

ORDINANCE NO. 865

AN ORDINANCE OF THE CITY OF SCAPPOOSE AMENDING SCAPPOOSE MUNICIPAL CODE 12.16 REGULATING MUNICIPAL PARKS

WHEREAS, the City of Scappoose recently completed the Heritage Park Redevelopment Project and has additional park projects pending; and

WHEREAS, City Council wishes to update Park Rules in anticipation of increased park use in the community.

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

Section 1. Chapter 12.16.020 and Chapter 12.16.040 of the Scappoose Municipal Code shall be amended to read as shown on the attached Exhibit A (additional language underlined and deleted language ~~stricken~~).

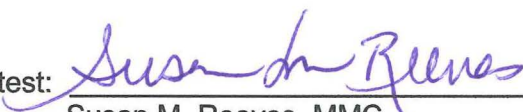
Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this 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: October 2, 2017
Second reading: October 16, 2017

Attest: 

Susan M. Reeves, MMC
City Recorder

Exhibit A

Recommended Changes to Municipal Code Chapters 12.16.020 & 12.16.040

Chapter 12.16 Municipal Parks

12.16.020 Rules and Regulations.

A. Municipal parks shall be open for public recreation during the summer (~~April 1 through October 31~~ May 1 through September 30) 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~~ October 1 through April 30) between the hours of eight a.m. and seven p.m. ~~except by approval of the City Manager~~ Scappoose City Council.

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

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.

T. ~~No fires are permitted except for barbeques. only in designated fire rings or cookers. No other open fires are permitted on municipal properties.~~

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.

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:

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.