

CITY OF SHERWOOD, OREGON

Amended by
Ord 98-1049

ORDINANCE NO. 653

AN ORDINANCE DECLARING POLICY OF CITY WITH RESPECT TO PUBLIC AREAS, ADOPTING RULES AND REGULATIONS WITH RESPECT TO THE USE OF PUBLIC AREAS AND PARKS, DELEGATING RULE AND REGULATION, MAKING AUTHORITY TO THE CITY ADMINISTRATOR SUBJECT TO APPROVAL OF THE PARK COMMISSION, PROVIDING FOR REMONSTRANCE, PROVIDING FOR USE PERMITS, PROVIDING PENALTIES, AND DECLARING AN EMERGENCY.

WHEREAS, the City is in the process of expanding and recently extensively improved the City parks and public areas; and inasmuch as it is necessary for the public health and safety that immediate provisions be made for protection of the same and an emergency is hereby declared to exist, and this ordinance shall become effective immediately upon its passage by the Council and approval by the Mayor;

NOW THEREFORE,

THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1: Policy of City Council. The City Council, except as otherwise expressly provided, declares its intention to exercise general supervision, management and control of all public parks, public parkways, public squares, public grounds, including, but not restricted to streets, boulevards, paths, sidewalks, greenways, rest areas, playgrounds and other areas, hereinafter collectively referred to as "public areas" whether publicly or privately owned, dedicated, leased or otherwise set aside for public use and not under the supervision or control of any other public agency, and the council declares its intention to prescribe rules and regulations as herein set forth or from time to time as necessary with respect to such public areas.

All public areas as herein designated for general public use shall be kept and maintained for the use and benefit of the public, subject to such reasonable and necessary rules and regulations as herein prescribed or as may be from time to time adopted to protect and preserve the enjoyment, convenience and safety of the general public in the use thereof.

Section 2: Delegation of authority. The city administrator is authorized to make such reasonable rules and regulations and to establish permit fees and permit deposits not inconsistent with this and other city ordinances and the policies of the council as herein enunciated, as may be necessary for the control and management of the public areas hereinabove designated. All such rules and regulations shall be set forth in writing, be reviewed and approved by the City park commission to the extent deemed necessary by the city administrator, shall be posted in conspicuous places in the areas affected thereby, for the guidance of the general public and individual users. When adopted, one copy of each rule and regulation shall be kept and maintained in a file for that purpose in the office of the city recorder with the approval of the park commission endorsed thereon.

If any person feels aggrieved by any such rule or regulation, he may appeal to the council by filing with the city recorder a remonstrance against such rule or regulation, which shall be placed

on the agenda of the council at its next regular meeting, and until amended or repealed by the council such rule or regulation shall remain in full force and effect.

Section 3: Regulations prescribed by council. The council finds that it is in the public interest and necessary for the peace, health and safety of the general public that the rules and regulations set forth in this ordinance be enforced, and for the purposes herein set forth are adopted.

Section 4: City employees not affected. Nothing contained herein shall prevent the performance of any act or duty by city employees which has been duly authorized by the park commission, city administrator or public works director or police department.

Section 5: Closures. No person shall ride, drive or walk on such parts or portions of the parks or pavements as may be closed to public travel, or interfere with barriers erected against the public.

Section 6: Damage--Payment for restoration. (a) Owners or persons in control of, or persons who permit the entry of any dog, horse or other animal into any public area under the control of the city, in addition to any penalties imposed by this chapter for violation hereof, shall be held liable for, and shall pay to the city, the full value of repair or restoration of any public property damaged or destroyed, and if not paid upon demand by the city, recovery of same may be sought by action brought in the name of the city in any court of competent jurisdiction.

(b) Any person who shall utilize the public areas herein described and who shall damage or destroy any public property under the control of the city, in addition to any penalties imposed by this chapter for violation hereof, shall be held liable for, and shall pay to the city, the full value of repair or restoration of any public property damaged or destroyed, and if not paid upon demand by the city, recovery of same may be sought by action brought in the name of the city in any court of competent jurisdiction.

Section 7: Parks--Sales and services for hire restricted. It is unlawful for any person to sell or offer for sale any article or perform or offer to perform any service for hire in any of the parks without a written permit for such concession properly and regularly granted by the city administrator with concurrence and approval by the park commission.

Section 8: Parks--Advertising and decorative devices forbidden. It is unlawful for any person to place or carry any structure, sign, bulletin board or advertising device of any kind whatever, or erect any post or pole or the attachment of any notice, bill, poster, sign wire, rod or cord to any tree, shrub, fence, railing, fountain, wall, post or structure, or place any advertising, decorative or other device of any kind whatever, on any of the vases, statues, bridges or monuments in any park; provided, that the park commission may by a written permit, allow the erection of temporary decoration on occasions of public celebration or holidays.

Section 9: Parks--Intoxicating liquor prohibited. It is unlawful for any person to take into or upon any park any intoxicating liquor, for other than his own use. No intoxicated person shall enter or remain in any of the parks. The sale or dispensing of malt beverages containing not more than four percent of alcohol

by weight, shall be allowed only after obtaining a permit to do so from the city park commission subject to approval of the city council and the Oregon Liquor Control Commission.

Section 10: Parks--Rubbish accumulation prohibited. It is unlawful for any person to obstruct the free use and enjoyment of any park by misuse of refuse containers or by placing any straw, dirt, chips, paper, shavings, shells, ashes, swill or garbage, or other rubbish, or refuse or debris, in or upon any park, or to distribute any circulars, cards or other written or printed matter in any park.

Section 11: Parks--Vandalism prohibited. It is unlawful for any person to remove, destroy, break, injure, mutilate, or deface in any way structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, flower or other property in any park.

Section 12: Parks--Firearms or fireworks prohibited. It is unlawful for any person to use firearms, firecrackers, fireworks, torpedoes or explosives of any kind in any park.

Section 13: Parks--Molesting animals, birds and fish prohibited. It is unlawful for any person to use any weapon, stick, stone or missile of any kind to the destruction, injury, disturbance or molestation of any wild or domestic animal, fowl or fish within the park limits.

Section 14: Parks--Fishing and bathing restrictions. It is unlawful for any person to fish, wade, swim or bathe in any of the parks except in the places designated by regulation for such purposes. The park commission shall have authority to allow fishing in the waters of any park of the city by posting adjacent to such waters a sign or signs stating that such fishing is authorized, and by posting age limits such fishing may be restricted to juveniles or other persons under the age as designated by the sign, and it is unlawful for any person over the age limit as posted to fish in any such waters of a city park.

Section 15: Parks--Notice mutilation prohibited. It is unlawful for any person to injure, deface or destroy any notice of the rules and regulations for the government of the parks, which shall have been posted or permanently fixed by order or permission of the park commission.

Section 16: Parks--Animals running at large prohibited. It is unlawful for the owner, possessor or keeper of any animal to permit such animal to roam at large in any park, and, if such animal is found in any park, it may be impounded.

Section 17: Parks--Use of established entrance required. No one shall enter or leave the parks except at an established entrance, and no one shall enter or remain in the parks after the hours fixed by regulation.

Section 18: Parks--No admittance areas. No person shall enter any building, enclosure, or place within any of the parks upon which the words "no admittance" shall be displayed or posted by sign, placard, or otherwise.

Section 19: Permit for large groups--Required. Use of the public areas herein described for organized group picnics, political or religious gatherings, or groups consisting of more than fifty persons in attendance at any one time, is unlawful unless a written permit has been issued with the approval of the park commission or designated agent thereof.

Section 20: Permit--Exhibition required. Any person claiming to have a permit from the city shall produce and exhibit such permit upon request of the park commissioner or the police department.

Section 21: Permit--Subject to ordinances and regulations. All permits issued by the city shall be subject to the city's ordinances. The persons to whom such permits are issued shall be bound by the rules, regulations and ordinances as fully as though the same were inserted in such permits. Any person or persons to whom such permits shall be issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall be issued, as well as for any breach of such rules, regulations and ordinances, to the person or persons so suffering damages or injury.

Section 22: Public convenience stations. (a) It is unlawful for any person to blow, spread or place any nasal or other bodily discharge, or spit, urinate or defecate on the floors, walls, partitions, furniture, fittings, or on any portion of any public convenience station or in any place in such station, excepting directly into the particular fixture provided for that purpose. Nor shall any person place any bottle, can, cloth, rag, or metal, wood or stone substance in any of the plumbing fixtures in any such station.

(b) It is unlawful for any person to stand or climb on any closet, closet seat, basin, partition or other furniture or fitting, or to loiter about or push, crowd or otherwise set in a disorderly manner, or to interfere with any attendant in the discharge of his or her duties, or whistle, dance, sing, skate, swear, or use obscene, loud or boisterous language within any public convenience station, or at or near the entrance thereof.

(c) It is unlawful for any person to cut, deface, mar, destroy, break, remove or write on or scratch any wall, floor, ceiling, partition, fixture or furniture, or use towels in any improper manner, or waste soap, toilet paper, or any of the facilities provided in any public convenience station.

Section 23: Traffic regulations. Except as may be otherwise specifically prescribed by this chapter or other city ordinances, the motor vehicle code of the city of Sherwood regulating street traffic shall be in full force and effect in all public areas described in this chapter.

The following regulations are made applicable to public areas within the city and subject to the city's control:

(1) No one shall ride or drive any bicycle, motorcycle, motor vehicle, truck, wagon, horse, or any vehicle or animal in any part of the parks except on the regular drives designated therefor; provided, that baby carriages and such vehicles as are used in the park service are not included in the foregoing prohibition.

(2) No one shall drive any moving van, dray, truck, heavy-laden vehicle, or vehicle carrying or ordinarily used in carrying merchandise, goods, tools, material or rubbish, except such as are used in the park service, over any drive or boulevard in any of the parks; provided, however, the city park commission in its discretion may

grant permission in writing for vehicles to carry materials over park drives or boulevards to buildings abutting on parks when no other road, street or way is accessible or passable.

(3) No one shall hitch horses or other animals to any tree, shrub, fence, railing or other structure, except such as are provided for such purpose, or allow horses or other animals to stand unhitched while the rider or attendant is beyond reach of such horse or other animal.

(4) It is unlawful for any person to park any motor vehicle on any park or playground area in the city, except in regularly designated parking areas. The police department shall have and exercise authority to tow any vehicle found parked in a park or playground area not designated for parking purposes, and to impound such vehicle and to impose and collect the fees for towing and storage.

(5) It is unlawful for any person to store, park, or leave standing unattended for a continuous period of more than twenty-four hours, any motor vehicle, boat, trailer, conveyance or other personal property within any public area under the city's control.

Section 24: Penalty for violation. Any person violating any provision of this chapter or any rule or regulation adopted pursuant hereto, upon conviction shall be punished by a fine of not more than five hundred dollars or by imprisonment in the city or county jail for not exceeding six months, or by both such fine and imprisonment.

PASSED: By the Council, by unanimous vote of all Council members present, after being read three times by caption, and in full once, this 11th day of September, 1974.


Recorder - City of Sherwood

APPROVED: By the Mayor, this 20 day of September, 1974.


Mayor - City of Sherwood