

## CHAPTER 12.12: PUBLIC PARK REGULATIONS

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### § 12.12.010 PURPOSE.

The parks of the city are established and maintained as areas of recreation, relaxation and enjoyment for the public. It is intended that they shall be regulated and used to permit enjoyment for a maximum number of people engaged in widely 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 ensure the use of park areas in safety and to protect the rights of others in surrounding areas. In the parks of the city, the City Manager or Director can with prior notice for special events grant exceptions to the park rules for said event. Any activity that would require a permit under this chapter that involves 75 or more persons shall be regulated under Chapter 5.25 of this code.

(Ord. 1285, § 2, 2020; 1248, § 1, 2015; Ord. 1203, § 50, 2008; Ord. 777, 1979)

### § 12.12.020 DEFINITIONS.

For the purposes of this chapter:

**ALCOHOLIC BEVERAGE.** Any liquid or solid more than one-half of one percent alcohol by volume and capable of being consumed by a human being.

**BICYCLE.** A device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter or having three wheels in contact with the ground any of which is more than 14 inches in diameter.

**CIGARETTE.** Any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists of or contains:

1. Any roll of tobacco wrapped in paper or in any substance not containing tobacco;
2. Tobacco, in any form, that is functional in the product and that, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or

3. Any roll of tobacco that is wrapped in any substance containing tobacco and that, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subsection 1. of this definition of **CIGARETTE**.

**CITY.** The City of Sweet Home.

**COMMUNITY GARDEN.** Land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users.

**DIRECTOR.** A person as designated by the City Manager immediately in charge of park facilities, park areas, and their activities, and to whom park attendants of such facilities/areas are responsible.

**DOMESTICATED ANIMAL.** An animal species or population which has been bred to become accustomed to human provision, control, and care.

**HIGHWAY.** Every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this city, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

**LANDSCAPED PLANTING AREA.** An area within a park set aside for the planting of trees, shrubs, ground cover, flowers, or any combinations of the same.

**LIVESTOCK.** Include but not limited to, horses, mules, asses, cattle, sheep, swine, goats and poultry, of any age or sex.

**OWNER.** Person who owns an animal or property including caretaker and person in charge thereof.

**PARK.** A park, reservation, playground or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

**PERSON.** Any person, firm, partnership, association, corporation, company or organization of any kind.

**PERMIT.** Written permission from the City Manager or Director to carry out a given activity in a park.

**SOUND AMPLIFYING DEVICE.** An external device that makes sound louder than the original sound device (e.g. external speaker or amplifier)

**TOBACCO PRODUCTS.** Any cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, moist snuff, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

**VEHICLE.** Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term includes any trailer in tow of any size, kind or description. Exception is made by baby carriages and vehicles in the service of the city parks.

(Ord. 1248, § 2, 2015; Ord. 777, 1979)

#### **§ 12.12.030 RESPONSIBILITY FOR ADMINISTRATION OF RULES.**

Responsibility for the acquisition, maintenance, use and operation of parks, park facilities, and recreation programs shall be that of the City Manager and/or Director.

(Ord. 1248, § 3, 2015)

#### **§ 12.12.040 BICYCLES.**

A. Bicycles shall be operated only on streets, roadways, bike paths, routes and areas specifically designated for bicycle riding.

B. All bicycles shall be parked only in areas so designated.

(Ord. 1248, § 4, 2015; Ord. 1066, 1993; Ord. 777, 1979)

#### **§ 12.12.050 VEHICLES.**

Vehicles are prohibited within parks except when traveling on roadways or parking lots prepared and open for such purposes except service vehicles and equipment used to maintain or operate the park facilities and park areas or on duty emergency vehicles.

(Ord. 1248, § 5, 2015)

#### **§ 12.12.060 FIRE.**

A. Fires are prohibited in parks, except in barbecue stands, pits, or fireplaces provided for that purpose by the city unless prior approval is granted from the City Manager or Director.

B. No fire shall be left unattended.

C. The user must extinguish every fire before leaving the park area.

(Ord. 1248, § 6, 2015; Ord. 777, 1979)

**§ 12.12.070 VANDALISM AND LITTER..**

- A. Wood, flowers, seeds, or other vegetation, shall not be picked, cut, mutilated, or removed from any park without written permission from the City Manager or Director.
- B. No person shall mutilate, deface, damage, or remove a table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility, or other city property of any kind in a park.
- C. Except for city staff and other authorized personnel, no person shall use paint to mark pavement areas, such as roads, bicycle paths, sidewalks, and parking lots, or other traffic lanes such as bridge decks.
- D. No person shall lie, sleep, urinate in, defecate in, or otherwise damage or deface any area in a park.
- E. No person shall 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 except under authority of the city.
- F. No refuse shall be left in a park unless placed in the receptacles designated for that purpose.
- G. No person shall wash any clothing or other material in a park.
- H. No person shall clean fish in a lake or stream in a park except at officially designated and signed fish-cleaning stations.
- I. Dumping of yard debris and home garbage in a park is prohibited.

(Ord. 1248, § 7, 2015; Ord. 777, 1979)

**§ 12.12.080 GLASS BEVERAGE CONTAINERS.**

Except as authorized in writing by the City Manager or Director, no person shall possess a beverage container made of glass in any park or bring, carry, or transport any beverage container made of glass into any park.

(Ord. 1248, § 8, 2015)

**§ 12.12.090 DANGEROUS EQUIPMENT AND ACTIVITIES.**

No person shall use or engage in any activity that the City Manager or Director determines, in his or her reasonable discretion, creates an unreasonable interference or danger to other persons. The activity shall include, but not be limited to, the use of golf clubs, archery equipment, aircrafts, rockets, missiles, or firearms.

(Ord. 1248, § 9, 2015; Ord. 777, 1979)

**§ 12.12.100 ALCOHOLIC BEVERAGES.**

- A. No person shall, within any park, sell, consume, or possess an alcoholic beverage without a permit.
- B. The City Manager or Director shall have the right to issue a permit for the use and possession of alcoholic beverages in parks.
- C. The City Manager or Director shall issue a permit in accordance with §12.12.180 A. and B.
- D. If the use and possession of alcoholic beverages in parks is in conjunction with a special event consisting of 75 or more persons, a permit must be obtained in accordance with Chapter 5.25 of this code.

(Ord. 1285, § 2, 2020; 1248, § 10, 2015; Ord. 1240, § 26, 2015; Ord. 777, 1979)

**§ 12.12.110 USE OF CIGARETTES AND TOBACCO PRODUCTS.**

- A. Cigarettes and tobacco products shall be prohibited within all parks, except in designated smoking areas.
- B. This prohibition shall be incorporated in and made a part of all permits for use of parks, unless a specific exemption has been granted by the City Manager or Director.

(Ord. 1248, § 11, 2015)

**§ 12.12.120 FIREWORKS AND EXPLOSIVES.**

No person in a park shall bring, or have in his or her possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substances, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

(Ord. 1248, § 12, 2015; Ord. 777, 1979)

**§ 12.12.130 DOMESTIC ANIMALS.**

A. Inside parks, domesticated animals must be on a leash that does not exceed eight feet in length at all times except in designated off-leash areas.

B. Owners are responsible for the immediate removal of all solid waste from their domesticated animals inside parks.

C. The City Manager or Director can require the owner or caretaker of a domesticated animal to remove a domesticated animal from a park if necessary to prevent interference by the domesticated animal with the safety, comfort, or well-being of park visitors or resources.

D. No person shall have livestock in a park without first obtaining a permit for said livestock from the City Manager or Director.

(Ord. 1248, § 13, 2015; Ord. 777, 1979)

#### **§ 12.12.140 SOUND.**

A. No person shall use any device to amplify sound in any park unless a valid permit has been issued by the City Manager or Director.

B. The City Manager or Director shall issue a permit authorizing the use of one more designated devices to amplify sound by one or more designated persons in a designated area of a park on a designated date between specific hours if he or she finds, in his or her 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 Manager or Director shall include conditions in such a permit which he or she deems reasonable and the City Manager or Director shall revoke a permit if the terms of the permit are violated, or he or she shall deny a permit to a person or a group of persons who have violated the terms of a permit within the previous year. No person who holds a valid permit issued by the City Manager or Director under this type of permit shall amplify sound within a park in violation of any conditions stated in this permit.

(Ord. 1248, § 14, 2015; Ord. 777, 1979)

#### **§ 12.12.150 HOURS OF USE.**

The permissible hours of use for parks are dawn to dusk except as authorized by permit issued by the City Manager or Director.

(Ord. 1248, § 15, 2015; Ord. 977, 1988; Ord. 777, 1979)

#### **§ 12.12.160 EXOTIC AND WILD ANIMALS.**

A. No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall any person remove or have in his or her possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird; nor shall he or she collect, remove, have in his or her possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen alive or dead of any animal, bird or reptile. Exception to the foregoing is that snakes known to be poisonous, such as rattlesnakes, moccasins, coral snakes or other poisonous reptiles, may be killed on sight.

B. No person shall bring a wild animal into a park without prior written permission from the City Manager or Director.

(Ord. 1248, § 16, 2015; Ord. 777, 1979)

#### **§ 12.12.170 COMMUNITY GARDENS.**

No person shall use a Community Garden plot without first obtaining a permit from the City Manager or Director

(Ord, 1248, § 17, 2015)

#### **§ 12.12.180 PARK ACTIVITIES.**

A person shall obtain a permit from the City Manager or Director before participating in a park activity requiring the use of a facility or area of the park.

A. The City Manager or Director shall issue a permit hereunder when he or she finds:

1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

3. That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;

4. That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the city; and

5. That the facilities/areas desired have not been reserved for others at the day and hour.

B. An applicant shall fill out a city application which shall state:

1. The name and address of the applicant;
2. The days and hours for which the permit is desired;
3. The facility/area for which the permit is desired;
4. An estimate of anticipated attendance; and
5. Any other information which the City Manager or Director shall find reasonable to a fair determination as to whether a permit should be issued.

C. Revocation of a permit. The City Manager or Director shall revoke a permit if the terms of the permit are violated, or he or she shall deny a permit to a person or a group of persons who have violated the terms of a permit within the previous year. No person who holds a valid permit issued by the City Manager or Director shall use a park in violation of any conditions stated in the permit.

(Ord. 1248, § 18, 2015)

#### **§ 12.12.190 PARK EXCLUSION.**

A. In addition to any other remedies or penalties provided by law any Police Officer, Code Enforcement Officer, or a Director may exclude any person who violates the provisions of this chapter, city ordinance or state law from any and all parks in accordance with the provisions of this section.

B. An exclusion issued under the provisions of this section shall be for 30 days. If the person to be excluded has been excluded from any park at any time within two years before the date of the present exclusion, the exclusion shall be for 90 days.

C. Written notice shall be given to any person excluded. The notice shall specify the date and length of the exclusion and that the exclusion is for all parks and shall identify the provision of law the person has violated. The notice shall inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal. It shall be signed by the issuing party. The notice shall prominently display a criminal trespass warning describing the potential consequences of entering a park during the exclusion period.

D. Any person receiving an exclusion notice may appeal the issuance of such notice by appealing to the City Manager. The appeal of the exclusion must be made to the City Manager within five business days of the date of the issuance of the exclusion notice. The City Manager or designee shall conduct a hearing on the appeal within ten days from receipt of the appeal notice. At the hearing both the appellant and the city shall be given an opportunity to provide evidence on the exclusion. The City Manager or designee shall decide if an offense did occur and if the length of expulsion is correct by substantial evidence on the record. The hearing held under this section may be informal in nature but the presentation of evidence at the hearing shall be consistent with the presentation of evidence required for contested cases under O.R.S. 183.450.

E. After hearing the evidence the City Manager or designee may modify, affirm, or reverse the exclusion notice. The City Manager or designee shall make his or her decision in writing which shall be provided to all parties and the decision shall be made within five days of the hearing. The decision shall be final and not appealable by either party to the hearing.

F. No person shall enter or remain in any park at any time during which there is in effect a notice of exclusion issued under this section excluding the person from the parks except an appeal of an exclusion notice automatically stays the exclusion period until a decision on appeal is issued by the City Manager or designee.

(Ord. 1248, § 19, 2015)

#### **§ 12.12.200 STANDARDS FOR ISSUANCE OF A PERMIT.**

The Director shall issue a permit hereunder when he or she finds:

A. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

B. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

C. That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;

D. That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the city; and

E. That the facilities desired have not been reserved for others at the day and hour required in the application.

(Ord. 777, 1979)

#### **§ 12.12.210 LIABILITY.**

All persons to whom a park permit is issued must agree in writing to hold the city harmless and indemnify the city from any and all liability for injury to persons or property occurring as a result of the activity sponsored by the permittee. The permittee

and any other person who allows or causes damage to park facilities, park areas, and any other property owned by the city shall be liable to the city for the damage caused.

(Ord. 1248, § 21, 2015; Ord. 777, 1979)

**§ 12.12.220 VIOLATION—PENALTY.**

Except as stated or provided for in the criminal laws of the State of Oregon, violation of this chapter constitutes a violation and may be prosecuted under the provisions of Chapter 9.36.

(Ord. 1248, § 20, 2015; Ord. 1240, § 27, 2015; Ord. 1237, § 1 (part), 2013; Ord. 876, (part), 1982; Ord. 777, 1979)