

ORDINANCE NO. A-171

AN ORDINANCE ESTABLISHING CITY PARK REGULATIONS;
PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY.

The City of Coburg ordains as follows:

SECTION 1. PURPOSE

The parks of this city are established and maintained as areas of recreation, relaxation, and enjoyment of the public. It is intended that they shall be regulated and used to permit enjoyment by a maximum number of people engaged in as many diverse interests and activities as may be practical within the limits of space, design and accommodations available in each park unit. Limitations may be required to insure the safe use of park areas and to protect the rights of others in surrounding areas.

SECTION 2. DEFINITIONS. As used in this ordinance:

- (1) The term "park" means an area of land owned or controlled by the city, set aside and maintained by the city for the recreation and relaxation of the public, including neighborhood parks and community parks, as well as limited use parks (which includes undeveloped greenways).
- (2) The term "neighborhood park" includes areas planned for public recreation, and also school grounds of each public school of the City of Coburg when said school ground is being used by the City under a recreation agreement with Eugene 4J School District.
- (3) The term "community park" includes areas such as the Norma Pfeiffer Park and similar areas which are, or may later be, planned and developed for numerous types of family or group uses.

SECTION 3. MOTORIZED VEHICLES

- (1) Motorized vehicles, such as autos, trucks, motorcycles, motorscooters, go carts, etc., shall operate, stop, or park only upon designated roadways or within designated parking areas. Exceptions will include:
 - a. Maintenance equipment when operated by city authorized personnel.
 - b. The loading and unloading of materials, supplies, or equipment as authorized by the City.

(2) Except for city authorized vehicles or emergency vehicles, the following prohibitions shall also apply to city parks.

- a. No bicycles shall be operated on trails designated as foot paths only.
- b. Motor vehicles shall be operated only on roads and in parking areas constructed or designated for motor vehicle use.
- c. No motor vehicle shall be operated on a bicycle or foot path.
- d. No commercial vehicles, truck tractors (with or without a trailer), or vehicles with the combined weight greater than normal for loaded full-sized passenger automobiles, shall use the roads in any parks unless authorized or permitted by the City.

SECTION 4. HORSES AND PONIES

No person shall ride or lead any horse or pony in the park, except upon a roadway or designated parking area or designated bridle path. No animal shall be hitched to a tree or shrub in a manner that endangers the tree or shrub. Horse or pony owners shall immediately remove from a park any solid waste deposited there by those animals.

SECTION 5. PETS

- (1) Dogs are prohibited in park areas posted as no dog areas.
- (2) A dog brought into or kept in any park areas shall be on a leash not more than eight (8) feet in length, or confined in a vehicle, and must be kept under control at all times.
- (3) Dog owners shall immediately remove from a park any solid waste deposited there by their dogs.
- (4) A dog's owner is responsible for the dog's behavior at all times while the dog is in the park. The City may require a person in charge of an animal to undertake any measure, including the removal of an animal from the park area, necessary to prevent interference by the animal with the safety, comfort, or well-being of park visitors, park resources, or adjoining property users. The refusal of a dog owner to follow any such orders shall be a violation of this ordinance.

SECTION 6. FIRE

No person shall build or maintain any fire in a park, except in fire rings or fireplaces as provided by the City or in a stove or barbecue unit where picnic areas are provided. No person shall take firewood from any park unless authorized by city officials to do so.

SECTION 7. COMMERCIAL ACTIVITY

- (1) No person shall sell or attempt to sell any merchandise or service or operate any concession in a park without permission of the City. The City may issue a permit authorizing the selling of merchandise or services or the operating of a concession in a park if the City determines, in its reasonable discretion, that such a commercial activity is appropriate for the park and is in the best interests of the public. The city may include reasonable conditions in said permit, and may revoke a permit if the terms of the permit are violated, or may deny a permit to a person or persons who have violated the terms of a permit within the previous year.
- (2) No person who holds a valid permit issued by the City under this section shall sell merchandise or services within the park in violation of any conditions stated in that permit.

SECTION 8. GARBAGE AND OTHER REFUSE

- (1) No person shall discard or dispose of any garbage or other refuse in a park, except in a receptacle provided by the City for such garbage and other refuse.
- (2) No person shall take any garbage or other refuse into a park for the purpose of discarding or disposing of such garbage or other refuse, nor shall the same be disposed of in any park, even though it may have been placed in a city receptacle for garbage or refuse.

SECTION 9. MOTOR VEHICLE SPEED

The designated speed for motor vehicles upon the roadways within any park is 10 miles per hour (mph) unless otherwise posted. In no event shall any person operate a motor vehicle upon any roadway in a park at a speed greater than permitted by the basic rule as provided in the Oregon Revised Statutes then adopted by ordinance of the city.

SECTION 10. DANGEROUS EQUIPMENT AND ACTIVITIES

No person shall use any equipment or other thing or engage in any activity in a park that creates an unreasonable interference or danger to other persons or property. Such activities shall include, but not be limited to, the use of golf clubs, archery equipment, a discus, javelin or shot; or any aircraft, rocket or missile powered by fuel or mechanical means; or any firearm. Such activities will be allowed only as provided in Section 13 of this ordinance.

SECTION 11. PROHIBITED ACTIVITIES

In addition to any other prohibitions in these rules, the following activities are prohibited within a park area:

- (1) Setting up or using a public address system without the written permission of the City.
- (2) Operating or using any battery, electrical motor, or vehicle operated noise-producing device in a manner that could disturb other park visitors or adjoining property owners or users in their reasonable use and enjoyment of their property.
- (3) Participating in a public demonstration, disturbance, or riotous behavior that interferes with the reasonable use by the general public of a park or adjoining property owners or users in their reasonable use and enjoyment of their property.
- (4) Playing sports outside recreation areas set aside for organized sports activities without the written permission of the City during a time when such areas are being used by others or are scheduled by the City for other use.

SECTION 12. POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND ALCOHOLIC LIQUOR

Consumption of alcohol other than beer or wine, or possession of any receptacle containing any such alcohol is prohibited in all park areas. Beer and wine may be consumed by persons 21 years of age or older, except in children's playground areas, restrooms, parking lots, athletic fields, tennis courts, basketball courts, as well as other areas, if such areas are so designated by the City.

SECTION 13. SPECIAL USE AREAS

The City may set aside, establish, alter, and/or discontinue special use areas in one or more of the parks. These special use areas would include, but not be limited to, activities such as horse or pony riding, junior Olympics, bicycle riding, camping activities, motorcycle riding, or any one or more of those activities otherwise prohibited in this ordinance. Before establishing, altering, or discontinuing such a special use area, the City shall determine, in its reasonable discretion, the priority of needs for such areas and whether an activity may be carried on without unreasonable interference or danger to other persons in the park or adjoining property owners or users. If the City establishes a special use area, the City may designate such hours or days of usage, the particular activity or activities which are permitted, and such conditions as it determines to be reasonably required for the safety and

convenience of persons and property. The City shall mark the boundaries of the special use area and post such signs and warnings concerning that special use area as it deems reasonably appropriate. No person shall use or cause damage to any special use area, except as is normal for the one or more activities permitted in that special use area under any conditions of use which have been specified by the City.

SECTION 14. SOUND

- (1) No person shall disturb the peace in any park between the hours of 11:00 p.m. and 6:00 a.m. For purposes of this subsection, disturbing the peace is defined as including, but not being limited to, the following:
 - a. Playing a musical instrument
 - b. Playing a radio, tape recorder, or television
 - c. Shouting
 - d. Engaging in any organized group games
- (2) No person shall use any device to amplify sound in any park unless a valid permit has been issued by the City under Subsection (3) of this section.
- (3) The City may issue a permit authorizing the use of devices to amplify sound to one or more specified persons in a designated area of a park on a certain date between specific hours if it finds, in its reasonable discretion, that the number of persons to be entertained or served by the use of sound can be adequately and reasonably served only by the amplification of sound. The City may impose conditions to such a permit which it deems reasonable, and the City may revoke a permit if the terms of the permit are violated, or it may deny a permit to a person who has violated a condition of a permit within the previous year.
- (4) No person who holds a valid permit issued by the City under this section shall amplify sound within a park in violation of any conditions stated in that permit.

SECTION 15. HOURS OF USE; SLEEPING AND CAMPING

- (1) No person shall sleep in any park between the hours of 11:00 p.m. and 6:00 a.m., except as provided in SUBSECTION 3 of this section.
- (2) No person shall use any tent, vehicle, camper, or trailer as a shelter for housing or sleeping in any park area, except as provided in SUBSECTION 3 of this section.
- (3) The City may, in its reasonable discretion, issue permits for the use of tents, shelter-halves, recreational or other

motor vehicles, campers or trailers as shelters for housing or sleeping in parks and for any overnight sleeping in parks between the hours of 11:00 p.m. and 6:00 a.m.

- (4) The hours of closure for parks, portions thereof or facilities therein shall be established by order of the City and may vary due to factors it deems relevant to the purposes of this ordinance.

SECTION 16. HOURS OF PARK CLOSURE

No person shall enter or use any park during posted hours of closure without a permit to do so from the City.

SECTION 17. ENFORCEMENT

- (1) City law enforcement officers, public works personnel, and other authorized personnel, in any park area may order compliance by the public with park rules, and other laws, and may order any person violating the same to leave the park area. A violator also may be issued a citation for a civil infraction by city law enforcement officers. Persons in lawful charge of park premises, public works personnel, or other authorized city personnel may issue to violators a notice of violation of these rules. Persons refusing a lawful order to leave a park area or who have or are committing violations of city, state or federal criminal laws in a park may be arrested by city law enforcement officers.
- (2) If a notice of violation is issued, it shall state with reasonable particularity the rule or rules alleged to have been violated; shall be signed by the city personnel issuing the same; and shall contain a statement thereon that a complaint may be filed in the Municipal Court of the City of Coburg in conformity therewith.
- (3) The public works or other city personnel issuing the notice of violation shall, within 24 hours thereafter, prepare a written report containing a clear and concise statement of the incident, the alleged violation, the names and addresses of any witnesses thereto, and their statements, and shall deliver the same, together with a copy of the notice of violation to the city police chief who shall determine whether a complaint shall be issued.
- (4) If a complaint is authorized by the city police chief, it shall be signed and sworn to as in the manner of other Municipal Court complaints. The complaint shall be filed with the Municipal Court. The complaint citation shall state the appearance date and amount of scheduled bail thereon, and thereafter a copy of the citation shall be served by a city police officer upon the defendant, and the officer shall file a return of service with the court.

- (5) After a complaint has been filed and served on the defendant, all subsequent proceedings shall be in accordance with the law, rules and procedures of the Municipal Court.

SECTION 18. LIABILITY

All persons to whom any use permit has been granted under this ordinance, as a condition thereof, shall agree in writing to hold the City harmless and to indemnify the City from any and all liability, attorney fees, and costs for injury to persons or property occurring as a result of the activity sponsored by permittee. Said persons shall be strictly liable to the City for any and all damages to parks, facilities, and buildings owned by the City which results from the activity of permittee or is caused by any who participate in said activity. In addition, the City may require as a condition of granting a use permit that the permittee provide insurance satisfactory to the City in its terms and coverage, as well as a certificate or other adequate proof of such insurance.

SECTION 19. UNCLAIMED ARTICLES

An article found in a park area shall be turned over to the City and disposed of in accordance with applicable City and State law.

SECTION 20. FLORA

No person, other than a duly authorized city employee or volunteer in the performance of his or her duty or persons participating in city approved activities, shall dig, pick, remove, destroy, injure, mutilate, damage or cut any trees, plants, shrubs, blooms, or flowers, or any portion thereof growing in any park, unless written permission or a permit to do so has been granted by the city.

SECTION 21. MARKING, INJURING, OR DISTURBING ANY STRUCTURE

No person, other than a duly authorized City employee or volunteer in the performance of his or her duties, shall:

- a. Cut, break, injure, deface, or disturb any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment, or property in a park.
- b. Mark or place on any park property any mark, writing or printing.
- c. Attach to any park property any sign, card, display, or other similar device, except as authorized by the city.

SECTION 22. SIGNS AND CONCESSIONS

- (1) Except in an area so specially designated by the City, no person may place or erect signs, markers, or inscriptions of any type within a park area without permission from the city.

- (2) The following activities are prohibited in a park area unless specifically authorized in writing by the City:
- a. Operating a fixed or mobile concession
 - b. Soliciting, selling, offering for sale, peddling, hawking, or vending any goods or services
 - c. Advertising any goods or services
 - d. Distributing any commercial circular notice, leaflet, pamphlet, or writing or printed information of any kind. A noncommercial handbill may be distributed to a person willing to accept it, if it is distributed without charge

SECTION 23. VANDALISM AND LITTER

- (1) No person may mutilate, deface, damage, or remove a table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure, facility, or property of any kind in a park area.
- (2) No person may dig up, deface, or remove earth, stones, rock or other substance, make an excavation, lay or set off any blast, roll any stones or other objects, or assist in doing so in a park area except with the written permission or permit of the City to do so.
- (3) Refuse generated during or from activities in a park shall be left in a park area only in the receptacles designated for that purpose.
- (4) No person may wash any clothing, vehicles or other materials or objects in a park area without the written permission or permit of the City to do so.

SECTION 24. DISCRETION OF CITY

Whenever this ordinance makes a reference to the exercise of reasonable discretion by the City, it shall take into account the use and enjoyment of the parks for the maximum number of people, the interests of adjoining property users and the general purposes set forth in SECTION 1 of this ordinance.

SECTION 26. PENALTY

Any person who violates any provision of this ordinance shall be guilty of a civil infraction against the City and shall be punished by fine of not more than \$100.00 for each violation, required to make restitution for damages or harm caused by the violation, and required to pay the reasonable costs to the City of enforcement of this ordinance, including court costs and its attorney fees.

SECTION 27. EMERGENCY CLAUSE

Whereas the orderly use of City parks is necessary to preserve the peace, health, safety and general welfare of the public, and this ordinance directly advances those interests, an emergency is hereby declared to exist, and this ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

This ordinance was read once in full and once by title at the FEBRUARY 26, 1991, regular meeting(s) of the Coburg City Council, whereupon it was put to a final vote. The vote of the Council was:

Yes: 6

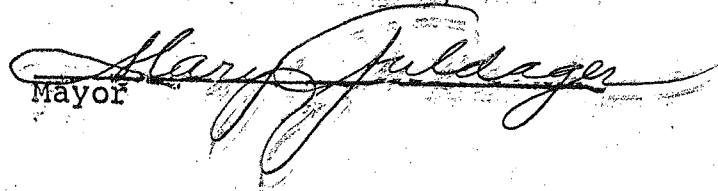
No: -0-

Abstentions: -0-

Passed: X

Rejected: _____

SIGNED AND APPROVED this 27th day of FEBRUARY, 1991.


Mayor

Attest:


Diane Williams, City Recorder