

Chapter 12.16MUNICIPAL PARKSSections:

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12.16.010 Identified by resolution. Hereafter, municipal parks shall be as identified by resolution adopted by the Scappoose city council. (Ord. 661 §1, 1998)

12.16.015 Definitions. A. As used in this chapter, the following definitions apply:

1. "Municipal park" means any public park owned or operated for public use by the City of Scappoose and so designated, and includes all sidewalks, streets, and public rights-of-way immediately adjacent thereto.
2. "Smoke" means to inhale, exhale, or possess any lighted or burning cigar, cigarette, pipe, weed, plant, or other substance grown, manufactured, or processed which is intended to be used for smoking in any form. "Smoke" also means to inhale, exhale, or possess an electronic cigarette or a similar device intended to emulate smoking.
3. "Smoking instrument" means any cigar, cigarette, pipe, electronic cigarette, or other smoking equipment.
4. "Tobacco product" means any product that contains tobacco or is derived from tobacco and is intended to be inhaled, ingested into the human body, or absorbed into the human bloodstream.
5. "Use a tobacco product" means to smoke, chew, ingest, inhale, sniff, dip, exhale, vape, and any other means of ingestion, absorption, or consumption of a tobacco product. (Ord. 856, 2016)

12.16.020 Rules and regulations. A. Municipal parks shall be open for public recreation during the summer (April 1 through October 31) between the hours of seven a.m. and ten p.m., except for the Dog Park which shall close at nine p.m., and during the winter (November 1 - March 31 between the hours of eight a.m. and seven p.m. except by approval of the City Manager.

B. No peddling, soliciting or commercial enterprise is permitted in a municipal park except by approval of the Scappoose city council.

C. Disorderly conduct, abusive language, noisy disturbances or disregard of these rules and regulations will be grounds for immediate removal of person(s) from the municipal park by the Scappoose police department or as authorized by the city manager.

D. Park users are responsible for the conduct of and any damage to the park or its equipment caused by their legal dependents or other minors in their care at the time.

E. Children under eight years of age shall not be left unattended in the park.

F. No person shall consume or have in their possession any controlled substance, drug, or narcotic except by prescription and as prescribed while in a municipal park.

G. Air rifles, BB guns, bow and arrows, or other guns and dangerous objects such as golfing equipment may not be used while in a municipal park.

H. No swimming is allowed on municipal park property except where lifeguards and specifically designated and approved swimming areas are provided.

I. No overnight camping is allowed in municipal parks except by approval of the City Manager.

J. The city, its representatives and its employees are not responsible for accidents, injuries, or loss of property by fire, theft, wind, flood or other natural acts which are beyond their control. All equipment furnished within municipal parks is solely for the convenience of the user and is utilized at the risk of the user.

K. All park users should immediately notify the Scappoose police department of hazardous conditions in a municipal park or conditions which are alleged to be in violation of these rules and regulations.

L. Motor vehicles shall be operated and parked only in designated areas. Motor vehicles operated or parked elsewhere on walkways or on the grass without approval by the city council shall be in violation of Scappoose Municipal Code Chapter 11.04 and may be towed at the owner's expense. No repair of vehicles shall be allowed anywhere within a municipal park at any time.

M. The speed limit in a municipal park is ten miles per hour and must be observed at all times and drivers are advised to be alert for pedestrians.

N. Bicycles, roller skates, skateboards and other types of nonmotorized vehicles must be used safely, and in compliance with all posted rules, with the exception of Heritage Park, where bicycles, roller skates, skateboards and other types of non-motorized vehicles are prohibited.

O. Careless operation of motorized or nonmotorized vehicles shall be grounds for removal from a municipal park and/or citation by the Scappoose municipal police.

P. No animals other than seeing eye dogs are allowed in any municipal park building at any time.

Q. No person shall ride or lead any horse or pony in the park without approval by the Scappoose city council except on a roadway, in a designated parking area or on a designated bridle path.

R. No animals are permitted in municipal parks unless they are on a leash, except in designated off-leash areas, and shall be kept under supervision at all times; and, are not allowed to run at large or to commit any nuisance. All animal fecal matter shall be picked up by the owner, placed in an appropriate container and removed from the municipal park.

S. All garbage and trash shall be deposited in appropriate receptacles and no person shall bring non-park generated garbage or trash into the park for the purpose of discarding or disposing of such.

T. No. fires are permitted except for barbeques.

U. Trees and shrubs are not to be climbed or hung on, or used as poles for game nets or swings, or used for the purpose of displaying signs, bills or other objects, nor can any nails, screws or other foreign objects be inserted in municipal park vegetation.

V. Alcohol is prohibited in City parks except as provided in section 12.16.050 of this chapter.

W. Any peace officer may exclude any person who violates any applicable provision of law from any or all city parks for a period not to exceed 120 days. For purposes of this chapter, "applicable provision of law" includes any applicable provision of this chapter, or of any city ordinance, including criminal laws and vehicle codes, or any rule, regulation, order or permit issued by the director of parks or the city council on recommendation of the parks committee, or any applicable federal or state law or regulation.

(1) Written notice shall be given to any person excluded from any city park(s). Such notice shall specify the dates and places of exclusion. It shall be signed by the issuing party; warning of consequences for failure to comply shall be prominently displayed on the notice.

(2) A person receiving such notice may appeal to the chief of police, to have the written notice rescinded or the period shortened. The appeal notice shall specify the relief sought and the reason for said relief. An appeal must be filed with the chief of police within five days of receiving notice. This is a jurisdictional requirement. The police chief or designee (i.e., a hearing officer) shall uphold the exclusion if, upon de novo review, the preponderance of the evidence convinces the chief or designee that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law. If an appeal of the exclusion is timely filed under this section, the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of the exclusion shall be effective immediately upon issuance of the written decision.

(3) Nothing in this section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the Constitution of the state of Oregon or the Constitution of the United States of America. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law, shall be subject to exclusion as provided by this section.

(4) This section is in addition to and not in lieu of any other ordinance or law. 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 that person from the park (i.e., violation is trespass). Trespass is a class C misdemeanor.

(5) Any person found to have violated any provision of this ordinance shall be guilty of a violation punishable by a fine determined by the court not less than fifty dollars plus court assessments, nor more than two hundred fifty dollars plus court assessments. Assessments shall be charged by the court in the amount of fifteen percent of the established fine to reimburse the city for costs of enforcement.

X. (1) The city council may set fees for the use of parks and recreational facilities. Such fees shall provide for the equitable sharing of the costs of operating city parks and recreational facilities considering the fact that taxes paid by city residents are used to support the parks and other recreational facilities while nonresidents do not contribute financially to their support. Fees may be assessed to cover costs that can be attributable to benefiting individuals or groups.

(2) Fees for use of parks and recreational facilities may be set by resolution adopted by the city council after first receiving a recommendation from city staff. (Ord. 865, 2017; Ord. 855, 2016; Ord. 812, 2010; Ord. 771 § 1, 2006; Ord. 690 §1, 1999; Ord. 665, 1998; Ord. 661 §2, 1998)

12.16.030 Municipal parks identified as public infrastructure. Municipal parks are declared to be public infrastructure and no persons other than duly authorized municipal employees in the performance of job duties shall dig, remove, destroy, injure, mutilate or cut any trees, plants, shrubs, blooms, flowers, or any portion of the vegetation growing in a municipal park except by approval of the Scappoose city council. (Ord. 661 §3, 1998)

12.16.040 Off-leash area. A. A fenced off-leash area, depicted in Figure 12.16.1 has been designated in Veterans Park on the north side of the bridge to provide dog owners with an area to exercise dogs. The following provisions apply to the use of the off leash area:

1. Owners or handlers are required to keep their dogs on leashes outside the off-leash area.

2. Owners or handlers are required to have their dog's license displayed and showing proof of current vaccinations.

3. No child under the age of 12 is allowed in the off-leash area unless accompanied by an adult.

4. Owners or handlers bear the legal responsibility for any injury or damages caused by their dog.

5. Owners or handlers are required to pick up and dispose of their dog's waste.

6. Aggressive dogs are not permitted. Owners or handlers are required to remove their dogs at the first sign of aggression.

7. Female dogs in heat are not permitted in the off-leash area.

8. Dog owners or handlers are required to be in the off-leash area and within view of their dogs at all times.

9. No food is allowed in the off-leash area.

10. No bicycles, skates, or skateboards are permitted inside the off-leash area.

11. The Dog Park shall be open for public recreation during the summer (April 1 through October 31) between the hours of seven a.m. and nine p.m. and during the winter (November 1 through March 31) between the hours of eight a.m. and seven p.m. except by approval of the City Manager.

B. Enforcement. A violation of any of the provisions in Subsection A shall be punishable by a fine in the amount of \$100. (Ord. 865, 2017; Ord. 814, 2010)

12.16.050 Alcohol in Parks. A. With written permission of the City Manager or City Manager's designee, alcohol permits may be allowed for Miller Park, Heritage Park, Veterans Park, and the Watts House.

B. Permits for alcohol sales, consumption, possession, or use shall not be issued in any other City parks.

C. Applicants shall request permission for the sales, consumption, possession, or use of alcohol on a form provided by the City Manager.

D. Applicants shall submit general information and shall address the following:

1. Identify the public benefit to be gained by allowing alcohol and identifying how the proceeds of the event, if any, will be used;

2. Identify the proposed confined alcohol serving and consumption area and methods of boundary control;

3. Define event security to be provided to avoid consumption outside defined boundaries, consumption by intoxicated guests, and consumption by minors.

E. The City Manager shall approve or deny the application based on the criteria in paragraph D.

F. If the application is approved, the applicant shall:

1. Agree to use licensed servers and comply with any applicable OLCC regulations;
2. Not use glass beverage containers for personal consumption (not to be construed to prohibit bottles of wine);
3. Not serve, sell, consume, possess, or use distilled liquor, as defined by ORS 471 unless a special events permit/temporary sales license has been obtained from OLCC;
4. Discontinue all alcohol service no later than 10:00 p.m.
5. Provide the prescribed damage deposit in advance to cover cleanup and possible damage;
6. Arrange for and pay for removal of trash generated by the event;
7. Obtain event insurance and provide evidence 5 business days in advance of the event of coverage in the amount of \$1,000,000 per claim and \$2,000,000 in the aggregate, naming the City as an additional insured.
8. Pay the permit fee a minimum of two weeks in advance, unless a shorter time is authorized by the City Manager;
9. Sign a liability waiver, indemnity, defense, and hold harmless agreement on a form prescribed by the City Manager;
10. Provide alternative non-alcoholic beverages;
11. Provide food items;
12. Comply with any other conditions the City deems prudent.

G. Alcohol permit fees will be charged as set by resolution of the City Council and revenues shall be dedicated to City parks and recreation.

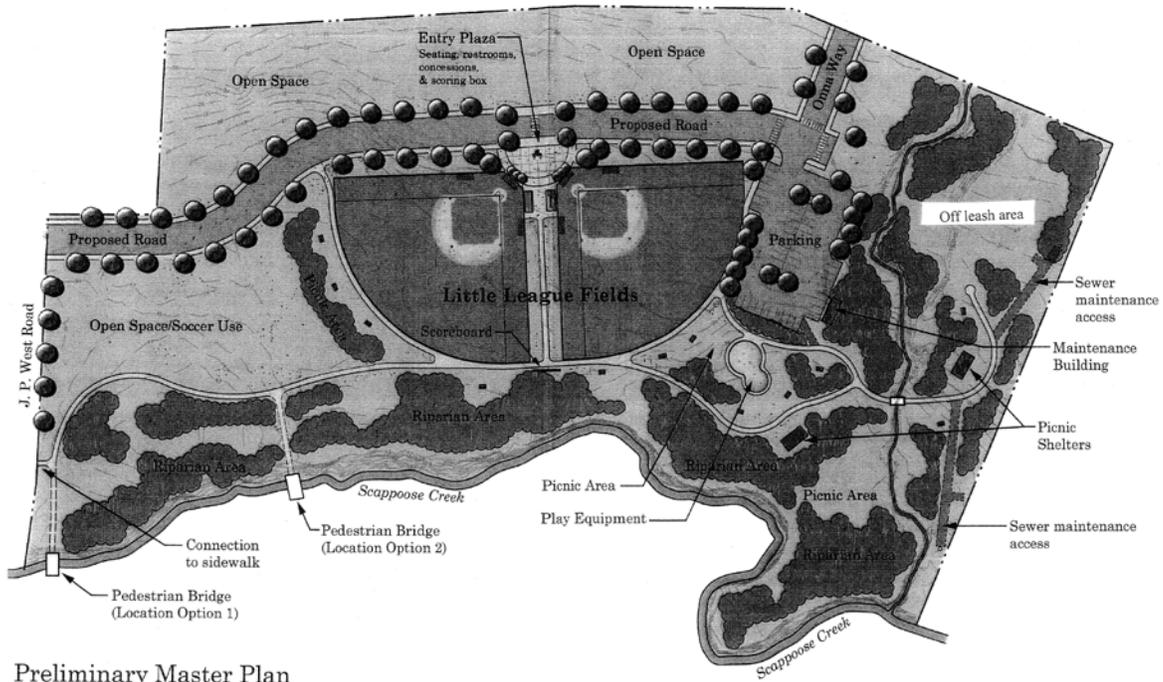
H. If the individual who is denied a permit files a written objection with the City Manager within 2 business days, the matter shall be placed on the City Council's agenda not earlier than 2 days after receiving the objection. The objection may be heard by the Council at its discretion at a regular meeting or special meeting. The denial shall remain in effect pending the hearing and decision of the Council. At the hearing, the staff shall provide the Council with information regarding the denial and the individual shall be allowed to present relevant evidence. (Ord. 855, 2016)

12.16.060 Smoking in Parks. A. No person shall smoke or carry any lighted smoking instrument in any municipal park.

B. No person shall use any tobacco product in any municipal park.

C. Enforcement. A violation of section 12.16.060 shall be punishable by a fine in the amount of \$50. Each violation of this section shall constitute a separate offense. (Ord 856, 2016)

Figure 12.16.1



Preliminary Master Plan

Scappoose, Oregon

