

City Council Agenda Advance Packet

Dated: September 1, 2010

For Monday, September 13, 2010, Council Meeting

Included in this packet is documentation to support the following Agenda item(s):

ORDINANCES

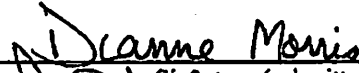
- Ordinance 10-O-661, an ordinance amending Brookings Municipal Code Sections 17.04.050, 17.04.060, and 17.04.070, of Chapter 17.04, Development Permit Procedures, Title 17, Land Development Code. *Page 2*
- Ordinance 10-O-667, an Ordinance adding Section 12.25.012, Rules and Regulations Specific to City -Owned Parks, to Brookings Municipal Code Chapter 12.25, Public Parks and Recreational Areas, Title 12, Streets, Sidewalks and Public Places. *Page 5*

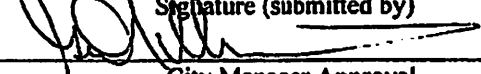
CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: September 13, 2010

Originating Dept: Planning



Signature (submitted by)


City Manager Approval

Subject: Revisions to Brookings Municipal Code Chapter 17.04, Development Permit Procedures.

Recommended Motion:

Adopt Ordinance 10-O-661, revising Sections 17.04.050, 17.04.060, and 17.04.070 of the Brookings Municipal Code.

Financial Impact:

None.

Background/Discussion:

Revisions to these Sections were approved by the City Council at their August 23, 2010 meeting.

Policy Considerations:

N/A

Attachment(s):

1. Ordinance 10-O-661.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE 10-O-661

ORDINANCE 10-O-661, AN ORDINANCE AMENDING BROOKINGS MUNICIPAL CODE SECTIONS 17.04.050, 17.04.060, AND 17.04.070, OF CHAPTER 17.04, DEVELOPMENT PERMIT PROCEDURES, TITLE 17, LAND DEVELOPMENT CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Sections 17.04.050, 17.04.060, and 17.04.070.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Brookings Municipal Code Sections 17.04.050, 17.04.060, and 17.04.070, of Chapter 17.04, Development Permit Procedures, Title 17, Land Development Code.

Section 2. Amends Sections 17.04.050, 17.04.060, AND 17.04.070. Sections 17.04.050, 17.04.060 and 17.04.070, are amended as follows:

CHAPTER 17.04

DEVELOPMENT PERMIT PROCEDURES

17.04.050 Permit issuance, appeals of a City decision, and effective date of approval.

Development permits shall be issued by the City Manager or their designee according to the provisions of this Code. Neither the City Building Official nor any other state or local official shall issue a permit for use, development or occupation of a structure which has not been approved according to this Code.

An appeal of an administrative decision or a Planning Commission decision may be filed with the Planning Department no later than 15 days following the date of mailing (postmark date) of the notice of the final order, or 15 days following notification of the administrative decision..

The effective date of approval in any land use decision under this code is the date upon which the decision is no longer appealable. [Ord. 10-O-654 § 2; Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.030.]

17.04.060 Lands in violation.

The City Manager or their designee shall not issue a development permit for the partitioning, subdivision, development, or use of land that has been previously divided in violation of state or local codes then in effect, or divided in violation of this code subsequent to its adoption, or otherwise developed or used in violation of this Code, regardless of whether the permit applicant created the violation, unless the violation can be rectified as part of the proposed development in a manner provided by this code. [Ord. 10-O-654 § 2; Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.040.]

17.04.070 Exemptions from requirement to do improvements to public infrastructure.

The developments and activities listed below are exempt from the requirements to do improvements to public infrastructure, but are nevertheless subject to the provisions of this code:

A. Remodel, addition, alteration, repair, or replacement of an existing residence for residential use, or siting of an accessory structure;

B. Remodel, alteration or repair to a commercial structure resulting in no greater impacts or intensity of use;

[Ord. 10-O-654 § 2; Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.050]

First Reading: _____

Second Reading: _____

Passage: _____

Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2010

ATTEST:

Mayor Larry Anderson

City Recorder Joyce Heffington

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: September 13, 2010

Originating Dept: City Manager



Signature (Submitted by)

City Manager Approval

Subject: Adding Parks Rules and Regulation to the Brookings Municipal Code.

Recommended Motion:

Adopt Ordinance 10-O-667, adding Section 12.25.012, Rules and Regulations Specific to City Owned Parks, Brookings Municipal Code Chapter 12.25.

Financial Impact:

None.

Background/Discussion:

This matter was continued from the City Council meeting of July 26, and referred to staff and the Parks and Recreation Commission for further review. Parks and Recreation Commission reviewed this matter with staff at their meeting of August 26, and recommended the changes, as indicated, in the proposed changes, attached. These rules and regulations are based primarily upon those contained in the City's Park Use Permit Application. Adoption of the rules and regulations into the Brookings Municipal Code would make them enforceable as a matter of law.

The Police Chief recommended an addition to the ordinance which would authorize the use of certain provisions of the Oregon Revised Statutes as enforcement mechanisms, including the use of trespassing provisions.

Attachment(s):

1. Adopting Ordinance
2. Proposed Changes
3. Parks Use Permits Issued

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE 10-O-667

AN ORDINANCE ADDING SECTION 12.25.012, RULES AND REGULATIONS SPECIFIC TO CITY -OWNED PARKS, TO BROOKINGS MUNICIPAL CODE CHAPTER 12.25, PUBLIC PARKS AND RECREATIONAL AREAS, TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES.

Sections:

- Section 1. Ordinance identified.**
- Section 2. Adds Section 12.25.012**

The City of Brookings Ordains as follows:

Section 1. Ordinance identified. This ordinance adds Section 12.25.012, Rules and Regulations Specific To City Owned Parks, to Brookings Municipal Code Chapter 12.25, Public Parks and Recreational Areas, Title 12, Streets, Sidewalks and Public Places.

Section 2. Adds Section 12.25.016. Section 12.25.012 is added as follows:

12.25.012 Rules and regulations specific to city-owned parks.

A. The following activities and uses are prohibited in all City parks, except by City park employees, volunteers or contractors in the performance of authorized maintenance or construction:

- 1. Camping.**
- 2. Parking or use of motorized vehicles, other than wheelchairs, on walkways, landscaped areas, natural vegetation areas, playgrounds and sports fields, except for authorized maintenance or the purpose of set-up or tear-down of an event.**
- 3. Unlawful possession or use of firearms, fireworks or explosives.**
- 4. Throwing of rice or seeds, including bird seed.**
- 5. Damage to or removal of any vegetation.**
- 6. Modification or painting of any structure, equipment or furniture.**
- 7. Bicycles, skateboards, skates or roller blades, except in designated areas.**
- 8. Unleashed dogs.**
- 9. Failure to remove animal excrement by the animal owner.**
- 10. Attaching signs to any City sign post, trees or other vegetation.**
- 11. Use of for an organized event without having first obtained an approved Park Use Permit. An organized event includes weddings, memorials, athletic activities, concerts, holiday displays, picnics where the host wishes to reserve a specific area, use of the snack shack, bandshell or Capella, and the conduct of business activities.**
- 12. Amplified sound and/or music at a level that is not contained within the immediate area of the activity, subject to BMC Section 8.15.080.**
- 13. Placement of any sign without first having obtained approval by the City Manager or his designee.**
- 14. Failure to remove signs within two hours of the conclusion of an event.**
- 15. Fires, except fires in camp stoves, portable barbeques or fireplaces provided for such purposes.**

16. The use of camp stoves, portable barbeques except in designated picnic areas.
17. Unattended fires, camp stoves or portable barbeques.
18. Leaving the location of a fire until the fire is completely extinguished with no hot coals remaining.
19. The use of amplified sound at Bankus Park.
20. The use of Bankus Park for more than single-day events, except as approved by the Parks and Recreation Commission.

B. Penalties and Fines.

1. The fine for a first offense under section 12.25.012(A) is \$50.00, a second violation is \$100.00, and any third or subsequent violation shall be the maximum allowed under BMC Chapter 1.05, General Penalty.
2. Upon a third violation/conviction, the offending person may be prohibited from using or entering all city-owned parks for a period of one year.
3. If a person is given a citation for violating section 12.25.012(A), he or she must immediately cease the offending conduct. If the person given the citation continues the offending use or activity, he or she will be subject to additional citations and/or immediate trespass under ORS 164.245.

First Reading: _____
Second Reading: _____
Passage: _____
Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2010

ATTEST:

Mayor Larry Anderson

City Recorder Joyce Heffington

Proposed Revisions: *Bold/italics* = new language
Strikeout = deleted language

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE 10-O-667

AN ORDINANCE ADDING SECTION 12.25.012, RULES AND REGULATIONS SPECIFIC TO CITY-OWNED PARKS, TO BROOKINGS MUNICIPAL CODE CHAPTER 12.25, PUBLIC PARKS AND RECREATIONAL AREAS, TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES.

Sections:

- Section 1. Ordinance identified.
Section 2. Adds Section 12.25.012

The City of Brookings Ordains as follows:

Section 1. Ordinance identified. This ordinance adds Section 12.25.012, Rules and Regulations Specific To City Owned Parks, to Brookings Municipal Code Chapter 12.25, Public Parks and Recreational Areas, Title 12, Streets, Sidewalks and Public Places.

Section 2. Adds Section 12.25.016. Section 12.25.012 is added as follows:

12.25.012 Rules and regulations specific to city-owned parks.

- A. The following activities and uses are prohibited in all City parks, except by City park employees, volunteers or contractors in the performance of authorized maintenance or construction:
1. Camping.
 2. Parking or use of motorized vehicles, other than wheelchairs, on walkways, landscaped areas, natural vegetation areas, playgrounds and sports fields, except for authorized maintenance or the purpose of set-up or tear-down of an event.
 3. *Unlawful possession or use of firearms, fireworks or explosives, except as expressly permitted under BMC Section 9.10.055.*
 4. Throwing of rice or seeds, including bird seed.
 5. Damage to or removal of any vegetation.
 6. Modification or painting of any structure, equipment or furniture.
 7. Bicycles, skateboards, skates or roller blades, except in designated areas.
 8. Unleashed dogs.
 9. Failure to remove animal excrement by the animal owner.
 10. Attaching signs to any City sign post, trees or other vegetation.
 11. Use of any park for an organized public performance, public gathering or event without having first obtained an approved Park Use Permit. *An organized event includes weddings, memorials, athletic activities, concerts, holiday displays, picnics where the host wishes to reserve a specific area, use of the snack shack, bandshell or Capella, and the conduct of business activities.*
 12. Amplified sound and/or music at a level that is not contained within the immediate area of the activity, subject to BMC Section 8.15.080.

13. Placement of any sign without first having obtained approval by the City Manager or his designee.
14. Failure to remove signs within two hours of the conclusion of an event.
15. Fires, except fires in camp stoves, portable barbeques or fireplaces provided for such purposes.
16. The use of camp stoves, portable barbeques except in designated picnic areas.
17. Unattended fires, camp stoves or portable barbeques.
18. Leaving the location of a fire until the fire is completely extinguished with no hot coals remaining.
19. The use of amplified sound at Bankus Park.
20. The use of Bankus Park for more than single-day events, except as approved by the Parks and Recreation Commission.

B. Penalties and Fines.

1. The fine for a first offense under section 12.25.012(A) is \$50.00, a second violation is \$100.00, and any third or subsequent violation shall be the maximum allowed under BMC Chapter 1.05, General Penalty.
2. Upon a third violation/conviction, the offending person may be prohibited from using or entering all city-owned parks for a period of one year.
3. If a person is given a citation for violating section 12.25.012(A), he or she must immediately cease the offending conduct. If the person given the citation continues the offending use or activity, he or she will be subject to additional citations and/or immediate trespass under ORS 164.245.

First Reading: _____
 Second Reading: _____
 Passage: _____
 Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2010

ATTEST:

 Mayor Larry Anderson

 City Recorder Joyce Heffington

Park Use Permits Issued 8-1-2009 through 9-30-2010

	Capella	Bandshell/ Lawn area	Kid Town	Gazebo	Bankus	Ballfields
8/1/09 Wedding	X					
8/8/09 Family Reunion			X			
8/16/09 Concert - Private		X				
8/22/09 Wedding		X				
8/28/09 Assoc. Meeting				X		
9/11/09 Red Shirts Memorial		X				
9/12/09 Company BBQ		X				
9/27/09 Company Picnic			X			
10/24/09 Wedding	X					
11/27/09 See's Candy Sale					X	
12/09 Natures Coastal Holiday		X				
12/31/09 Wedding	X					
1/23/10 Wedding	X					
2/21/10 Slippery Banana Tourney						X
4/3/10 Easter Egg Hunt		X				
5/22/10 Softball BBQ		X				
5/29/10 Rotary Shrimp Feed		X				
6/6/10 Memorial	X					
7/3/10 Tea Party		X				
7/17/10 Wedding	X					
7/23/10 Renaissance Faire		X				
7/23/10 Wedding				X		
8/7/10 Wedding		X				
8/8/10 Wedding	X					
8/21/10 Wedding	X	X				
8/22/10 Republican BBQ			X			
9/11/10 Red Shirts Memorial		X				
9/17/10 Bike Classic BBQ		X				

August through October Soccer League uses Azalea Park & Bud Cross Fields
 February through May Brookings-Harbor High School uses Azalea Park Fields.
 February through August Surfside Bruins Softball uses Azalea Park & Bud Cross Fields
 March through July – Little League uses Azalea Park & Bud Cross Fields
 May through August – Adult Softball League uses Azalea Park Fields

Individual use permits not issued but park use allowed for:
 8 AMF Concerts held in Bandshell in Summer, 2009
 9 AMF Concerts held in Bandshell in Summer, 2010