

ORDINANCE NO. 339-0

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS RELATING TO CITY PARKS, COMMUNITY BUILDINGS AND RECREATION AREAS AND REPEALING ORDINANCE NO. 237.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE, THAT:

SECTION 1. CODIFICATION:

This Ordinance shall be codified under Title 10 of the City of Troutdale Code (C.T.C.).

SECTION 2. ADOPTION OF PARK RULES:

The City of Troutdale Code Title 10, Chapter 10.10 shall read:

TITLE, DEFINITIONS AND POLICY

10.10.005 Title. This chapter shall be known as the City of Troutdale Park Rules Code and may be so pleaded and referred to.

10.10.010 Definitions. As used in this chapter, unless the context requires otherwise:

(a) "Council" means the Common Council of the City of Troutdale, Oregon.

(b) "Director" means the Director of Community Development for the City of Troutdale and the Director's authorized representatives.

(c) "City of Troutdale" means the incorporated areas of the City of Troutdale, Oregon.

(d) "Park" means a forest, reservation, playground, beach, recreation center or any other area in the City of Troutdale, owned or used by the City of Troutdale and devoted to active or passive recreation.

(e) "Person" means an individual, partnership, company, association, corporation or any other legal entity.

(f) "Vehicle" means any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled, including a bicycle, and includes any trailer in tow of any size, kind or description, but does not include baby carriages and vehicles in the service of the City of Troutdale Parks.

10.10.020 Policy. The Council has determined that it is necessary to adopt regulations in order to insure the efficient operation, protection and maintenance of City of Troutdale Parks and to protect the health, safety and welfare of the people of the City of Troutdale and this chapter shall be liberally construed to effectuate this purpose.

RULES RELATING TO THE GROUNDS,
COMMUNITY BUILDINGS AND WILD LIFE

10.10.101 Park buildings and other property prohibitions.

No person shall:

(a) Wilfully mark, deface, disfigure, injure, tamper with or displace or remove, any building, restroom, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notice or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, recreation facilities or park property or appurtenances whatsoever, either real or personal.

(b) Dig, or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

10.10.102 Trees, shrubbery and lawns prohibitions. No person shall:

(a) Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant.

(b) Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or gun carriages or upon any other property not designated or customarily used for those purposes.

10.10.103 Animals, birds and fish prohibitions.

No person shall hunt, molest, harm, frighten, kill, trap, chase, shoot or throw missiles at any animal, bird, fish or other living creature or remove or have in possession the young of any wild animal, or the eggs or nest or young of any reptile or bird.

10.10.104. Refuse and trash prohibitions.

No person shall deposit, dump, place or leave rubbish, bottles, cans, garbage or refuse of any type regardless of its source in a City park or recreation area, except refuse, garbage or litter occasioned through use of those areas which shall be deposited in refuse receptacles provided for that purpose.

10.10.105. No beverages may be consumed from glass containers on a beach area.

10.10.106. Signs restricted.

No person shall paste, glue, tackl, or otherwise post any sign, placard, advertisement or inscription whatsoever in a park or erect any sign whatever on any public lands or highways or roads adjacent to a park except upon permission of the director, unless the person is a regularly licensed concessionaire acting by and under the written authority of the Council.

10.10.107 Park hours. Except for unusual and unforeseen circumstances and emergencies, and those parks having overnight camping sites, parks shall be generally open to the public every day of the year from 8:00 a.m. to 10:00 p.m. in the summer and from 8:00 a.m. to 8:00 p.m. in the winter.

10.10.108. Posting of park rules. The rules and provisions for use and administration of parks, notice of those rules or summaries of those rules shall be kept posted within the main entrance of each park or at suitable other locations.

10.10.109. Fires limited. No person shall:

(a) Build or attempt to build a fire except in such areas and under such rules as may be designated by the Director.

(b) Drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park or on any highway, road or street abutting and contiguous to any park.

(c) Leave a fire of any type unattended or fail to completely extinguish any fire after use.

10.10.110. Lost and found articles. The finding of lost articles by park attendants shall be reported to the police department who shall make every reasonable effort to find and return lost articles and dispose of unclaimed articles as prescribed by law.

10.10.111. Limiting use and closure.

(a) Any park or portion of any park may be declared closed to the public by the Director at any time and for any interval of time, either entirely or merely to certain uses as the Director shall find reasonably necessary to insure the health, welfare or safety of the public.

(b) The Council, by resolution, may limit the use of any park or portion of any park to a particular event or function for a specified time and interval of time as the Council deems appropriate.

TRAFFIC, PARKING, BICYCLES

10.10.201. Traffic prohibitions. No person shall:

(a) Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.

(b) Fail to obey all traffic officers and park attendants, which persons hereby are authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent to the parks in accordance with the provisions of this chapter and such supplementary rules as may be issued by the director.

10.10.202. Parking prohibitions. No person shall:

(a) Park a vehicle in other than an established or designated parking area or not comply with the posted directions and with instructions of any attendant who may be present at an established or designated parking area.

(b) Double park any vehicle on a road or parkway unless directed by a park attendant.

10.10.203. Bicycle prohibitions. No person shall:

(a) Ride a bicycle on other than a vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(b) Ride a bicycle other than on the right-hand side of the road pavement as close as conditions permit. Bicyclists shall at all times operate their bicycles with reasonable regard to the safety of others.

(c) Leave a bicycle in a place other than a bicycle rack or place provided for bicycles when such are available.

PARK WATERS, FISHING, SWIMMING

10.10.301. Bathing or swimming prohibitions. No person shall swim, bathe or wade in any waters or waterways in or adjacent to a City of Troutdale park, except in such waters and at such times and places as are designated and in compliance with this chapter or rules adopted under this chapter.

10.10.302. Fishing prohibitions. No person shall fish in any designated swimming area or from any bridge.

10.10.303. Pollution of waters prohibited. No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park, any matter or thing, liquid or solid, which will or may result in the pollution of those waters.

RULES RELATING TO ACTIVITIES REQUIRING PERMITS

10.10.401. Camping permit. No person shall camp overnight or longer, and in no event longer than five consecutive days, in any park except at such times and places as shall be specifically provided for without first obtaining a camping permit from the Director. Persons under the age of 18 be accompanied by an adult.

10.10.402. Permit for group picnics. A permit must be secured from the Director for any group picnic consisting of more than 50 persons.

10.10.403. Vending and peddling restricted, permit required. No person shall display, advertise or offer for sale any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing, unless the person is a concessionaire licensed by the Council. Before a person may act as a concessionaire at any park, the person must submit an application to the Director in such form as the Director shall require. The application shall be presented to the Council for its consideration and the applicant will be notified as to the acceptance or rejection of the application.

10.10.404. Use of community buildings, permit required. Any person desiring to rent or use a community building must first obtain a permit from the Director. Application for such a permit shall be in such form as the Director shall require. Rental and use of community buildings shall be according to the terms and conditions of the permit.

10.10.405. Exhibiting permits required. No person shall refuse to produce any permit the person claims to have, upon request of the Director or a police officer.

10.10.406. Interference with permittees prohibited. No person shall disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

10.10.407. Permit revocation. The Director shall have the authority to revoke a permit upon his finding that any rule or ordinance has been violated.

RULES RELATING TO ALCOHOLIC BEVERAGES, OFFENSIVE CONDUCT AND OTHER PROHIBITED ACTIVITIES

10.10.501. Prohibited games. No person shall take a part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, sharp objects, javelins or model airplanes except by permit issued by the Director.

10.10.502. Horseback riding restricted. No person shall ride a horse except on designated bridle trails. Horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or to go unattended.

10.10.503. Consumption of alcoholic beverages limited. No person shall bring into or consume alcoholic beverages in any park, provided, however, that the Director, may, from time to time, designate certain parks or park areas where beer and wine in containers designated for individual consumption may be brought for use in meal preparation or consumption with meals.

10.10.504. Fireworks and explosives prohibited. No person shall bring, or have in his possession, or set off or otherwise cause to explode, discharge or burn, any fireworks, explosives or inflammable material in any park, or discharge them or throw them into any park from adjacent land or highway. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

10.10.505. Violent, obscene and excessively loud conduct prohibited. No person shall engage in, promote, instigate, encourage, aid or abet fighting or similar violent conduct which would threaten the physical well-being of the public, use obscene language, make obscene gestures or cause excessive amplified or nonverbal noise.

10.10.506. Domestic animals restricted. No person shall bring a dog or other domestic animal into a park, on or off leash, except as may be specifically allowed by the Director. This shall not prohibit animals confined within a motor vehicle.

10.10.507. Firearms prohibitions. No person shall discharge a firearm, air rifle, spring gun, bow and arrow or other weapon in or over any park except for areas specifically designated for that purpose.

ENFORCEMENT AND PENALTIES

10.10.901. Responsibility of enforcement. The Director shall be responsible for the enforcement of this chapter and may adopt supplemental rules as provided by this chapter.

10.10.902. Enforcement personnel.

(a) The Director and the Director's authorized representatives shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(b) No person shall interfere with any authorized person in carrying out of the enforcement of this chapter or rules adopted under this chapter.

10.10.903. Ejectment. The Director and the Director's authorized representatives shall have the authority to eject from the park any person acting in violation of this chapter or the criminal laws of the State of Oregon.

10.10.904. Seizure of property. The Director and any of the Director's authorized representatives shall have the authority to seize and confiscate any property, thing or device in the park or used in violation of this chapter.

10.10.905. Hearing regarding seized property.

(a) Persons who have had any property, thing or device confiscated under CTC 10.10.904 may request a hearing by filing a written request for hearing with the Director within thirty (30) days of the seizure.

(b) The director shall, upon receipt of request for hearing, promptly notify the Municipal Court and the Municipal Court shall set a time and place for hearing before the municipal judge at the earliest possible time and promptly notify the person requesting hearing as to the time and place for the hearing.

(c) The person requesting the hearing may be represented by counsel if he desires and the Director may be represented by the attorney for

the City of Troutdale. Both parties may make argument, submit testimony and written briefs, cross-examine witnesses and submit rebuttal evidence on matters pertinent to the issue to be determined.

(d) All hearings shall be recorded in a manner which will allow for a written transcription to be made and all materials submitted at the hearing shall be retained by the Municipal Court for a period of at least two years.

(e) Failure of the person requesting hearing to appear at the hearing shall constitute a waiver of the right to a hearing.

(f) If the Municipal Court determines there was a wrongful confiscation of property, the property shall be returned to the person requesting the hearing, or, if the property has been destroyed, restitution shall be made.

10.10.906. Other laws applicable. This chapter shall in no way be a substitute for or eliminate the necessity of complying with any and all state laws and rules and other laws which are now or may be in the future in effect which relate to the activities regulated in this chapter.

10.10.907. Severability. If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be considered a separate, distinct and independent provision and the holding shall not affect the validity of the remaining portions of this chapter.

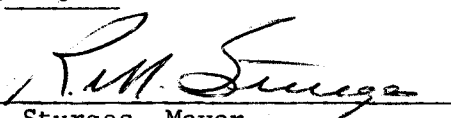
10.10.908. Penalties. Any person convicted of a violation of this chapter shall be punished by a term of not more than one year or by a fine of not more than \$500, or both. Each day of a continuous violation of this chapter shall be considered a new, separate and distinct violation.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 12th

DAY OF August, 1980.

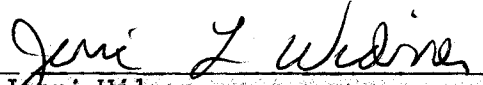
YEAS 6

NAYS 0


R.M. Sturges, Mayor

SIGNED THIS 14th DAY OF August, 1980

ATTEST:


Jerri Widner
Finance Director/City Recorder