

ORDINANCE NO. 4959

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO PARKS AND RECREATION FEES AND POLICIES, AMENDING SECTIONS 2.34.240, 2.34.300, AND 2.38.040, REPEALING SECTION 2.34.200, AND REPEALING CHAPTER 2.35 - RACQUET AND RECREATION CENTER RATES AND FEES OF THE ELLENSBURG CITY CODE.

WHEREAS, the City of Ellensburg ("City") wishes to update the fee categories to reflect the current rates at City parks and the Kittitas Valley Memorial Pool & Fitness Center;

WHEREAS, the City wishes to update City Code to repeal City Code referencing the Racquet and Recreation Center;

WHEREAS, the City wishes to expand the use of sports fields by developing a tournament and maintenance fee schedule to support and encourage sports tourism activities;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. Section 2.34.240 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4786, is hereby amended to read as follows:

2.34.240 Fees and charges.

A. Sports activity fees.			
	Daily class	Fee	Deposit
Organized sports activities using park facilities			
Youth team (18 and under)	A-B-C	\$20.00 <u>\$30.00</u> per team per season	
Adult team	A-B-C	\$50.00 <u>\$60.00</u> per team per season	
Baseball/softball	A-B-C	\$200.00/ tournament	\$100.00
Tournament field			

Over 10 teams (Youth and charitable purpose-exempt from additional team-cost) (Fee does not include infield maintenance)		\$20.00/each for each team over 10	
Upper Carey Lake		\$25.00 <u>\$100.00</u> per day	
Lighting per field	B-C	\$5.00	
Lighting whole complex	B-C	\$8.00 per hour	
<u>The parks and recreation director shall annually publish a schedule of tournament and maintenance rates and fees for sports fields.</u>			
B. Picnic shelter rental rates. Park picnic shelters. Permittee shall have exclusive use of immediate pavilion area, tables and barbeque grill(s) only. Other areas of the park remain open to the public (four-hour maximum).			
Number of People		Duration of Rental	Rates
1—50		4- 5 -hour block	\$31.50 <u>\$50.00</u>
51—100		4-hour block <u>Full Day Rental</u>	\$42.00 <u>\$100.00</u>
101—200		4-hour block	\$63.00
201+		4-hour block	\$78.75
C. Parks grounds fees. Fees shall be charged for renting unsheltered portions of city parks for private functions and shall be charged at the same rates as set forth for picnic shelter rental rates.			

D. Adult Activity Center fees.

Classifications:

A. City-sponsored senior activities or free, broad-based community events with wide interest and involvement, e.g. a public forum, nonprofit community festival.

B. Public programs, meetings, educational, recreational, and cultural programs; activities of nonprofit groups, organizations, local government agencies, and nonsponsored senior activities.

C. Private noncommercial events; state and federal government uses; group activities of commercial entities not selling a product or service.

D. Convention and trade show activities; activities of commercial entities selling a product or service on a one-time or occasional basis.

Hourly rates (all rentals include the use of bathroom and lobby):

	A	B	C	D
Ballroom	NC	\$10.00 <u>\$15.00</u>	\$15.00 <u>20.00</u>	\$25.00 <u>30.00</u>
Conference room	NC	\$3.00 <u>5.00</u>	\$6.00 <u>8.00</u>	\$9.00 <u>11.00</u>
Kitchen	NC	\$3.00 <u>5.00</u>	\$6.00 <u>8.00</u>	\$9.00 <u>11.00</u>

Classification B senior activities will be charged at the rate of \$10.00 per day.

E. Parks vending and concession fees.	A-B-C	\$15.00 per day
F. West Ellensburg Park concession and storage facility fees.	A-B-C	\$5.00 per game or \$15.00 per day

G. The parks and recreation director shall annually publish any changes to the rates and fees identified in this section.

H. All vendors shall have a city business license and a state of Washington tax identification number or show proof that an exemption has been granted for each and comply with all state and county regulations.

(Ord. 4786 § 1, 2017; Ord. 4435 § 1, 2006; Ord. 3904 § 1, 1994; Ord. 3614 § 1, 1988; Ord. 3585 § 1, 1987; Ord. 3496 § 2, 1985; Ord. 3477 § 1, 1985; Ord. 3439 § 1, 1984; Ord. 3391 § 6, 1983)

Section 2. Section 2.34.300 of the Ellensburg City Code, as last amended by Section 5 of Ordinance 4795, is hereby amended to read as follows:

2.34.300 Alcohol policy for city facilities.

A. *Private parties or groups.* Subject to the prior approval of the Ellensburg city council, private parties or groups may be authorized to serve and/or consume alcohol at the city facilities identified in this section.

B. *Types of alcohol allowed.* Conditions of this policy allow for the serving of wine, cider, champagne and bottled or canned beer only. ~~Individuals may consume beer in a can; otherwise,~~ These types of alcohol may only be consumed from a plastic or paper cup or similar soft-sided container. Liquor, and drinks containing liquor and beer kegs are prohibited.

C. *Locations.*

1. *Adult Activity Center.* The service and consumption of alcohol may be allowed at the Adult Activity Center subject to the requirements of this chapter. Alcohol is only allowed in areas of the center designated by the parks and recreation director. Alcohol is not allowed outside of the center.
2. ~~Rotary Pavilion~~ Unity Park. The service and consumption of alcohol may be allowed at ~~Rotary Pavilion~~ Unity Park for permitted special events subject to the requirements of chapter 6.64 ECC, including city council approval. The restrictions of subsections (B), (D) and (E) of this section do not apply to special events issued a permit pursuant to chapter 6.64 ECC.

D. *Approval procedure.* Parties or groups wishing to serve alcohol at the Adult Activity Center must:

1. Fill out the appropriate city of Ellensburg facility use permit form. Forms are available at the administrative offices for the parks and recreation department. This form requires information including, but not limited to, the name of the private party or group sponsoring the event (the "applicant"), the number of people expected to attend the event, the date, time and location of the event, and the type or types of alcohol proposed to be served. This form shall contain a requirement that the applicant shall indemnify, defend and hold the city of

Ellensburg, its officials, officers and employees harmless from and against any and all claims, damages, losses, demands, actions, causes of action or liabilities of any nature or kind whatsoever (including reasonable attorneys' fees) arising out of the applicant's, and applicant's invitees', use of the facility, including the service and consumption of alcohol. Applicants must complete and submit a facility use permit form at least six weeks prior to the scheduled date of the event.

2. The request will then be forwarded to the city council for consideration of approval. If approved, city staff will issue a letter in reply giving permission for the applicant to obtain a banquet permit or special event permit from the Washington State Liquor and Cannabis Board for the event. This letter will be sent to the applicant or applicant's representative.
3. The applicant must provide staff with a copy of a valid banquet permit or special event permit issued by the Washington State Liquor and Cannabis Board for the event and display the permit for the duration of the event. The applicant's failure or inability to obtain the necessary permit from the liquor and cannabis board shall preclude the service and/or consumption of alcohol at the event, and the city shall bear no responsibility for the applicant's failure or inability to obtain such permit(s).
4. At least seven days prior to the event, the applicant shall purchase:
 - a. A general liability policy of no less than \$1,000,000.00 per occurrence, \$2,000,000.00 general aggregate; and
 - b. A liquor liability policy of no less than ~~\$1,000,000.00~~ \$5,000,000.00 per occurrence, ~~\$1,500,000.00 general aggregate~~, and shall furnish the city by such time a certificate of insurance for each such policy, showing "The City of Ellensburg" as an additional named insured.

Both policies shall be occurrence-based and must provide, or be endorsed to provide, that the applicant's insurance coverage shall be the primary insurance. Any insurance, self-insurance, or insurance pool coverage maintained by the city of Ellensburg will be excess of the applicant's insurance and shall not contribute to it. The two insurance policies and terms thereof shall be subject to review and approval by the city attorney.

E. *Additional requirements.*

1. *Security.* The applicant shall provide adequate security for the event, consisting of either off-duty police personnel, a licensed private security company or a combination thereof. All arrangements for security, including the nature and

extent of the security to be provided, are subject to the prior approval of the city and shall be dependent upon the nature, attendance, time and duration of the event.

2. *No advertising permitted.* The applicant shall not advertise to the general public any alcoholic beverage in conjunction with the event.
3. *Training required.* Prior to the event, volunteers or staff for the event will be required to attend a training session run by the liquor and cannabis board on ID checks and overservice.
4. *Presence of minors.* Applicants must ensure that if minors are by law authorized to be present at the event, that they do not possess or consume alcohol.
5. *No overservice allowed.* Applicants must take all necessary measures to control the amount of alcohol consumed by each individual to prevent them becoming a public nuisance or hazard to themselves or others.
6. *License to be posted.* The applicant shall post the event's approved liquor license(s) in a conspicuous location for the duration of the event.
7. *Violations.* Serving or consuming alcohol without proper approval or in violation of any of the rules or requirements of this section or those of the Washington State Liquor and Cannabis Board will result in appropriate law enforcement action by police and/or the Washington State Liquor and Cannabis Board, immediate shut down of the event, forfeiture of any damage deposit and/or facility use fees, and liability for any damages in excess of such deposit and fees. Further, any such violation may result in the applicant's loss of eligibility to serve alcohol at the Adult Activity Center in the future.
8. *Compliance with laws.* The authorization to serve and/or consume alcohol under this section shall in no way relieve the applicant from the obligation to secure any other applicable license, permit or approval required by city ordinance, local, state or federal law, rule or regulation; and the applicant shall at all times comply with all applicable city ordinances and local, state and federal laws, rules and regulations, as well as with all applicable parks and recreation department facility use requirements and other department rules, regulations and requirements pertaining to applicant's use of the Adult Activity Center.
9. *Parks and recreation director's authority.* The parks and recreation director is hereby authorized to promulgate any and all rules, regulations and requirements necessary to implement the provisions of this section and not inconsistent herewith.

F. *Intent.* The provisions of this section are intended for the protection of the public in general and are not intended to create any duty to individuals or to any particular class of individuals. These provisions are not for the protection of any person or class of persons.

(Ord. 4795 § 5, 2018; Ord. 4515 § 1, 2008)

Section 3. Section 2.38.040 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 4786, is hereby amended to read as follows:

2.38.040 Rates and fees.

The schedule of rates and fees is hereby adopted as hereinafter set forth:

Kittitas Valley Memorial Swimming Pool Rates and Fees

	Admission		10-visit pass		Annual pass		Quarterly pass (3-month)	
	City	Out-of-city	City	Out-of-city	City	Out-of-city	City	Out-of-city
Senior citizen (60 or over)	\$3.00	\$3.60	\$21.90	\$27.40	\$251.75	\$314.10	\$66.25	\$82.70
	<u>\$3.30</u>	<u>\$4.00</u>	<u>\$28.50</u>	<u>\$35.60</u>	<u>\$327.40</u>	<u>\$408.50</u>	<u>\$86.15</u>	<u>\$107.50</u>
Veteran	\$3.00	\$3.60	\$21.90	\$27.40	\$251.75	\$314.10	\$66.25	\$82.70
	<u>\$3.30</u>	<u>\$4.00</u>	<u>\$28.50</u>	<u>\$35.60</u>	<u>\$327.40</u>	<u>\$408.50</u>	<u>\$86.15</u>	<u>\$107.50</u>
Youth (17 and under)	\$3.00	\$3.60	\$21.90	\$27.40	\$251.75	\$314.10	\$66.25	\$82.70
	<u>\$3.30</u>	<u>\$4.00</u>	<u>\$28.50</u>	<u>\$35.60</u>	<u>\$327.40</u>	<u>\$408.50</u>	<u>\$86.15</u>	<u>\$107.50</u>
Adult	\$6.00	\$7.20	\$43.80	\$54.80	\$503.50	\$628.20	\$132.50	\$165.40
	<u>\$6.60</u>	<u>\$8.00</u>	<u>\$57.00</u>	<u>\$71.20</u>	<u>\$654.80</u>	<u>\$817.00</u>	<u>\$172.30</u>	<u>\$215.00</u>
Family	<u>\$9.75</u>	<u>\$12.60</u>			\$881.60	\$1,006.95	\$232.05	\$265.00
					<u>\$1146.50</u>	<u>\$1,309.10</u>	<u>\$301.70</u>	<u>\$344.50</u>

Hours available for reduced admission fees:	City	Out-of-city
Friday after-school swim	\$0.25 <u>\$1.00</u>	\$0.35 <u>\$1.00</u>
Family swim	\$6.50	\$8.40
Adult half-price swim	\$3.00	\$3.60

Rate for swim lessons:	City	Out-of-city
Per half-hour lesson	\$4.40 <u>\$5.30</u>	\$5.80 <u>\$6.95</u>

Rate for after hours/nonscheduled hours pool rental:		
Private use	\$126.75 <u>\$177.45</u> /hour with 2 guards \$15.75 /hour for each additional guard required	
Educational use	Groups of less than 15 persons using pool during nonpublic hours:	
	City	Out-of-City
	\$3.00	\$3.60 youth
	\$6.00	\$7.20 adult
School district use	\$76.80 /hour <u>\$126.75</u> /hour \$92.55 /hour (with guard)	
Special contract	City may enter into a contract with large user groups for a reduced fee or no fee with city council approval	

(Ord. 4786 § 3, 2017; Ord. 4485 § 2, 2007; Ord. 4278, 2001; Ord. 4069 § 1, 1996; Ord. 3903 § 1, 1994; Ord. 3854 § 1, 1993; Ord. 3720 § 1, 1991; Ord. 3687 § 1, 1990; Ord. 3580 § 1, 1987; Ord. 3518 § 1, 1985; Ord. 3417 § 1, 1983)

Section 4. Section 2.34.200 of the Ellensburg City Code, as last amended by Section 5 of Ordinance 3391, is hereby repealed in its entirety:

Section 5. Chapter 2.35 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4786, is hereby repealed in its entirety:

Section 6. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 7. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 8. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 5th day of May 2025.

ATTEST:


MAYOR


CITY CLERK

Approved as to form:


CITY ATTORNEY

Publish: 5-8-2025

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4959 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4959 was published as required by law.


BETH LEADER