

## **ORDINANCE NO. 642**

**AN ORDINANCE RELATING TO THE USE OF CITY OF AMITY PARKS, ESTABLISHING CERTAIN RULES PERTAINING TO THE USE OF SAID PARKS, PROHIBITING CERTAIN ACTIVITIES, ESTABLISHING PENALTIES FOR VIOLATIONS, AND REPEALING ORDINANCES 319 AND 623 AND ANY OTHER CONFLICTING ORDINANCES.**

**WHEREAS**, the Amity City Council desires to enhance the public's safety and enjoyment of city park areas and protect the public's investment in these facilities.

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

### **SECTION 1. DEFINITIONS:**

- (1) "City" means the City of Amity
- (2) "Chief" means the Chief of Police or his designee
- (3) "City Administrator" means the person immediately responsible for administering and overseeing all functions of Amity city government
- (4) "Authorized City staff" are employees or volunteers of the City authorized by the City Administrator and/or Chief to grant relief from the prohibitions of this ordinance where the prohibition specifically bestows that authority on the person;

### **SECTION 2. PARK HOURS:**

Park hours are established as "Dawn to Dusk". No person may enter or remain in a city park outside of park hours. The city may permit exceptions to the park hours for special events and must do so in writing.

### **SECTION 3: PROHIBITIONS:**

#### **3.1 PROHIBITIONS RELATING TO USE OF TOBACCO PRODUCTS**

Persons are prohibited from the use of any tobacco products in city parks at all times in the following areas:

- a) Within the border surrounding the children's playground equipment or within twenty feet of the border.
- b) Within in any portion of the skate park or within twenty feet surrounding the skate park.
- c) In any of the restrooms.

#### **3.2 PROHIBITIONS RELATING TO VEHICLES WITHIN PARKS AREAS**

- a) In contravention of the Oregon Motor Vehicle Code.
- b) Off roads or outside parking areas constructed or designated for motor vehicle use unless otherwise directed by authorized City staff.

- c) No person shall allow a vehicle to remain in a park area during the time the park is closed unless granted permission by authorized City staff.

### 3.2 PROHIBITIONS RELATING TO PETS AND OTHER ANIMALS

- a) No person shall bring any dog, cat or other domestic pet into a park area unless the animal is safely contained in a vehicle or on a leash and kept under physical control at all times. To avoid annoyance to other park users, leashes may not exceed six feet in length when the animal is within 100' of other park visitors.
- b) No person shall fail to immediately and thoroughly remove all solid animal waste deposited in the parks by their animal.
- c) No person shall allow their animal to go within any playground or play structure area; (Certified Service dogs excepted)
- d) No person shall tie up any animal in his/her custody or control and leave such animal unattended.
- e) Except where specifically authorized by the city, no person shall bring a horse or other livestock into a park area.

### 3.3 PROHIBITIONS RELATING TO VANDALISM AND LITTER

- a) No person shall pick, cut, mutilate, remove or uproot plant life or natural resources of any type from any park area without written consent from the authorized City staff.
- b) No person shall place or leave garbage, materials for recycling, sewage, refuse or waste within a park area except in containers provided for that purpose.
- c) No person shall deposit waste not generated by park use, including household, commercial or industrial waste or refuse, within any park area including waste containers within a park area.
- d) No person shall mutilate, etch, paint, write upon, burn, or otherwise deface, vandalize or cause damage to any park property, facility or structure. No person shall move or remove any property, structure, or facility of any kind within a park area.
- e) No unauthorized person within a City park shall have in his/her possession, cans of spray paint, aerosol or pressurized containers of paint or similar substances, or other paint or ink related tools, applicators and materials.
- f) No person shall dig up, deface, or remove any soil, stones, rock, or other substance, make any excavation, quarry any stone, lay or set off any blast, or cause or assist in doing any of these things, within a park area, except by special permit from the city.

### 3.4 PROHIBITIONS RELATING TO CAMPING

Except as specifically authorized in writing by the city, no person shall camp overnight within a park area.

### 3.5 PROHIBITIONS RELATING TO HUNTING, FIREARMS, AND WEAPONS

- a) Other than police officers in performance of their duties, no person shall carry or display any weapon of any kind within the city park.
- b) No person shall hunt, pursue, trap, kill, injure, harass, or molest any wildlife within a park area. Exception: Fishing in accordance with Oregon State Sport Fishing Regulations.
- c) No person shall damage, remove, or purposefully disturb any wildlife habitat within a park area.
- d) No person shall remove any wildlife animal from a park area. Exception: Fish and crawdads legally taken in accordance to the Oregon State Sport Fishing Regulations.
- e) No person within a park area shall discharge or fire any firearm, bb or pellet gun, bow and arrow (including fishing), slingshot, paintball gun, or other weapon capable of injuring any person or wildlife.

### 3.6 PROHIBITIONS RELATING TO FIRES

- a) Unless permitted by the city, no person shall start or operate a fire within a park area except within park fireplaces provided for such purposes or within portable stoves or Bar-B-Ques in established park picnic areas.
- b) No person shall leave a fire unattended within a park area.
- c) No person shall allow a fire to cause damage to park facilities or areas.
- d) No person who starts a fire shall leave the park area without first extinguishing the fire.
- e) No person shall start or operate a fire within a park area in contravention of an order of the Fire Marshal, Fire Chief, Police Chief, or authorized City staff
- f) No person within a park area shall possess, discharge, or cause to be discharged any firecrackers, explosives, torpedoes, rockets, fireworks or other substances within a park area without the written permission of the city.

### 3.7 GENERAL PROHIBITIONS

- a) Unless otherwise approved by authorized City staff, no person within a park area shall use or operate any noise producing machine, device or instrument in a manner that can be heard beyond 50 feet and/or substantially diminishes the ability of other park area visitors to enjoy the park or subjects persons occupying residences adjacent to or near the park to inconvenience, annoyance or alarm.

- b) Except as authorized by authorized City staff, no person within a park area shall use a public address system or other device to mechanically or electronically amplify sound.
- c) No person within a park shall commit an act of disorderly conduct. Disorderly conduct is defined as follows:
  - i. A person commits disorderly conduct when, with the intent to cause public alarm, nuisance, jeopardy or violence, or knowingly or recklessly creating a risk thereof, such person commits any of the following prohibited acts:
  - ii. Engages in fighting or threatening, or in violent behavior.
  - iii. Uses language, an utterance, or gesture, or engages in a display or act which is physically threatening or menacing, or done in a manner that is likely to inflict injury or incite an immediate breach of the peace.
  - iv. Makes noise that is unreasonable or unnecessary, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.
  - v. Creates or maintains a hazardous or physically offensive condition.
- d) No person shall use alcohol or possess an open container of alcohol in any city park without approval from city council.
- e) Except as approved by authorized City staff, no person shall display, sell, offer for sale, peddle, hawk, or vend any goods, wares, merchandise, food, liquids, or services within any park area.
- f) No person within a city park shall hit golf balls in areas not designated for such use

**SECTION 4. PARK EXCLUSION:** (Trespassing upon City property and may be prosecuted for said offense).

Any person within a city park found to be in violation of any park ordinance or rules is subject to trespass violations. In addition to other measures provided for violation of this ordinance, or any of the laws of the State of Oregon, the following provisions apply:

- i. The city or the Chief may exclude from the city park any person who violates any provision of this ordinance, the laws of the State of Oregon, or any rule or regulation issued by the City of Amity pertaining to city parks.
- ii. Exclusion under this section may be for a period of up to 90 days.

- iii. Any person who knowingly violates an order of exclusion from city parks and facilities commits the crime of criminal trespass (Class A misdemeanor).
- iv. Written notice shall be given to any person excluded from any city park or facility. The notice shall specify the dates of exclusion. It shall be signed by the issuing party. Warning of consequences for failure to comply shall be prominently displayed on the notice.
- v. If good cause exists, the city may at any time alter or temporarily waive the effects of the notice of exclusion. Additionally, if the city finds that the person excluded did not violate any provision of this ordinance, any laws of the State of Oregon, or any policy, rule, or regulation of the City of Amity, the city shall rescind the exclusion.

**SECTION 5. PENALTIES:**

Violation of this any part of this ordinance shall be a Class 4 violation for the first offense, a Class 3 violation for a second offense within one year, and a Class 2 violation for any subsequent violations within a one year period of the first violation.

Passage of this ordinance repeals Ordinance # 623 and # 319.

**EFFECTIVE DATE**

This ordinance will take effect 30 days from its passage.

FIRST READING: October 1, 2014

SECOND READING: November 5, 2014

**SUBMITTED AND APPROVED THIS 5<sup>th</sup> DAY OF November, 2014.**

Ayes: Ball, Haggith, Hansen, Miller, van Soolen

Nays:

Signed:

  
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Mayor Michael Cape

ATTEST:

  
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City Recorder Jennifer Elkins