

Memorandum

Date: April 20, 2007

To: City Council Members

CC: Rick Graham, Lyn Creswell, Chief Chris Burbank, Cindy Gust-Jenson, Val Pope, Dell Cook, Lt. Mike Johnson, Diana Karrenberg and Michael Stott

From: Jan Aramaki, Constituent Liaison and Policy Analyst

RE: Section addition to Chapter 15.04, Salt Lake City Code, to include legal descriptions for three parcels in Donner Trail Park; and an amendment to Section 15.08.020, Salt Lake City Code, providing an exception to an earlier park closure hour for Donner Trail Park

The proposed ordinance amendment is in response to a Legislative Action by Council Member Dave Buhler requesting that the Administration revise section of Chapter 15.04 of Salt Lake City Code to reflect Donner Trail Park as an exception with a closure time of 10 p.m. rather than the current 11 p.m.

Under Section 15.08.020 Park Hours-Designated, current code states that all public parks and playgrounds of the City close between the hours of 11 p.m. and 5 a.m. with the exceptions noted in bullet points below. An additional exception is being proposed for Donner Trail Park to be closed to the public between the hours of 10 p.m. and 5 a.m. and to include a new section of City Code, Section 15.04.330, that provides legal descriptions for three parcels located in Donner Trail Park.

- Charles Lee Miller Park – closed to the public between 9 p.m. and 5 a.m.;
- Pioneer Park -- closed to the public between ½ hour after sunset to 7 a.m.;
- City parks five acres or less in size are closed to the public between 10 p.m. and 5 a.m., with the exception of City Creek Park that has a closure hour of 11 p.m.; and
- The Memorial House in Memory Grove -- closed to the public at 12 midnight and outdoor activities on the leased south lawn are closed at 11:30 p.m.; Memorial House is locked and vacant no later than 2 a.m.; between 12 midnight and 2 a.m., use of the Memorial House is limited to the employees who clean the premises following an activity.

- The public is prohibited in said parks on foot or in a vehicle during the above mentioned closure times unless traveling through the park on a public street that passes through the park.

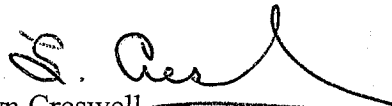
Donner Trail Park is located in Council District Six at 2903 East Kennedy Drive (east of Hogle Zoo) consisting of 14.12 acres. There are several high rise condominium units in near proximity and directly east of the park and single-family homes directly south across from the park. Due to the close proximity of these residences to the park, homeowners have expressed concern to Council Member Buhler that in the warm weather months, teenagers tend to loiter in the park after closing hours. Residents claim the disturbances from the late night gatherings are disruptive to their evenings and make it difficult to sleep. They have requested that the City consider changing the park closure hour from 11 p.m. to 10 p.m. This would allow enforcement efforts to begin at 10 p.m. rather than 11 p.m., thus providing residents the peace of mind of knowing problems associated with loitering in the park can be resolved earlier in the evening.


The Salt Lake City Police Department was made aware of the community's concern last year regarding teenagers loitering after 11 p.m. In response to the community's concern, the Police Department increased their presence in the park during the summer months last year with additional patrols during park closure time. In addition, residents were asked to contact the Police Department whenever violators were in the park to increase the effectiveness of enforcement efforts.

The Administration reports they took into consideration suggestions made by the community and implemented the following changes to the park to address the concerns associated with the disturbances that have been reported occurring in the park during late night hours:

- Signs that notify the public of the park closure time were installed in light visible areas.
- Automatic irrigation schedule was reprogrammed to turn on at the time the park closes to help deter individuals from gathering during late night hours.
- Spinning playground equipment that serves as a gathering place for individuals during late night hours is being replaced with a more traditional playground that is designed for younger children's enjoyment. In July, the spinning playground will be relocated to Rosewood Park in District One. Funding to cover the costs for the playground relocation was approved by the Council as part of Budget Amendment #3.

COUNCIL TRANSMITTAL

TO:  Lyn Creswell
Chief Administrative Officer **DATE:** March 27, 2007

FROM: Rick Graham, Director 
Public Services Department

SUBJECT: Donner Trail Park – Change in Public Use Hours

STAFF CONTACT: Rick Graham, Director 535-7774
Public Services Department

Val Pope, Park Maintenance Supervisor 972-7808

DOCUMENT TYPE: Briefing Report – Ordinance Amendment

RECOMMENDATION: That the City Council consider changing the public use hours of Donner Trail Park, and cause that it happen by amending Chapter 15.04 of the Salt Lake City Code.

BUDGET IMPACT : None

BACKGROUND and DISCUSSION: Donner Trail Park is located at 2903 East Kennedy Drive. It is a linear park of 14.12 acres that is oriented in an east/west direction along Kennedy Drive between Donner Way and Wasatch Drive. The park is designed for passive recreation activities. Public amenities include two (2) playground structures, pathways, picnic tables, benches, a small multi-purpose grass area and pedestrian lights. Visitor parking is along Kenney Drive.

During the summer of 2006 residents living near Donner Trail Park alerted Councilmember Buhler that the park was used frequently during the late night – early morning hours by teens who gathered to hang-out. The activity area used by the teens was a playground area located in the east section of the park. The residents complained that the gathering was loud, disruptive and a general nuisance to the residents who live along Kennedy Drive

As a result of the inquiry Public Services was asked to develop a list of action steps that could be taken to resolve the problem based on suggestions made by the community. The

community asked that the City consider, (1) changing the public use hours to restrict any use between the hours of 10:00 pm to 5:00 am. (Current Code sets the park closing hour at 11:00 pm); (2) adjust the automatic irrigation schedule so that it waters the park earlier in the evening; (3) remove one of the playground structures, the spinning structure, that serves as the focal point for group gathering; (4) step up police patrols during the period the kids gather; and (5) enforce for noise, drinking and fireworks laws that have been observed in the park by the community.

The Parks Division checked the parks signage, placed signs in light visible areas, and made adjustments to the irrigation schedule. Also, Council staff asked the Police Department to step up patrols. The Engineering Division was asked to consider replacing the playground apparatus, which is designed to serve an older age user, with a more traditional children's playground. A plan was developed that will relocate the playground to Rosewood Park in District #1, and replace it with a new playground. The funding required to make the transfer was approved by the Council in Budget Amendment #3. The relocation of the equipment will take place in July of this year.

The steps taken by the Parks Division produced little improvement. The Council office then asked the City Attorney's office to draft an ordinance amendment for the Council to consider that would change and restrict use hours between 10:00 pm and 5:00 am. This change is similar to a change the City Council approved for all City mini parks. The ordinance amendment would only affect Donner Trail Park, no other City parks.

The ordinance amendment is attached. Enforcement of the new use hours will be provided by the Police Department.

PUBLIC PROCESS: No process has been conducted beyond the exchange of emails between Public Services, the City Council office and a representative from the community.

SALT LAKE CITY ORDINANCE
No. _____ of 2007
(Park Designations; Park Closing Hours)

AN ORDINANCE AMENDING CHAPTER 15.04 OF THE SALT LAKE CITY CODE, RELATING TO THE DESCRIPTION OF CITY PARKS, PLAYFIELDS, AND GOLF COURSES, AND AMENDING SECTION 15.08.020 OF THE SALT LAKE CITY CODE, RELATING TO PARK AND PLAYGROUND CLOSING HOURS.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Chapter 15.04 of the Salt Lake City Code, relating to parks, playfields, and golf courses be, and the same hereby is, amended by adding a new Section 15.04.330 as follows:

15.04.330 Description of Donner Trail Park:

Donner Trail Park is described as follows:

(Parcel 1)

Salt Lake County Tax Id. No. 16-11-177-001-0000
Beginning at a point on curve that is east 2460.22 feet and south 2532.30 feet
from the Northwest Corner of Lot 1, Section 11, Township 1 South, Range 1 East,
Salt Lake Base and Meridian; thence southwesterly along a curve to the right
84.37 feet; thence northwesterly along a curve to the right 86.6 feet; thence
northwesterly along a curve to the left 538.17 feet; thence N89°40' W 545.71 feet;
thence southwesterly along a curve to the left 454.96 feet; thence S36°55' W 75.6
feet; thence westerly along a curve to the right 39.27 feet; thence N53°05' W
360.98 feet; thence northwesterly along a curve to the right 304.62 feet; thence
N49°35'E 225.26 feet to the south line of Rotary Park; thence the following eight
courses along said south line, S52°28'01"E 508.33 feet; N66°16'33"E 306.63 feet;
N18°04'47"E 131.25 feet; N70°47'46" E 164.47 feet; S69°06'27"E 85.44 feet; S
34°39'37" E 122.07 feet; S72°58'04" E 522.02 feet; S83°56'37"E 300.17 feet;
thence S0°14'34"W 184.04 feet to the point of beginning, containing 11.97 acres
more or less.

(Parcel 2)

Salt Lake County Tax Id. No. 16-11-152-005-0000
Beginning at a point that is south 2635.51 feet and east 255.83 feet from the Northwest Corner of Lot 1, Section 11, Township 1 South, Range 1 East, Salt Lake Base and Meridian; thence N00°50'29"E 302.18 feet; S 89°40' E 71.76 feet; thence southeasterly along a curve to the right 31.85 feet; thence southeasterly along a curve to the left 146.14 feet; thence S 53°05' E 280.35 feet; thence N89°40' W 154.156 feet; thence N00°50'29"E 50 feet; thence N89 °40' W 250.754 feet; thence S00°50'29" W 50 feet; thence N89°40' W 10.6 feet to the point of beginning, contains 1.22 acres more or less.

(Parcel 3)

Salt Lake County Tax Id. No. 16-11-153-001-0000
LOT 11, Canyon View Park Subdivision.

SECTION 2. That Section 15.08.020 of the Salt Lake City Code, relating to park and playground closing hours be, and the same hereby is, amended as follows:

15.08.020 Park Hours-Designated:

A. All public parks and playgrounds of the city shall be closed to the public between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. the following morning, with the exception of:

1. Charles Lee Miller park, which shall be closed to the public between the hours of nine o'clock (9:00) P.M. and five o'clock (5:00) A.M. the following morning;

2. Pioneer park, which shall be closed to the public between one-half (1/2) hour after sunset to seven o'clock (7:00) A.M. the following morning; and

3. Donner Trail Park, which shall be closed to the public between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M. the following morning; and

34. With the exception of City Creek park, which shall be closed to the public between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. the

following morning, all public parks and playgrounds of the city five (5) acres or less in size, whether or not specifically named or described in this title, which shall be closed to the public between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M. the following morning.

B. The Memorial House in Memory Grove shall be closed to public use at twelve o'clock (12:00) midnight; outdoor activities on the leased south lawn shall be closed at eleven thirty o'clock (11:30) P.M.; and the Memorial House shall be locked and vacant no later than two o'clock (2:00) A.M. Between twelve o'clock (12:00) midnight and two o'clock (2:00) A.M., use of the Memorial House shall be limited to employees cleaning the premises after an activity.

C. No person or persons shall be permitted in said parks or playgrounds, either on foot or on or in any type of vehicle, during such hours unless for the express purpose of traveling directly through the park or playground on a public street that passes through the park or playground.

SECTION 3. That this ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2007.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2007.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 3-19-07
By Boyd Ferguson