

ORDINANCE NO. 2008-08

AN ORDINANCE AMENDING SANDY MUNICIPAL CODE CHAPTER 12.12, PARK RULES, AND ADDING CHAPTER 8.35, CAMPING PROHIBITED.

The City of Sandy ordains as follows:

Section 1. Chapter 12.12 (Park Rules) of the Sandy Municipal Code as it is currently written is hereby repealed and replaced with a new Chapter 12.12 to read as follows:

Chapter 12.12 - Public Parks

12.12.005 Definitions. For the purposes of this chapter:

“Person” means any person, firm, corporation, but excluding those acting under direct authority of the city council.

“Public parks” means all property owned or controlled by the city, whether within or without the city limits, and operated for the use of the public for park purposes.

12.12.010 Rules adopted.

The following rules and regulations governing the use of the public parks in the city are adopted:

Rule 1. No person shall dig up, cut, break, remove or deface any building, structure, sign, bush or plant belonging to or growing within a public park in the city without written permission from the city.

Rule 2. No person shall have in his possession or discharge any destructive weapon, firearm, firecracker, torpedo or fireworks, or throw or place upon the ground any lighted match, cigar or any burning substance in any public park in the city.

Rule 3. No person shall, within the limits of any public park within the city, use or utter any profane, threatening, abusive or indecent language.

Rule 4. All public parks belonging to the city shall be open to the public at dawn and shall be closed and visitors excluded therefrom after dusk each day. Special exceptions can be made by the city.

Rule 5. Use of motorized vehicles (exclusive of wheelchairs) is prohibited in city parks. An exception for special events or the purpose of loading and unloading may be made through special permit by the city.

Rule 6. Horseback riding is prohibited in city parks unless otherwise posted.

Rule 7. Dogs in city parks must be on leash unless otherwise posted.

Rule 8. All persons using the park shall at all times obey all lawful orders of any police officer or lifeguard who may be stationed therein.

Rule 9. The drinking or possession of intoxicating beverages, other than beer and wine, is prohibited within any area of the city parks unless otherwise posted. There shall be no selling of alcoholic beverages within the parks.

Rule 10. All refuse, papers and rubbish shall be placed in refuse/recycling containers provided for that purpose, and everyone who uses park facilities shall keep them and the premises clean, so as to leave them in orderly condition for the next user.

Rule 11. Use of bicycles, skates, skateboards and other nonmotorized, wheeled vehicles is allowed in designated areas only. Use is not permitted on any brickwork, ornamental surface, picnic table, tennis court, basketball court, fountain area, wading pool, planter, or sculpture located on public grounds.

Rule 12. Written permission by the city council is required for organized, promoted special events in city parks. Approval may include modifications to park rules. (Ord. 98-17, 1998: Ord. 9-77 § 1, 1977.)

Rule 13. No person shall deposit into a public water feature bubbling agents or dyes, or any objects or substances that would harm or hinder its function or endanger public safety. Materials used in the course of maintenance or operations by city staff or contractors are excepted. Ord. 2006-11

Rule 14. No person shall hunt, pursue, trap, kill or disturb any animal or bird, or its habitat.

Rule 15. Any group desiring to reserve any portion of a public park for picnics or social functions shall make written application therefore to the city manager at least one week prior to the event. An application fee may be required for certain parks and/or areas.

Rule 16. No person shall engage in, sponsor or conduct: fighting, boxing, wrestling or similar forms of mutual combat in a public park. However, boxing and wrestling matches and exhibitions that are regulated and licensed by the Oregon State Boxing and Wrestling Commission; or boxing and wrestling conducted by organizations identified in ORS 463.210 as exempt from the licensing and bonding provisions or ORS Chapter 463, may be held in public parks upon the approval of the city manager. The manager may impose such conditions upon such events, and require such financial security in connection therewith, so as to assure that such events are conducted in a safe manner and consistent with the use of parks by the public.

12.12.020 Trespass and exclusion from parks.

(A) In addition to other measures provided for violation of this code, or any of the laws of the state, any peace officer, as defined by ORS 133.005(3), as amended, or code enforcement officer may exclude any person who violates any provision of this code,

any city ordinance, any laws of the state or any rule or regulation duly made and issued by the City Council from any city park for a period of not more than 30 days.

(B) Written notice shall be given to any person excluded from any city park. The notice shall specify the dates and places of exclusion. It shall be signed by the issuing party. Warning of the consequences for failure to comply shall be prominently displayed on the notice.

(C) A person receiving the notice may appeal to the Municipal Judge in accordance with 12.12.025 of this chapter to have the written notice rescinded or the period shortened. The appeal must be filed within 5 days of receipt of the exclusion notice, unless extended by the Municipal Judge for good cause shown.

(D) At any time within the 30 days, a person receiving an exclusion notice may apply in writing to the city manager for a temporary waiver from the effects of the notice. The city manager may grant a waiver if good cause exists.

12.12.025 Appeal.

(A) Appeal of an exclusion notice shall be to the municipal judge.

(B) Initiation of an appeal of an exclusion notice shall be filed within 5 days from the date of the exclusion notice with the municipal court clerk. The municipal judge may waive this requirement for good cause shown

(C) The request for an appeal hearing shall be in writing and shall contain either a copy or a full and complete description of the notice of exclusion and a statement of the grounds upon which it is contended that the decision to exclude is invalid, unauthorized or otherwise improper.

(D) Upon receipt of a request for an appeal hearing, the municipal court clerk shall schedule a hearing before the judge within 14 days after receipt of the request. Notice of the hearing time and date shall be given to the person requesting the hearing and to the person issuing the exclusion notice.

(E) At the hearing, the judge may determine the matter without hearing upon the record. The judge may sustain, reverse or modify the exclusion notice appealed from in his or her judgment.

(F) The determination of the municipal judge is a quasi-judicial decision and is not appealable to the city council: appeals from any determination by the municipal judge shall be by writ of review to the Circuit Court of Clackamas County, Oregon as provided in ORS 34.010 through 34.100.

12.12.030 Violation-Penalty.

Any person who violates any of the provisions of this chapter shall be punished for each offense, upon conviction thereof, by a fine of not more than three hundred dollars,

or by exclusion from city parks not to exceed 30 days, or by both such fine and exclusion.

12.12.040 Criminal Trespass.

A person who knowingly violates an order of exclusion from city parks commits the crime of Criminal Trespass.

Section 2. Title 8 (Health & Safety) of the Sandy Municipal Code is hereby amended with the addition of Chapter 8.35, Camping Prohibited, as follows:

8.35.010 Camping Prohibited.

(A) It is unlawful to camp in or upon any sidewalk, street, alley, lane, public right-of-way, public park or any other place to which the general public has access

(B) "To camp" is defined as setting up or remaining at a campsite.

(C) "Campsite" is defined as any place where any bedding, sleeping bag or other sleeping matter, or any stove, or fire is placed, established or maintained, whether or not such a place incorporates the use of any tent, lean-to, shack or any other structure, or any vehicle or part thereof, for the purpose of maintaining a temporary place to live.

(D) It shall be an affirmative defense to this section that the individual charged had written consent of the person or other authority owning or entitled to possession of the location where the campsite was located.

THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 21ST DAY OF APRIL 2008.

Linda K. Malone, Mayor

ATTEST:

Karen Evatt, City Recorder