

CITY OF CHENEY

ORDINANCE NO. W-39

AN ORDINANCE AMENDING CHAPTER 2.08 OF THE CHENEY MUNICIPAL CODE ENTITLED "BOARD OF PARK COMMISSIONERS" FOR THE PURPOSE OF CLARIFYING THEIR DUTIES, RESPONSIBILITIES, AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

WHEREAS, Chapter 2.08 of the Cheney Municipal Code establishes the Park Board of Commissioners for the purpose of having the care and supervision over park property and facilities;

WHEREAS, the Park Board should function as an advisory body to the City Council with the Council reserving the right to exercise its authority with regard to the acquisition, improvement, maintenance, protection, and use of public property as set forth in RCW 35A.11.020; and

WHEREAS, the Council recognizes the importance of receiving recommendations from the Park Board as part of the City Council exercising its authority to benefit the public health, safety, and welfare.

NOW, THEREFORE, the City of Cheney City Council do ordain as follows:

1. Section 1. Amendment. Section 2.08.050 entitled "Powers and duties generally" is hereby amended as follows:

2.08.050

The board shall have all of the powers and perform all the duties necessary and incidental to its operation. The board shall have 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~~ care and supervision

of all parks belonging to the city, ~~and may~~ The board shall act in advisory capacity to the Mayor and City Council and make recommendations relating to park property and programs including but not limited to the following:

- A. ~~Plan, promote, manage, construct, develop, maintain and operate, either within or without the 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; The development, acquisition, disposal, maintenance and operation of park property, improvements and equipment, including community buildings and recreational facilities;~~
- B. ~~Enter into contracts in writing, acting independently, or in conjunction with the United States, the State of Washington, any county, city or town, park district, school district, or any such public or private organizations or individuals, for the purpose of conducting a recreation program; The management, supervision and use of park property and facilities by persons and groups for passive and active recreation which may include organized programs, events and activities;~~
- C. ~~Exercise censorship over~~ Permitting, installing and maintaining any statuary, monuments, or works of art presented to the city for use or exhibit in parks or recreation areas;
- D. Soliciting and receiveing on behalf of the city any gifts or bequests of money or other personal property or any donation to be applied, principal and interest, for either temporary or permanent use for playgrounds, parks, or other recreational purposes, the same to be deposited with the city treasurer to be used exclusively for park and recreational purposes;
- E. Granting franchises for privileges to be exercised on parks and recreation property of the city, the revenue from which shall be used for parks and recreational purposes; provided, however, that no concession shall ~~ever~~ be granted for the sale of any intoxicating liquors, beer, and/or wine in any public park, ~~excluding state licensed locations on golf courses:~~
 - 1. The director of parks and recreation is authorized to issue ~~single day concession~~ licenses and permits as peron terms established by the board, subject to approval by the mayor;
- F. Implementing and monitoring grants, contracts, leases, and licenses for the use and benefit of park property or facilities;

F.G. Makeing reasonable rules and regulations for the use, ~~government~~ and management of park and recreation facilities of the city, including the power to fix terms and charges for the use of any municipally owned or controlled park or recreation facility;

G.H. Doing all other acts necessary for the orderly and efficient management and control of the parks and recreation facilities of the city.

2. **Section 2.** **Repeal.** Section 2.08.100 entitled "Board decisions - appeal to City Council" and Section 2.08.110 entitled "Effective period" are hereby repealed in their entirety.


3. **Section 3.** **Severability.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

4. **Section 4.** **Effective Date.** This ordinance shall become effective thirty (30) days after its passage, approval, and publication.

Introduced this 27 day of May, 2014.

Passed by the City Council this 27 day of May, 2014.

Approved by the Mayor this 27 day of May, 2014.



Tom Trulove, Mayor

ATTEST:



Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:



Stanley M. Schwartz, City Attorney