

CHAPTER 92: PARKS AND RECREATION

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USE OF CITY PARKS

§ 92.01 SHORT TITLE.

This subchapter may be cited as the “City Parks Ordinance.”

(Ord. 1192, passed 6-21-2004)

§ 92.02 DEFINITIONS.

For the purpose of this subchapter, in addition to definitions found in other city ordinance(s), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. Includes the Mayor, City Council.

CITY OFFICIAL. Includes the City Manager, Public Works Director, Public Works employee(s), Police Chief, any police officer, any police community resource ordinance officer and/or any other city designee.

ORGANIZED FUNCTION. Any planned activity of any kind involving 20 or more persons.

1. Any publicly or privately-owned real property placed under the jurisdiction of the city for park or recreational purposes.

(Ord. 1192, passed 6-21-2004)

§ 92.03 POWERS OF THE COUNCIL.

(A) The city, except as herein otherwise provided, shall have the general management and supervision of all parks, squares, openings and public grounds surrounding public buildings now owned or hereafter acquired by the city, and also the power to regulate and control the planting, trimming, growing, use, preservation and maintenance of all shade or ornamental trees, shrubs, plants or flowers in, upon or over any street, boulevard, path or sidewalk of the city. These powers are in addition to and not exclusive of any other powers or authority under the city's Charter, state law and this State and the United States Constitutions.

(B) The city may adopt any rules and regulations for the use, management and supervision of the parks, squares, openings, public grounds and grounds surrounding public buildings or other places of recreation, now belonging or hereafter acquired by the city as may be reasonable or necessary. The rules and regulations shall be consistent with other city ordinances, state statutes and State Administrative Rules.

(Ord. 1192, passed 6-21-2004)

§ 92.04 ORGANIZED FUNCTIONS IN THE PARK.

It shall be unlawful for any person or organization or association to conduct or participate in any organized function in a park without the written permission of the city. Permission must first be requested in writing, in a timely manner, so that the request may be reviewed by City staff with sufficient lead time to allow for reasonable response. Specific provisions relating to application form/permit shall be as established. Reasonable conditions to provide for the safety and sanitation needs and to protect park users shall be added to the permit with costs borne by the applicant. Any disagreement with the administrative dispensation of the request shall be subject to an appeal to the City Council, the fee for which shall be established by resolution.

(Ord. 1192, passed 6-21-2004; Ord. 1350, passed 9-5-2019) Penalty, see § 92.99

§ 92.05 PROHIBITED CONDUCT.

The following conduct unless otherwise excepted shall be prohibited within city parks.

(A) *Alcohol and Tobacco.* Unless specifically authorized by city permit and subject to the further requirement, if any, of the OLCC, it shall be unlawful for any person to possess or drink any alcoholic beverage in any city park. Unless specifically authorized by permit it shall be unlawful for any person to sell any alcoholic beverage in any city park.

Unless specifically authorized by permit, it shall be unlawful for any person to smoke tobacco products in any city park or on any city off-street trail. For purposes of this policy, *SMOKING* and *TOBACCO* are defined to include, but are not limited to: bidis, cigarettes, cigarillos, cigars, clove cigarettes, e-cigarettes, nicotine vaporizers, nicotine liquids, hookahs, kreteks, and pipes.

(B) *Park hours; closure.* It shall be unlawful for any person to be in a park any time between the hours of 10:00 p.m. and the following 4:00 a.m.

(C) *Additional park closures.* The City Council, City Manager, his, her or its designate, or an officer of the City Police Department may close any city park or any part thereof, at any time for any reason herein by erecting barricades or placing signs prohibiting access. Notices that any park or part thereof is closed shall be posted at appropriate locations during the period of the closure, if feasible. However, failure to post the notices shall not invalidate the closure, nor shall it be a defense to the charge of violating this section. The closure shall be done only in the interest of public safety and health. The decision for closure shall be based upon one or more of the following criteria or conditions existing in or near that park:

(1) Life or property is endangered and other means cannot reasonably be utilized to eliminate the danger;

(2) The overcrowding of persons or vehicles prevents access by emergency assistance or emergency vehicle(s);

(3) Park property or other property located near the park is endangered;

(4) Loud and unnecessary noise, fighting, violence or threatening behavior is occurring and other means cannot reasonably be utilized to eliminate the condition;

(5) A hazardous condition exists; and/or

(6) Violation of any criminal offense or ordinance is occurring and other means cannot reasonably be utilized to eliminate the condition.

(D) *Park closure control.* During the period of closure of a park in accordance with the above provisions, it shall be unlawful for any person to enter the park or any part thereof that has been closed or remain in the park or part thereof after having been notified of the closure and having been requested to leave by the city official. The closure shall not exceed 18 hours without the written approval of the City Manager or his or her designee. No person shall enter any building, enclosure or place within any of the parks upon which the words A No Admittance@ shall be displayed or posted by sign, placard or otherwise without the consent of the city official in charge.

(E) *Animals in parks.* It shall be unlawful for the owner, possessor or keeper of any animal to permit the same to enter upon or to roam at large in any city park that has not been consigned to third party control. Notwithstanding the above sentence, dogs are permitted in Carnahan Park, where dogs shall remain on leash at all times, and under control of the owner, possessor or keeper of the dog. Additionally, dogs are allowed within the boundaries of any identified, fenced-in, off-leash dog area. These areas shall be set by Council resolution. While in the off-leash identified fenced-in area, dogs shall remain under voice control at all *times* by the accompanying owner, possessor or keeper of the dog. Owners, possessors, or keepers of any dog are subject to the Animal Code as set forth in Title IX, Chapter 90 of the CCT.

Notwithstanding the above, dogs may also be allowed in city-owned wayside(s) and trails (including trails that run through a park where dogs are not otherwise permitted off-trail) as approved by the City. City wayside(s) not approved shall be signed appropriately to indicate no dogs allowed. Dogs in approved city wayside(s) and trails shall always be on a leash except when secured in a vehicle.

Owners of dogs or other animals damaging and destroying park property will be held liable for the full value of the property damaged or destroyed in addition to any penalties that may be imposed for violation for this section. Animal(s) remaining in vehicle(s) are exempt from this section. Notwithstanding the above, service animals are exempt from this subsection when accompanied by their handler.

Fencing. Any designated dog-friendly area shall be fenced-in with a double-gated entrance for safety of owners and dogs, as recommended by the City's insurer.

Guidelines for use of dog-friendly area. Guidelines regarding the use of the dog-friendly parks, or waysides, and trails are adopted as set forth in Appendix A, and shall be posted at the entrance of the park, wayside, or trail. Guidelines regarding the use of the designated fenced-in, off-leash dog areas are adopted and set forth in Appendix B, and shall be posted at the entrance of the fenced-in area. Guidelines may be amended by a Resolution of the City Council.

(F) *Motorized vehicles.* No motorized vehicles shall be permitted in any park or portion thereof within the city except upon designated roadway(s) and parking area(s).

(G) *Camping/campfires.* No overnight camping or campfires shall be permitted within or upon any public park within the city, unless otherwise specifically authorized by city.

(H) *Firearms and explosive devices.* No firearms, explosive devices, blowgun, bow and arrow, crossbow, BB or pellet gun of any kind shall be permitted upon or within any city park without appropriate permit or appropriate license during authorized hunting season(s).

(I) *Advertising.* It shall be unlawful for any person to place or attach any structure or sign of any kind whatsoever on or upon any part of a city park without written permission.

(J) *Rubbish and litter.* It shall be unlawful for any person to place any straw, dirt, chips, paper shavings, shells, ashes, swill or garbage, or other rubbish, refuse or debris in any city park.

(K) *Vandalism.* It shall be unlawful for any person to damage city property.

(Ord. 1192, passed 6-21-2004, Ord. 1302, passed 6-1-2015, Ord. 1350, passed 9-5-2019) Penalty, see § 92.99

APPENDIX A: DOG-FRIENDLY PARK GUIDELINES

DOG-FRIENDLY PARK GUIDELINES

The following guidelines shall be posted at the entrance/exits of the dog-friendly park, wayside, or trail to inform the patrons of the expectations for using the park.

CITY CODE

- The park will be open from 4:00 a.m. to 10:00 p.m., daily.
- Dogs may not harass humans or other animals.
- Park users who fail to comply with rules of the park and the City Code may be asked to leave, and may result in fines.

DOGS

- Dogs must wear a visible and current license.
- Dogs showing any signs of aggression must leave the park immediately.

OWNERS

- Dogs must remain on a leash at all times.
- Always clean up after your dog. Remove and dispose of waste in the bins provided.
- No pet grooming is allowed in the park.
- Dog handlers must be at least 12 years old.

APPENDIX B: OFF-LEASH DOG PARK GUIDELINES***DOG PARK GUIDELINES***

The following guidelines shall be posted at the entrance/exits of the dog-friendly area of the park to inform the patrons of the expectations for using the park.

CITY CODE

- The park will be open from 4:00 a.m. to 10:00 p.m., daily.
- Dogs may not harass humans or other animals.
- Park users who fail to comply with rules of the park and the City Code may be asked to leave, and may result in fines.

DOGS

- Dogs must wear a visible and current license.
- Dogs must be spayed and/or neutered or they will not be allowed in the park.
- Dogs must not be contagious and must be current on their immunizations for the protection of your dogs and the dogs of other patrons of the park.
- Dogs that are aggressive, likely to bully other dogs, or start fights are not welcome in the park.
- Dogs showing any signs of aggression must leave the park immediately.
- Puppies who have not received all of their vaccinations should not be allowed in the park due to the risk of them contracting the Parvo virus. If you do allow your puppy to play in the park prior to receiving their vaccinations, you are doing so at your own risk.

OWNERS

- You are legally responsible for your dog's behavior, and any injuries or damages he/she causes.
- Never leave your dog(s) unattended or allow them out of sight.
- Never leave the area without your dog(s). Unattended dogs may be impounded by the animal control officer.
- Owners are required to have voice control over their dog(s) at all times.
- Always clean up after your dog. Remove and dispose of waste in the bins provided.
- No pet grooming is allowed in the park.
- Dog handlers must be at least 12 years old.

USER FEES FOR CARNAHAN PARK

§ 92.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CARNAHAN PARK. The city park located on the westerly boundaries of this city adjacent to the Trask River.

1. Any person, company, firm, partnership or corporation that has occasion to park a vehicle at Carnahan Park.

1. Any motorized or unmotorized vehicle or assembled personal property, including but not limited to boats, trailers and house-trailers.

(Ord. 1124, passed 8-17-1992)

§ 92.21 DURATION.

Fees for parking in Carnahan Park shall be charged during the months of September, October and November of each year.

(Ord. 1124, passed 8-17-1992)

§ 92.22 USE OF USER FEES.

Fees collected shall be used for maintenance, repair, ordinance enforcement and capital costs associated with Carnahan Park usage only. Direct cost of personnel for normal maintenance/repair work and ordinance enforcement shall be based on actual hours worked, multiplied by the hourly rate and fringe costs paid by the city. Approved time slips shall be used for this purpose.

(Ord. 1124, passed 8-17-1992)

§ 92.23 FEES.

(A) *Fee imposed.* Two dollars per day per parking day per stall used.

(B) *Seasonal permits.* Seasonal permits will be \$50 and are available at City Hall, 210 Laurel Avenue, Tillamook, OR 97141.

(Ord. 1124, passed 8-17-1992; Ord. 1127, passed 6-7-1993; Ord. 1130, passed 7-5-1994; Ord. 1252, passed 9-20-2010; Ord. 1275, passed 4-15-2013) Penalty, see § 92.99

§ 92.24 FEE COLLECTION.

(A) Parking fees shall be collected by insertion of \$2 within an approved Carnahan Park permit envelope and placement within the collection box provided.

(B) The envelope shall be completed by the user prior to deposit, with the user retaining a tear-off portion as a receipt of payment.

(C) The tear-off receipt taken from the completed envelope shall be displayed, including the date, vehicle description, and license plates number visible to enforcement persons, on the vehicle dashboard or, where no dashboard, in some clearly visible place in the vehicle.

(D) Failure to display this completed this tear-off portion of the permit shall constitute grounds for issuance of a citation to appear in Municipal Court for violation of this subchapter.

(Ord. 1124, passed 8-17-1992; Ord. 1252, passed 9-20-2010; Ord. 1275, passed 4-15-2013) Penalty, see § 92.99

§ 92.25 PARKING PERMIT REQUIRED.

No user of a parking space or stall in Carnahan Park shall use or occupy the space or stall with a vehicle owned by, occupied by, controlled by or in the possession of the user without first having obtained a parking permit as herein provided.

(Ord. 1124, passed 8-17-1992) Penalty, see § 92.99

§ 92.26 SEASON PERMITS.

(A) Permits may be issued at the office of the City Recorder with payment as set forth in § 92.23(B).

(B) Permit shall be applied to lower left side of windshield to allow unobstructed view for enforcement.

(C) Permit will be issued to vehicle based on current registered license plate and shall not be transferred to other vehicles.

(D) Violators of this section will be cited per § 92.99.

(Ord. 1130, passed 7-5-1994) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person who violates any provision of §§ 92.01 through 92.05 may, upon conviction, be punished as follows:

(1) Violation of § 92.05(A), (B), (D), (G), (H) or (K) shall be punishable by a fine not to exceed \$250. In addition, cost of repair(s) and or cleanup may also be levied.

(2) Violation of § 92.05(E), (F), (I) or (J) shall be punishable by a fine not to exceed \$100.

(C) Any user who violates any term of §§ 92.20 through 92.26, upon conviction, shall pay a fine as follows:

(1) Failure to purchase, complete or display a parking permit: \$20; and

(2) Failure to park a vehicle within a marked space at any time: \$12.

(D) Unless otherwise indicated, any offense under this chapter is classified as a violation punishable by a fine set by resolution.

(Ord. 1124, passed 8-17-1992; Ord. 1127, passed 6-7-1993; Ord. 1130, passed 7-5-1994; Ord. 1192, passed 6-21-2004; Ord. 1252, passed 9-20-2010; Ord. 1275, passed 4-15-2013; Ord. 1315, passed 6-6-2016)