDS**

Sections:

- ~~2.52.010 Policy.~~
- ~~2.52.020 Management.~~
- ~~2.52.030 Classes of parks.~~
- ~~2.52.040 Designation of parks.~~

2.52.010 Policy.
 It is the declared policy of the city and borough that the provisions in this chapter shall apply to all city and borough parks and playgrounds of the class in question. All city and borough parks and playgrounds shall be maintained and governed under regulations which shall give the greatest possible public use by all citizens as may be allowed by the finances available. No one group or organization shall have any special claim or privilege. (S.C.C. § 3-10-2.)

2.52.020 Management.
 All parks and playgrounds shall be managed by the assembly as specified in Chapter 2.04. The assembly shall have the authority to make rules and regulations in keeping with the spirit of this chapter for the day to day management of the parks and playgrounds. The assembly may, after obtaining approval of a general policy or plan of development, expend such funds as may be allocated by the assembly, but all bills before payment shall be passed upon by the assembly in accordance with standard assembly procedures. (S.C.C. § 3-10-3.)

2.52.030 Classes of parks.
 A. Class I Parks. Class I parks are strictly recreational and shall be those parks at which:
 1. No commercial enterprises shall be allowed in or out of the buildings except:
 a. For special events or classes of events nonprofit organizations may be allowed to sell

1 refreshments from push carts or vehicles or on foot,
2 b. For special events or classes of events nonprofit organizations may build strictly temporary
3 stalls or other strictly temporary structures from which to sell such merchandise or services as may
4 be consistent with the spirit of the occasion. Example: Stalls for a carnival put on by a student
5 organization;

6 2. All development shall be in line with one consistent policy;

7 3. There shall be a specific policy of care and maintenance and methods of implementation of
8 that policy including recognition of the city and borough's responsibility to keep such parks free
9 and clear of rubbish;

10 4. All structures located in the parks shall be of no more than one story and no more than sixteen
11 feet in height. Exception: Lighting, electrical or other small mass structures typical of recreational
12 parks;

13 5. There shall be no alcoholic beverages sold or dispensed.

14 B. Class II Parks. All other activities, structures and standards consistent with the rules and
15 regulations of the assembly may be allowed at class II parks. Example: A commercial midway is
16 operated for a week, under appropriate regulation.

17 (S.C.C. § 3-10-4.)

18 **2.52.040 Designation of parks.**

19 The classification of parks shall be as follows:

20 A. Class I Parks.

21 1. Crescent Harbor Park;

22 2. Front Street Playground.

23 B. Class II Parks.

24 1. Moller Memorial Park;

25 2. Spruce Glen Park. (S.C.C. § 3-10-5.)

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27 5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its
28 passage.

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30 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
31 Alaska this 8th day of December, 2014.

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35 **ATTEST:**

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Mim McConnell, Mayor

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Colleen Ingman, MMC
Municipal Clerk