

**ORDINANCE NO. 855**

**AN ORDINANCE OF THE CITY OF SCAPPOOSE REGULATING THE USE OF ALCOHOL IN CITY PARKS**

**WHEREAS**, the City of Scappoose currently prohibits the consumption of alcohol in City parks; and

**WHEREAS**, City Council wishes to establish a permit process by which to allow limited use of alcohol in City parks under certain conditions.

**NOW, THEREFORE, THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:**

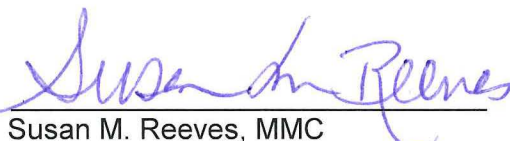
**Section 1.** Chapter 12.16.020 of the Scappoose Municipal Code shall be amended and Chapter 12.16.050 shall be added to read as shown on the attached Exhibit A (additional language underlined and deleted language ~~stricken~~).

**Section 2.** Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

**CITY OF SCAPPOOSE, OREGON**

  
\_\_\_\_\_  
Scott Burge, Mayor

First reading: June 20, 2016  
Second reading: July 5, 2016

Attest:   
\_\_\_\_\_  
Susan M. Reeves, MMC  
City Recorder

Chapter 12.16

MUNICIPAL PARKS

12.16.020 Rules and regulations. A. Municipal parks shall be open for public recreation during the summer (May 1 through September 30) between the hours of seven a.m. and ten p.m., and during the winter (October 1 through April 30) between the hours of eight a.m. and seven p.m. except by approval of the Scappoose City Council.

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 ~~intoxicating beverage or other~~ 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 park except by approval of the Scappoose city council.

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.

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. Fires are permitted only in designated fire rings or cookers. No other open fires are permitted on municipal properties.

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.

(Ord. 812, 2010; Ord. 771 § 1, 2006; Ord. 690 §1, 1999; Ord. 665, 1998; Ord. 661 §2, 1998)

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.