

ORDINANCE NO. 747

AN ORDINANCE AMENDING TITLE 13, STREET TREES, PARK AND RECREATION AREAS, OF THE TROUTDALE MUNICIPAL CODE

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Chapter 13.10, entitled Trees, establishes policies, regulations and standards related to the City's urban forest; Chapter 13.20, entitled Park and Recreation Areas, establishes rules and regulations for use of city parks and recreation areas.
2. Some provisions of these chapters are outdated and no longer applicable, do not reflect current practice, or are in need of clarification.
3. These chapters need to be updated to eliminate unnecessary and outdated provisions or to clarify meaning.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. Sections 13.10.005, 13.10.070, 13.10.090 and 13.10.100 of the Troutdale Municipal Code are hereby amended to read as set forth in Attachment 1.

Section 2. Chapter 13.20 of the Troutdale Municipal Code is hereby amended to read as set forth in Attachment 2.

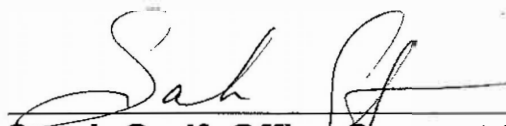
YEAS: 6

NAYS: 0

ABSTAINED: 0


Paul Thalhofer, Mayor
March 26, 2004

Date


Sarah Greif, Office Support Specialist

Adopted: March 23, 2004

TROUTDALE MUNICIPAL CODE

CHAPTER 13.10 – TREES

13.10.005 Definitions.

A. As used in this chapter, singular includes the plural and vice versa.

B. As used in this chapter:

“City” means the city of Troutdale, Oregon.

“Council” means the city of Troutdale council.

“Director” means director of community development of the city of Troutdale, or the director's designee.

“Person” means and includes any individual, firm, association, corporation, agency or organization of any kind.

“Planting strip” means the area of land between the curb and sidewalk.

“Removal” means the act of cutting down a tree or the use of any procedure the natural result of which is to cause the death or substantial destruction of the tree. Removal does not include normal trimming or pruning.

“Street” means and includes public sidewalks, malls, parking or planting strips, alleys or any right-of-way.

“Street tree” means a tree located within the public right-of-way.

“Topping” means the cutting back of limbs to stubs larger than three inches in diameter within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

“Tree” means a living, standing woody plant typically having a single trunk at least one and one-half inches in diameter at a point six inches above ground level at the base of the trunk.

“Tree board” means the citizen committee duly appointed by the council.

“Underdeveloped property” means any vacant platted subdivision lot or partition parcel or any developed property able to be partitioned into two or more lots.

13.10.070 Contributions and funding for trees.

A. Street tree funds raised by a local improvement district and street tree fees collected from new developments shall be expended by the director for the planting and maintenance of street trees in accordance with section 13.10.100.

B. A separate fund shall be established and maintained for revenues and expenditures created by the street tree program.

C. The city may accept contributions of funds or materials which are specifically designated for the purpose of planting or maintaining street trees within the city.

13.10.090 Permit – Application – Issuance conditions.

A. Application. Any person desiring for any purpose to plant, remove, destroy, cut, prune or mechanically excavate within ten feet of any street tree shall make application to the director on forms furnished by the city, except that an application shall not be required of persons acting in their capacity as employees of the City. Such application must state the number and kind of trees to be planted, removed, trimmed, or pruned, the names of permittee and/or contractor, and the

1 time by which the proposed work is to be done and such other information as may be required by
2 the director. Any work done under such written permit must be performed in strict accordance
3 with the terms and provisions of this chapter. In issuing or denying a permit, the director shall
4 apply all the standards as set forth in this chapter and the objective of the street tree plan.

5 B. Appeal. If the director denies any permit as required by this chapter, the director shall at once
6 notify the applicant who may appeal to the council in writing within ten days thereafter. The
7 council shall proceed to hear and determine the appeal, calling upon the director to give the
8 reasons therefore. In all cases the decision of the council shall be final.

9

10 **13.10.100 Trees in new developments.**

11 A. For all new developments, trees shall be planted in the public right-of-way or within the yard
12 setback area and/or any buffer area adjacent to the right-of-way. All such plantings shall be done
13 in accordance with the planting specifications for street trees as provided by the director.

14 B. A developer of a residential subdivision shall not be responsible for the planting of street
15 trees, but instead, shall pay an assessment to the city to provide for street tree planting. The tree
16 assessment shall be in accordance with the fee schedule adopted by resolution of the City
17 Council. The residential developer shall be assessed for one tree per each 30 linear feet, or
18 fraction thereof, of public street frontage, but the developer shall be assessed no less than one
19 tree per lot within the residential subdivision. On streets within or bordering the residential
20 subdivision where there is no planting strip or where utility and/or driveway locations preclude
21 the placement of required street trees within the right-of-way, street trees may be planted within
22 front or side yard setback areas, within any additional buffer area adjacent to the right-of-way, or
23 within any other publicly-owned property in the vicinity of the development that will benefit the
24 residents of the development.

1	Chapter 13.20	50	13.20.270	Games and other prohibited activities.
2		51		
3	PARK AND RECREATION AREAS	52	13.20.280	Motor vehicles – Traffic prohibitions.
4		53		
5	Sections:	54	13.20.290	Motor vehicles – Parking prohibitions.
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7	13.20.020 Definitions.	56	13.20.300	Park buildings and other property restrictions.
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10	13.20.050 Posting of park rules.	59	13.20.310	Refuse and trash.
11	13.20.060 Limiting use and closure authority.	60	13.20.330	Swimming and wading prohibitions.
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13	13.20.070 Lost and found articles.	62	13.20.340	Trees, shrubbery, lawns and other park property.
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15	13.20.080 Use of community buildings – Permit required.	64		
16		65	13.20.350	Water pollution prohibited.
17		66		
18	13.20.090 Use of park facilities – Permit required when.	67	13.20.360	Enforcement – Responsibility
19		68		
20		69	13.20.370	Enforcement – Agents designated – Interference.
21	13.20.100 Repealed	70		
22	13.20.110 Concessionaire license – Conditions.	71		
23		72	13.20.380	Authority to Eject.
24	13.20.115 Vendor license – conditions.	73	13.20.390	Enforcement – Seizure of property.
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26	13.20.120 Exhibiting permits to authorities.	75	13.20.400	Seized property – Hearing procedures.
27		76		
28	13.20.130 Interference with permittees prohibited.	77	13.20.410	Repealed
29		78		
30		79	13.20.010 Title.	
31	13.20.140 Permit revocation.	80		The ordinance codified in this chapter shall be known as “The City of Troutdale Park Rules Code,” and may be so pleaded and referred to.
32	13.20.150 Areas of limited activities.	81		
33		82		
34	13.20.160 Domestic animals.	83		
35	13.20.170 Horseback riding.	84		
36	13.20.180 Killing or disturbing animals prohibited.	85	13.20.020 Definitions.	
37		86		As used in this chapter, unless the context requires otherwise:
38	13.20.190 Alcoholic beverage consumption.	87		
39		88		A. “City” means the incorporated areas of the city of Troutdale, Oregon.
40	13.20.200 Beverages and glass containers.	89		
41		90		B. “Council” means the city council of the city.
42	13.20.210 Bicycles.	91		
43	13.20.220 Conduct – Fighting, obscenity, noise.	92		C. “Director” means the director of community development for the city and the director's authorized representatives.
44		93		
45	13.20.230 Fires.	94		
46	13.20.240 Firearms.	95		D. “Park” means a forest, reservation, playground, beach, recreation center or any other area in the city, owned or used
47	13.20.250 Firework and explosives.	96		
48		97		
49	13.20.260 Fishing.			

1 by the city and devoted to active or
2 passive recreation.

3 E. "Person" means an individual,
4 partnership, company, association,
5 corporation or any other legal entity.

6 F. "Vehicle" means any wheeled
7 conveyance, whether motor-powered,
8 animal-drawn or self-propelled, including
9 a bicycle and includes any trailer in tow
10 of any size, kind or description, but does
11 not include baby carriages and vehicles in
12 the service of the city parks.

13
14 **13.20.030 Purpose.**

15 The council has determined that it is
16 necessary to adopt regulations in order to
17 insure the efficient operation, protection
18 and maintenance of city parks and to
19 protect the health, safety and welfare of
20 the people of the city and this chapter
21 shall be liberally construed to effectuate
22 this purpose.

23
24 **13.20.040 Park hours.**

25 Except for unusual and unforeseen
26 circumstances and emergencies parks shall be
27 generally open to the public every day of the
28 year from eight a.m. to nine p.m. in the summer
29 season (April-September) and from eight a.m. to
30 six p.m. in the winter season (October-March).

31
32 **13.20.050 Posting of park rules.**

33 The rules and provisions for use and
34 administration of parks shall be posted within
35 the main entrance of each park or at suitable
36 other locations.

37
38 **13.20.060 Limiting use and closure
39 authority.**

40 A. Any park or portion of any park may
41 be declared closed to the public by the
42 director at any time and for any interval
43 of time, either entirely or merely to
44 certain uses as the director shall find
45 reasonably necessary to insure the health,
46 welfare or safety of the public.

47 B. The council, by resolution, may limit
48 the use of any park or portion of any park
49 to a particular event or function for a

50 specified time and interval of time as the
51 council deems appropriate.

52
53 **13.20.070 Lost and found articles.**

54 The finding of lost articles by park
55 attendants shall be reported to the police
56 department who shall make every
57 reasonable effort to find and return lost
58 articles and dispose of unclaimed articles
59 as prescribed by law.

60
61 **13.20.080 Use of community
62 buildings--Permit
63 required.**

64 Any person desiring to rent or use a
65 community building must first obtain a
66 permit from the director. Application for
67 such a permit shall be in such form as the
68 director shall require. Rental and use of
69 community buildings shall be according
70 to the terms and conditions of the permit.

71
72 **13.20.090 Use of park facilities – Permit
73 required when.**

74 A permit must be secured from the director
75 to reserve park facilities. No group or
76 organization, regardless of size, shall participate
77 in organized sporting events including, but not
78 limited to, competitive games, team practices, or
79 training camps, without first obtaining a permit
80 from the director. All permitted activities shall
81 take place in areas designed and designated for
82 that use.

83
84 **13.20.100 Repealed**

85
86 **13.20.110 Concessionaire license
87 Conditions.**

88 No person shall offer for sale any article
89 or thing for more than three days within any
90 park, nor shall any person station or place
91 any stand, cart or vehicle for the sale of
92 any article or thing for more than three
93 days within any park, unless the person is
94 a concessionaire licensed by the council.
95 Before a person may act as a
96 concessionaire at any park, the person
97 must submit an application to the director
98 in such form as the director shall require.

1 The application shall be presented to the
2 council for its consideration and the
3 applicant will be notified as to the
4 acceptance or rejection of the application.
5

6 **13.20.115 Vendor license –**
7 **conditions.**

8 No person shall offer for sale any article
9 or thing for three or fewer days within
10 any park, nor shall any person station or
11 place any stand, cart or vehicle for the
12 sale of any article or thing for three or
13 fewer days within any park, unless the
14 person has obtained a temporary vendor
15 license from the director. Before a person
16 may act as a vendor at any park, the
17 person must submit an application to the
18 director in such form as the director shall
19 require. A temporary vendor license shall
20 only be approved by the director when the
21 display, advertisement or sale is
22 conducted in conjunction with a
23 community event being held in that
24 particular park.
25

26 **13.20.120 Exhibiting permits to**
27 **authorities.**

28 No person shall refuse to produce any
29 permit the person claims to have, upon
30 request of the director or a police officer.
31

32 **13.20.130 Interference with**
33 **permittees prohibited.**

34 No person shall disturb or interfere
35 unreasonably with any person or party
36 occupying any area, or participating in
37 any activity, under the authority of a
38 permit.
39

40 **13.20.140 Permit revocation.**

41 The director shall have the authority to
42 revoke a permit upon his finding that any
43 rule or ordinance has been violated.
44

45 **13.20.150 Areas of limited**
46 **activities--Signposting.**

47 No person shall participate in any
48 prohibited activity in areas so specified
49 and posted. The director may designate

50 areas of limited activity. Such areas shall
51 be designated by posted notices which
52 clearly define the activities prohibited.
53 Such notices shall be posted in one or
54 more places which are
55 conspicuous to any person in the near
56 vicinity of the designated area.
57

58 **13.20.160 Domestic animals.**

59 No person shall bring a dog or other
60 domestic animal into a park, on or off
61 leash, except within designated pet areas
62 specifically designated by the director.
63 Designated pet areas shall be
64 appropriately signed by the city to
65 identify the boundaries of the area and to
66 identify rules of etiquette for public safety
67 and sanitation.
68
69

70 **13.20.170 Horseback riding.**

71 No person shall ride a horse except on
72 designated bridle trails. Horses shall be
73 thoroughly broken and properly
74 restrained, and ridden with due care, and
75 shall not be allowed to graze or to go
76 unattended.
77

78 **13.20.180 Killing or disturbing**
79 **animals prohibited.**

80 No person shall hunt, molest, harm,
81 frighten, kill, trap, chase, shoot or throw
82 missiles at any animals, bird, fish or other
83 living creature or remove or have in
84 possession the young of any wild animal,
85 or the eggs or nest or young of any reptile
86 or bird.
87

88 **13.20.190 Alcoholic beverage**
89 **consumption.**

90 Except as authorized under section
91 13.20.080, no person shall bring into,
92 possess or consume alcoholic beverages
93 in any park; provided, however, that the
94 director may, from time to time, allow by
95 permit certain parks or parks areas where
96 beer and wine may be consumed in
97 conjunction with a community event
98 being held in that particular park.

1
2 **13.20.200 Beverages and glass**
3 **containers.**

4 It is unlawful for any person to possess a
5 glass container of any type in, or upon, a
6 designated beach area or designated
7 children's play area.

8
9 **13.20.210 Bicycles.**

10 No person shall:

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

17 B. Ride a bicycle other than on the right-
18 hand side of the road pavement as close
19 as conditions permit. Bicyclists shall at all
20 times operate their bicycles with
21 reasonable regard to the safety of others.

22 C. Leave a bicycle in a place other than a
23 bicycle rack or place provided for
24 bicycles when such are available.

25
26 **13.20.220 Conduct--Fighting,**
27 **obscenity, noise.**

28 No person shall engage in, promote,
29 instigate, encourage, aid or abet fighting
30 or similar violent conduct which would
31 threaten the physical well-being of the
32 public, use obscene language, make
33 obscene gestures or cause excessive
34 amplified or nonverbal noise.

35
36 **13.20.230 Fires.**

37 No person shall:

38 A. Build or attempt to build a fire except
39 in such areas and under such rules as may
40 be designated by the director;

41 B. Drop, throw or otherwise scatter
42 lighted matches, burning cigarettes or
43 cigars, tobacco paper or other
44 inflammable material, within any park or
45 on any highway, road or street abutting
46 and contiguous to any park;

47 C. Leave a fire of any type unattended or
48 fail to completely extinguish any fire after
49 use.

50
51 **13.20.240 Firearms.**

52 No person shall discharge a firearm, air
53 rifle, spring gun, bow and arrow or other
54 weapon in or over any park except for
55 areas specifically designated for that
56 purpose.

57
58 **13.20.250 Fireworks and**
59 **explosives.**

60 No person shall bring, or have in his
61 possession, or set off or otherwise cause
62 to explode, discharge or burn, any
63 fireworks, explosive or inflammable
64 material in any park, or discharge them or
65 throw them into any park from adjacent
66 land or highway. This prohibition
67 includes any substance, compound,
68 mixture or article that in conjunction with
69 any other substance or compound would
70 be dangerous from any of the foregoing
71 standpoints.

72
73 **13.20.260 Fishing.**

74 No person shall fish in any designated
75 swimming area or from any bridge.

76
77 **13.20.270 Games and other**
78 **prohibited activities.**

79 No person shall participate or assist others
80 in the playing of any game or activity
81 within which any object such as a stone,
82 arrow, javelin, model airplane, golf ball,
83 baseball or any other sharp or hard object
84 or projectile is thrown or otherwise
85 propelled except in areas specifically
86 designed and designated for that use
87 unless written permission therefore has
88 been issued by the director.

89
90 **13.20.280 Motor vehicles--Traffic**
91 **prohibitions.**

92 No person shall:

93 A. Fail to comply with all applicable
94 provisions of the state motor vehicles
95 traffic laws in regard to equipment and
96 operation of vehicles together with such
97 regulations as are contained in this
98 chapter and other ordinances;

1 B. Fail to obey all traffic officers and park
2 attendants, which persons are authorized
3 and instructed to direct traffic whenever
4 and wherever needed in the parks and on
5 the highways, streets or roads
6 immediately adjacent to the parks in
7 accordance with the provisions of this
8 chapter and such supplementary rules as
9 may be issued by the director;

10 C. Operate any vehicle of any type on the
11 trails in Beavercreek Canyon. No
12 wheelchairs or baby carriages allowed on
13 Beavercreek Canyon trails due to safety
14 hazard.

15
16 **13.20.290 Motor vehicles--Parking**
17 **prohibitions.**

18 No person shall:

19 A. Park a vehicle in other than an
20 established or designated parking area or
21 not comply with the posted directions and
22 with instructions of any attendant who
23 may be present at an established or
24 designated parking area;

25 B. Double park any vehicle on a road or
26 parkway unless directed by a park
27 attendant.

28
29 **13.20.300 Park buildings and other**
30 **property restrictions.**

31 No person shall:

32 A. Wilfully mark, deface, disfigure,
33 injure, tamper with or displace or remove
34 any building, restroom, bridges, tables,
35 benches, fireplaces, railings, paving or
36 paving material, water lines or other
37 public utilities or parts or appurtenances
38 thereof, signs, notices or placards whether
39 temporary or permanent, monuments,
40 stakes, posts or other boundary markers,
41 or other structures or equipment,
42 recreation facilities or park property or
43 appurtenances whatsoever, either real or
44 personal;

45 B. Dig or remove any soil, rock, stones,
46 trees, shrubs or plants, down-timber or
47 other wood or materials or make any
48 excavation by tool, equipment, blasting or
49 other means or agency.

50

51 **13.20.310 Refuse and trash.**

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

60

61 **13.20.320 Sign restrictions.**

62 No person shall paste, glue, tack or
63 otherwise post any sign, placard,
64 advertisement or inscription whatsoever
65 in a park or erect any sign whatever on
66 any public lands or highways or road
67 adjacent to a park except upon permission
68 of the director, unless the person is a
69 regularly licensed concessionaire acting
70 by and under the written authority of the
71 council.

72

73 **13.20.330 Swimming and wading**
74 **prohibitions.**

75 No person shall swim, bathe or wade in
76 any waters or waterways in or adjacent to
77 a city park, except in such waters and at
78 such times and places as are designated
79 and in compliance with this chapter or
80 rules adopted under this chapter.

81

82 **13.20.340 Trees, shrubbery, lawns**
83 **and other park property.**

84 No person shall:

85 A. Damage, cut, carve, transplant or
86 remove any tree or plant or injure the
87 bark, or pick the flowers or seeds, of any
88 tree or plant;

89 B. Climb any tree or walk, stand or sit
90 upon monuments, vases, fountains,
91 railing, fences or gun carriages or upon
92 any other property not designated or
93 customarily used for those purposes.

94

95 **13.20.350 Water pollution**
96 **prohibited.**

97 No person shall throw, discharge or
98 otherwise place or cause to be placed in

1 the waters of any fountain, pond, lake,
 2 stream, bay or other body of water in or
 3 adjacent to any park, any matter or thing,
 4 liquid or solid, which will or may result in
 5 the pollution of those waters.

6

7 **13.20.360 Enforcement--**
 8 **Responsibility.**

9 The director shall be responsible for the
 10 enforcement of this chapter and may
 11 adopt supplemental rules as provided by
 12 this chapter.

13

14 **13.20.370 Enforcement--Agents**
 15 **designated--Interference.**

16 A. The director and the director's
 17 authorized representatives shall, in
 18 connection with their duties imposed by
 19 law, diligently enforce the provisions of
 20 this chapter.

21 B. No person shall interfere with any
 22 authorized person in carrying out the
 23 enforcement of this chapter or rules
 24 adopted under this chapter.

25

26 **13.20.380 Authority to Eject.**

27 The director and the director's authorized
 28 representatives shall have the authority to
 29 eject from the park any person acting in
 30 violation of this chapter or the criminal
 31 laws of the state.

32

33 **13.20.390 Enforcement--Seizure of**
 34 **property.**

35 The director and any of the director's
 36 authorized representatives shall have the
 37 authority to seize and confiscate any
 38 property, thing or device in the park or
 39 used in violation of this chapter.

40

41 **13.20.400 Seized property--Hearing**
 42 **procedures.**

43 A. Persons who have had any property,
 44 thing or device confiscated under Section
 45 13.20.390 of this chapter, may request a
 46 hearing by filing a written request for
 47 hearing with the director within thirty
 48 days of the seizure.

49 B. The director shall, upon receipt of
 50 request for hearing, promptly notify the
 51 municipal court and the municipal court
 52 shall set a time and place for hearing
 53 before the municipal judge at the earliest
 54 possible time and promptly notify the
 55 person requesting the hearing as to the
 56 time and place for the hearing.

57 C. The person requesting the hearing may
 58 be represented by counsel if he desires
 59 and the director may be represented by
 60 the attorney for the city. Both parties may
 61 make argument, submit testimony and
 62 written briefs, cross-examine witnesses
 63 and submit rebuttal evidence on matters
 64 pertinent to the issue to be determined.

65 D. All hearings shall be recorded in the
 66 manner which will allow for a written
 67 transcription to be made, and all materials
 68 submitted at the hearing shall be retained
 69 by the municipal court for a period of at
 70 least two years.

71 E. Failure of the person requesting
 72 hearing to appear at the hearing shall
 73 constitute a waiver of the right to a
 74 hearing.

75 F. If the municipal court determines there
 76 was a wrongful confiscation of property,
 77 the property shall be returned to the
 78 person requesting the hearing, or, if the
 79 property has been destroyed, restitution
 80 shall be made.

81

82 **13.20.410 Repealed**

83