

ORDINANCE NO. 425

AN ORDINANCE AMENDING THE RULES AND REGULATIONS FOR CITY PARKS, SECTION 3.000 WILSONVILLE CODE, AND AMENDING THE RESTRICTION OF CONSUMPTION OF ALCOHOLIC BEVERAGES IN WILSONVILLE PARK, SECTION 3.020 WILSONVILLE CODE, AND AMENDING THE ENFORCEMENT AND PENALTY OF SUCH RULES, SECTION 3.030 WILSONVILLE CODE.

WHEREAS, the Parks and Recreation Advisory Board finds the following amendments to the Park Rules to be necessary for the public safety and welfare of the park, park facilities, and park users; and

WHEREAS, staff has implemented the Board's direction and proposed the following amending language as set forth in the body of the ordinance below;

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

1. Section 3.000 (1), "Rules & Regulations" shall be amended as follows:

The following rules and regulations are hereby adopted for the regulation and use of municipal parks in and for the City, and shall be observed at all times by all persons using any City park or park facilities. A summary of these rules are authorized to be posted at Parks and park facilities as determined by the City Manager or designee.

2. Section 3.000 (15), shall be amended as follows:

No person shall use abusive, threatening, boisterous, vile, obscene or indecent language or gestures in a park area which interferes with another's peaceful enjoyment of the park and its facilities. Public demonstrations, public disturbances, or riotous behavior or indecent exposure will not be allowed in any City park area.

3. Section 3.020 (1), (a) and (b) shall be amended as follows:

(1) Alcohol may not be consumed or used in Wilsonville city parks except under the following conditions:

(a) Alcohol beverages or their consumption which shall be limited to wines or beer only; and

(b) Only to those areas designated by the City for which a reservation has been permitted and the applicant indicated on the application form that alcoholic beverages would be served. This does not in any way eliminate the reservation applicant from those rules and regulations administered under the Oregon Liquor Control Commission (OLCC).

4. The remaining of Section 3.020, (c); (2) (a) (b) (c) (d) (e); and (3) shall be deleted.
5. Section 3.030 (1), "Enforcement and Penalty" shall be amended as follows:

In addition to City Police, all City park employees or Council persons in charge of City parks or any park area are authorized and directed to enforce by all lawful means full compliance by the public with the foregoing rules and regulations.

Any person violating any park rule or regulation as delineated by Sections 3.000 and 3.020 of this Code, except those involving theft or damage over \$50.00, shall be punished upon a first conviction for a violation pursuant to Wilsonville Code Section 1.102, and upon a subsequent conviction for a Class C misdemeanor pursuant to Wilsonville Code Section 1.011. (Amended Ord. #253, 2/21/84). Provided, however, a violation of a park rule which involves theft or damage to property greater than \$50.00, shall be treated as a crime under state criminal laws.

SUBMITTED to the Wilsonville City Council at a regular meeting thereof on the 7th day of March, 1994, at which time the Ordinance was continued to March 21, 1994. It was read for the first time at a regular meeting thereof on the 21st day of March, 1994 and scheduled for a second reading at a regular meeting of the Council on the 4th day of April, 1994 commencing at the hour of 7:00 p.m. at the Wilsonville Community Development Annex.



 VERA A. ROJAS, CMC/AAE City Recorder

ENACTED by the Wilsonville City Council on the 4th day of April, 1994, by the following votes: YEAS: 5 NAYS: 0



 VERA A. ROJAS, CMC/AAE City Recorder

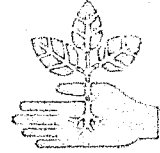
DATED and signed by the Mayor this 7th day of April , 1994.



 GERALD A. KRUMMEL, Mayor

SUMMARY OF VOTES:

Mayor Krummel	<u> AYE </u>
Councilor Lehan	<u> AYE </u>
Councilor Benson	<u> AYE </u>
Councilor Hawkins	<u> AYE </u>
Councilor Sempert	<u> AYE </u>



City of
WILSONVILLE
in OREGON

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PARKS & RECREATION DEPARTMENT
STAFF REPORT AND RECOMMENDATION

DATE: MARCH 7, 1994
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GLENN MILNOR, PARKS & RECREATION COORDINATOR
SUBJECT: ORDINANCE NO. CB-0-202-93, AMENDING PARK RULES

SUMMARY:

Ordinance No. CB-0-202-93 amends the rules and regulations for City parks, section 3.000 Wilsonville Code; amends the restriction of consumption of alcoholic beverages in Wilsonville Park, section 3.020 Wilsonville Code; and amends the enforcement and penalty of such rules, section 3.030 Wilsonville Code. The ordinance requires that individuals and groups limit the consumption of alcoholic beverages to wine and beer only, and only to those areas designated by the City for which a reservation has been permitted. The applicant making the reservation must indicate on the application form that alcoholic beverages will be served.

RECOMMENDATION:

Adoption of Ordinance No. CB-0-202-93.

BACKGROUND:

Growing concerns for the safety of residents who went to enjoy the Wilsonville parks, due to continuous reports of misbehavior submitted by citizens and local law enforcement officials prompted the Parks and Recreation Advisory Board to recommend new rules and regulations for City Parks. City staff, including the City Attorney, Operations Supervisor, Parks and Recreation Coordinator and Clackamas County Sheriff Department Sergeant, reviewed the City's existing rules and compared them to park rules of other cities (Tualatin, Lake Oswego, West Linn, etc.) The proposed new park rules were then submitted to the Parks and Recreation Advisory Board who recommended forwarding the rules to Council for adoption.

While the issue of animal control or a possible leash law was discussed extensively at the Parks and Recreation Advisory Board meeting, it was the suggestion of Clackamas County Sheriff Sergeant Bruce Pearson that the rule remain as it currently exists. This was to alleviate any potential enforcement problems. The topic of swimming off the dock and the potential hazards that exist was also extensively discussed, and at the request of

Staff Report: Park Rules
Page 2 of 2
March 2, 1994

the Parks and Recreation Advisory Board, new signs will be posted near the river warning of potential swim hazards.

Before submitting the rules for Council's approval, Councilor Steve Benson coordinated a public hearing with staff to gather input on the proposed rule changes. The response received supported the new changes.

Attachment: Copy of rules to be posted in the parks
Copy of Existing Chapter 3, Wilsonville Code

gm:pjm

PARK RULES

NO ALCOHOL EXCEPT BY PERMIT AND IN DESIGNATED AREAS

NO ANIMALS UNLESS UNDER OWNER'S CONTROL

NO LIFEGUARD ON DUTY - SWIM AT YOUR OWN RISK - WATER SKI & MOTOR BOAT HAZARDS

NO FIRES WITHIN PARK EXCEPT WHEN PERMITTED IN DESIGNATED AREAS

NO HUNTING OR DISTURBING ANIMALS

NO FIREARMS ALLOWED IN THE PARK

NO REMOVAL OR DAMAGE TO TREES, PLANTS, VEGETABLES, ROCKS AND MINERALS

NO REMOVAL OR DAMAGE TO PARK GROUNDS, STRUCTURES, AND FACILITIES

NO OFF ROAD MOTOR VEHICLE OPERATION

NO LITTERING

NO OVERNIGHT CAMPING WITHOUT PERMIT

NO HORSE RIDING EXCEPT IN POSTED AREAS AND/OR POSTED TRAILS AND ROADS

NO NOISE PRODUCTION IN A MANNER THAT IS DISTURBING TO OTHER PARK AREA USERS OR NEIGHBORHOOD HOMEOWNERS

NO WASHING CLOTHING OR OTHER MATERIAL OR CLEANING FISH IN PARK

NO GOLFING OR HITTING OF ANY TYPE OF GOLF BALLS

**WILSONVILLE PARKS & RECREATION
682-1011**

Chapter 3

CITY PROPERTY

PARKS AND PLAYGROUNDS

3.000 Rules & Regulations.

Change (1) The following rules and regulations are hereby adopted for the regulation and use of municipal parks in and for the City, and shall be observed at all times by all persons using any City park or park facilities.

(2) No fires and camp stoves so shall be allowed except in the following designated areas:

- (a) Park camp stoves or fireplaces provided for such purposes.
- (b) Portions of beaches designated as permitting fires, if any.
- (c) Portable stoves in established campsites, picnic areas, and designated beaches where fires are permitted.

(d) No fire shall be left unattended and every fire shall be extinguished before user leaves the park area.

(3) No person shall in any park area except under agreement or special regulations of the Council:

(a) Hunt, pursue, trap, kill, injure, molest, or disturb the habitat of any bird or animal.

(b) Discharge any firearm, pellet gun, bow and arrow, slingshot, or other weapon capable of injuring any person, bird or animal; or

(c) Possess any loaded firearm.

(4) Flowers, shrubs, foliage, trees or plant life or products of any type shall not be picked, cut, mutilated or removed, from any park area without written permission from the Council.

(5) No person shall mutilate, deface, damage or remove any table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility of any kind in a parked area.

(6) No person shall, except under special regulations of the Council, dig up, deface, or remove any dirt, stones, rock, or other substance whatever, make any excavation, quarry any stone, or lay or set off any blast or roll any barrier stones or move any barriers, or cause or assist in doing any of the said things within a parked area.

(7) No person shall, except in a designated area, erect signs, markers, or inscriptions of any type within a park without permission from the Council.

*dist @ 7-13-93
Park meeting.*

3.000 (Cont.)

- (8) No person in a park may without written permission of the Council:
- (a) Operate a concession, either fixed or mobile;
 - (b) Solicit, sell or offer for sale, peddle, hock, or vend any goods, wares, merchandise, food, liquids, or services;
 - (c) Advertise any goods or services by any means whatsoever; or
 - (d) Distribute any circulars, notices, leaflets, pamphlets, or written or printed information of any kind.

(9) Motor vehicles shall be operated only on roads and in parking area constructed or designated for motor vehicle use. No motor vehicle shall be operated on any trail or in any part of a park area not constructed or designated for motor vehicle use, or on any road or trail posted as closed to the public, or on any road or trail where signs have been placed or erected by authority of the Council prohibiting the driving of motor vehicles. Automobiles, trailers, or other vehicles shall be parked only in designated areas.

(10) No dog, cat, or other animal of any kind shall be brought into or kept in a park area unless confined, or in a vehicle, or under owner control. The authority of the City park employee includes the authority to undertake any lawful measures (including removal of the animal from the parked area) deemed by the park employee necessary to prevent the interference by the animal with the safety, comfort, and well-being of the park users, or the appearance or sanitary condition of the park area. No animals other than seeing eye dogs shall be allowed in any building.

(11) No bottles, cans, ashes, waste, paper, garbage, sewage, or other rubbish or refuse shall be left in a park area, except in the receptacles designated for that purpose.

(12) No person shall set up or use a public address system in a park without the written permission of the Council.

(13) No person shall ride, drive, lead, or keep a saddle horse or riding animal in any park area, except on such roads, trails, or areas designated for that purpose. No horse or other animal shall be hitched to any tree or shrub in such a manner that may cause damage to such tree or shrub.

(14) No person shall wash any clothing or other materials or clean any fish in a pond, stream or river in a park area.

Change - (15) No person shall use abusive, threatening, boisterous, vile, obscene or indecent language or gestures in a park area. Public demonstrations, public disturbances, or riotous behavior or indecent exposure will not be allowed in any City park area.

(16) No overnight camping will be permitted unless authorized in writing by the Council.

(17) No person shall operate any motor vehicle within a park area at a speed in excess of posted limits.

3.000 (Cont.)

(18) No person shall operate or use any noise producing machine, vehicle, device, or instrument in such a manner that is disturbing to other park area visitors or neighboring houses.

(19) Except for authorized overnight camping in accordance with the City rules and regulations, no person, other than law enforcement officers or authorized City personnel, shall enter or remain in any park area except during posted hours as established by the Council.

3.010 Facility Reservation.

(1) In order to provide for the convenience of advance reservation of park facilities the following procedures are hereby adopted:

(a) Formal application must be made at City Hall to reserve any public park and recreation facility for the exclusive use of any particular group.

(b) All applications must be made at least two (2) weeks in advance of the date of facility use and shall include the name of the organization/group, the facility requested, date and time and requested, name, address and phone number of person in charge, type of activity and any special requests.

(c) Reservation fee shall be paid in advance to assure reservation.

(d) The person in charge must sign the application.

(e) All applicants for park reservations shall be aware of the fact that reservations for park facilities are on a first-come, first-serve basis.

3.020 Use and Consumption of Alcoholic Beverages.

Change (1) Alcoholic beverages may be consumed or used in Wilsonville city parks under the following conditions:

Change - (a) Alcohol use or consumption shall refer to wines or beer only.

Change - (b) In those areas where a reservation has been made and the applicant indicated on the application form that alcoholic beverages would be served. This does not in any way eliminate the reservation applicant from those rules and regulations administered under the Oregon Control Commission (OLCC).

delete - (c) In other areas of the park, except for those designated in (2) below, alcohol as categorized in (a) above may be consumed if the container size is less than one (1) quart of beer or one (1) gallon of wine. For person(s) wishing to consume alcohol in containers larger than one quart of beer or one gallon of wine, a reservation permit is required. A reservation permit for consumption of alcoholic beverages in containers larger than one quart of beer or one gallon of wine, can only be obtained if the applicant is twenty-one (21) years or older.

delete - (2) Absolutely NO alcoholic beverages shall be allowed in the following areas:

(a) Swimming areas or boat dock.

3.020 (Cont.)

~~delete~~ - (b) Restrooms

~~delete~~ - (c) Transportation of open containers from one area of the city park to another is prohibited. For reservation permit, alcoholic consumption is restricted to that area only.

~~delete~~ - (d) On soccer, baseball, softball, football, tennis fields or playing areas. Consumption is restricted to the area outside the playing areas as defined by fences or as markings indicate.

~~delete~~ - (e) In, on, or within, touching distance of a motor vehicle.

~~delete~~ (3) A permit from the OLCC is required for the sale of alcoholic beverages. (Amended Ord. #276, 5/20/85).

3.030 Enforcement and Penalty.

change

(1) All City park employees or Council persons in charge of City parks or any park area are authorized and directed to enforce by all lawful means full compliance by the public with the foregoing rules and regulations.

(2) Any person violating any park rule or regulation as delineated by Sections 3.000 and 3.020 of this Code, shall be punished upon a first conviction for a violation pursuant to Section 1.102, and upon a subsequent conviction for a Class C misdemeanor pursuant to Section 1.011. (Amended Ord. #253, 2/21/84).

CITY WATER AND SEWER FACILITIES

3.075 Definitions. (Added by Ord. #252, 2/6/84)

(1) For purposes of Chapter 3, the following words and phrases shall have the meanings ascribed to them in this section:

(a) "Air Gap" shall mean the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device, and the flood level of said vessel. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; and, in no case, less than one inch (1"). When an air gap is used at the service connection to prevent the contamination of pollution of the public potable water system, an emergency by-pass shall be installed around the air gap system and a reduced pressure principle device, as approved by the Foundation for Cross-Connection Control and Hydraulic Research, (hereinafter called F.C.C.C.H.R.), shall be installed in the by-pass system.

(b) "Appeals Board" shall be the City Council.

(c) "Auxiliary Water Supply" shall mean any water supply on or available to the premises other than the City's approved public potable-domestic water supply. These auxiliary waters may include water from another purveyor's potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids." These waters may be polluted or contaminated or they may