

PARK RULES & REGULATIONS

City parks are maintained for the recreation of the public and for the benefit of the citizens and inhabitants of the City of Happy Valley and the greatest possible use thereof is encouraged, subject only to such rules and regulations as will preserve the parks and public areas for purposes for which they are laid out and the enjoyment, convenience and safety of all concerned.

12.16.010 General statement of council authority over parks and other city property.

Council authority over city parks and other city owned recreational lands. The council shall have general management and supervisory authority of all parks and public grounds surrounding public buildings now owned or hereafter acquired by the city. The council may adopt such rules and regulations for the management, use and supervision of the city's parks and public grounds surrounding public buildings or other places of recreation now belonging to the city or hereafter acquired by it as the council deems reasonable and necessary. (Ord. 222 § 1, 2001)

12.16.020 Authority of city manager to make park rules and regulations.

The city manager is authorized to establish, after consultation with the parks advisory committee such rules and regulations not in conflict with ordinances of the city as the manager finds necessary for the better control and management of city parks and other public grounds. If any person feels aggrieved by a rule adopted by the city manager, that person may bring the matter to the council for its review by filing with the city recorder a petition which shall be presented to the council at its next regular meeting. Until and unless amended or repealed by the council, any rule or regulation made by the city manager shall be in full force and effect as if it were an ordinance. (Ord. 222 § 1, 2001)

* The Park Rules and Regulations are on file in the office of the city clerk.

Hours of Park Closure

It is unlawful for any person to be in a park during hours of park closure, unless the City has issued a permit. Hours of Park Closure are as follows:

General Park: Dusk until Dawn

Trespass and Exclusion

The director of community services and/or police chief (and such city staff as may be designated in writing by either of the person holding those positions) are authorized to issue exclusion notices to individuals for conduct identified in Section 9.04.010(C). In addition, the police chief has the ability to authorize law enforcement personnel other than those assigned to enforce the terms of this chapter.

Happy Valley Municipal Code 9.04.010 states:

A. Any person engaging in conduct as identified in subsection C or which conduct is in violation of any rule of conduct adopted by the city council relative to the use of a city facility, unless this code specifically provides differently elsewhere, is subject to exclusion from a city facility for periods of up to sixty (60) consecutive days.

B. As used in subsection A, “city facility” constitutes any improved or unimproved real property (including, but not limited to, streets, sidewalks, rights-of-way, parks and buildings) owned, controlled or maintained by the city and designated a “city facility” by the council via separate resolution.

C. The following conduct subjects a person to exclusion from a city facility:

1. Assault in any degree as defined by state law;
2. Criminal mischief, disorderly conduct and/or harassment (including aggravated harassment) as defined in state law;
3. Any graffiti-related offense as defined in state law;
4. Criminal trespass in the second degree as defined by state law;
5. Unlawful possession or delivery of a controlled substance as defined by state law;
6. Unlawful possession of firearms and the unlawful use of weapons as defined by state law;
7. Prostitution (including its promotion and compulsion) and patronizing a prostitute as defined by state law;
8. Harassment (including aggravated harassment) as defined by state law; and
9. Any rule of conduct adopted by the city council relative to the use of a city facility. (Ord. 486 § 1, 2016)

Such exclusion orders shall be issued for violation of park rules or regulations, or violation of other city ordinance or state law, within a park area when such continued course of conduct would appear likely to present a clear and present danger to persons using any park or property within a park or conduct likely to deny another person or persons the right to use and enjoy said park facilities.

Violation of such an exclusion orders, when in effect, shall be considered criminal trespass.

Park Permits

It shall be unlawful for any person, organization or association to conduct or participate in any organized entertainment or event in a park without first obtaining a permit from the City.

Parks to be Kept Free of Rubbish

All Garbage/Rubbish is to be deposited in cans provided and lids securely replaced or placed in trash bags securely tied, or to be removed from the park by the user.

It is unlawful for any person to enter any park with refuse or debris that has originated from outside the park. However, the foregoing prohibition shall not apply to the disposal of garbage or refuse that results from the normal use of the park for recreational or other lawful purposes.

No person may throw, dump or deposit upon public property an injurious or offensive substance or any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench, detract from the cleanliness or safety of such property, or would be likely to injure an animal, vehicle or person traveling upon a public way.

Structures in the Park

It is unlawful for any person to excavate for, to erect or install, or to perform any act as part of or commencement of excavation, erection, or installation for a permanent or temporary structure or facility in or on any City park or public property, without written permission from the Public Works Director or designee.

Prohibited Games

It is unlawful for any person to play any game of chance or to carry on betting of any kind. Games using propelled objects such as stones, arrows, sharp objects, vehicles, javelins or rockets within any City park boundary are also prohibited.

Damage of Park Notices

It is unlawful for any person to injure, deface, or destroy any notice of the rules and regulations for the government of the parks, which shall have been posted or permanently fixed by order or permission of the City.

Damaging Park Property

It is unlawful for any person to willfully cut, remove, deface, injure, damage, or destroy any property in any City Park, or any fence, gate, or other enclosure or part thereof, around any City park.

It is unlawful for any person to remove, destroy, break, injure, mutilate, or deface in any way any structure, sign, wall, railing, bench, tree, shrub, fern, plant, flower, or any other property in any City park.

Except in designated areas, erect temporary signs, markers or inscriptions of any type without permission from the City.

Animals in Parks

It is unlawful for the owner, possessor, or keeper of any animals to permit such animal to roam at large in any City park. For purposes of this section, an animal is deemed to roam at large if it is not held on a leash except in those areas that have been specifically designated and posted as "off-leash areas".

A City employee or Law Enforcement Officer may require a person keeping an animal to undertake any necessary measure, including removal of the animal from the park area to prevent interference by the animal with the safety, comfort and well-being of park users or the creation of unsightly or unsanitary conditions.

No person in any park area shall allow any animal in his or her custody or control to annoy, molest, bark continuously, attack or injure any person or animal in the park area. Or tie up any animal in his or her custody or control and leave such animal unattended.

Animal waste within the park must be placed in a bag or container and left in a designated waste receptacle.

Owners of dogs or other animals, damaging or destroying park property, will be held liable for the full value of the property damaged or destroyed in addition to any penalties imposed for this violation.

It is unlawful for any owner, possessor, or keeper of any livestock/horse to allow any such animal to be in any City park to include riding, driving or leading the livestock/horse.

This Section does not apply to police officers and their horses during the official performance of their duties. Or unless prior written permission from the City is obtained.

Animals, Birds and Fish

It is unlawful for any person to cause destruction, injury, disturbance, or molestation of any wild or domestic animal, fowl or fish within any park or public property; to include use of any weapon, stick, stone, and missile of any kind.

Fishing, Bathing, Stream and Fountains

It is unlawful for any person to fish, swim or bathe in any park within the City. It is unlawful to build dams in any stream within a park or to otherwise block or divert any water in any stream or waterway within any park. It is unlawful for any person to deposit any material, or other substance, or clean any fish, or introduce or place polluting substance, waste or litter in any stream, fountain or river in or along any park.

It is unlawful for any person to willfully mark, scratch, disfigure, deface or in any other manner injure any public drinking fountain in the City, or throw, place or deposit in any cup or basin any other matter or refuse whatsoever, or obstruct the regular flow of water thereof in any manner.

Public Convenience Station

It is unlawful to urinate or defecate in any park except in a convenience station designed for that purpose. It is unlawful for any person to blow, spread, or place any nasal or other bodily discharge, or spit, urinate, or defecate on the floors, walls, partitions, furniture, fittings or on any portion of any public convenience station or in any place in such station, excepting directly into the particular fixture provided for that purpose. Nor shall any person place any object to include, but not limited to a bottle, can, cloth, rag or metal, wood, or stone substance in any of the plumbing fixtures in any such station.

It is unlawful for any person to stand or climb on any closet, closet seat, basin, partition or other furniture or fitting, or to interfere with any attendant in the discharge of his or her duty.

It is unlawful for any person to cut, deface, mar, destroy or break, or write on or scratch any wall, floor, ceiling, partition, fixture or furniture, or use towels in any improper manner, or waste soap or toilet paper in any park.

Advertising/Conducting Business

It is unlawful for any person to solicit for or conduct any business or to sell or to offer to sell any article or service in a public park unless such person has been granted a license/permit by the City. It shall be unlawful for any person to place or carry any structure, sign, bulletin board or advertising device of any kind whatsoever or erect any post or pole or make attachment to any notice, bill, poster, sign, wire or cord to any tree, shrub, fence, railing, fountain, pole, post or structures or place any advertising or like device upon any portion of a public park, except when the City issues written permission to allow temporary signage on occasions of public events or holidays.

Any business or sales activities are prohibited without express written consent of the City of Happy Valley. All vending, business and commercial sales require pre-approval from the City and possession of a vending permit from the City of Happy Valley. A Vending permit also requires the appropriate City Business License and if needed a food handler permit.

Conduct in Park Facilities:

No tobacco use or Smoking of any kind is allowed on Park property. This includes, but is not limited to cigarettes, cigars, chewing tobacco or any inhalant delivery system such as e-cigarettes and vaping devices.

Splash Pad:

The Splash Pad is to be used at your own risk. Dates and hours of operation: 10 a.m. to 8 p.m.

Splash pad rules are as follows:

1. The splash pad will not be supervised.
2. All children under 8 years old must be accompanied by an adult.
3. All persons, who are not toilet trained, must wear swim diapers.
4. No glass containers or sharp objects allowed in splash pad area.
5. No food or drink allowed within 4 feet of splash pad area.
6. No bikes, skate boards, roller blades, etc. permitted.
7. No running, fighting, improper language, or disorderly conduct of any type.
8. No animals allowed in the splash pad area.
9. Drinking and spitting of the pool water is discouraged.
10. Do not use pool if you have had diarrhea in the last two weeks.
11. Violation of these rules will be cause for suspension of use privileges.

Daycare Policy: Daycare providers must follow a 10 to 1 child to adult staff ratio for children ages 5 and over: and 7 to 1 child to adult staff ratio for children under the age of 5.

The splash pad is open (weather permitting) from mid-June through mid-September. Splash Pad Rules are posted and must be followed to ensure everyone's safety and to keep from causing damage to the structure.

Skate Park:

The Skate Park is not supervised, use at your own risk.

Skate Park rules are as follows:

1. Do not tag or graffiti the Skate Park or surrounding facilities.
2. Helmets must be properly worn on your head, all ages, at all times, while using the skate park facility.
3. The use of protective equipment, including knee, elbow pads and wrist guards is strongly recommended.
4. Skate respectfully of all other users.
5. Keep the Park clear of debris.
6. Moderate language and keep music down.
7. Use trash containers provided.
8. No use of alcohol, tobacco products, electronic cigarettes, vaping devices, drugs or glass containers are allowed.
9. Obstacles or materials like ramps and jumps may not be used at the Skate Park.
10. Do not use when surface is wet.
11. No motorized vehicles or motorized devices on the Skate Park.

Riding of bicycles, skateboards, scooters, golf carts or any similar objects are not allowed on any structure or object other than the designated roadways, pathways and skate park.

Sport Fields and Courts Approved and Prohibited Activities

All outdoor sport fields and hard surface court spaces are available only for recreational activities, unless special approval is granted. All planned activities must be approved during the reservation process by the City Manager or his/her designee.

Field and court spaces are designated for appropriate sport-related activities. On grass sports fields, approved activities include flag football, soccer, ultimate frisbee, softball, wiffleball, kickball, baseball, lacrosse, football, rugby, and field hockey. General physical activities such as running are also permitted. On hard surface recreational courts, approved activities include tennis, basketball, and dodgeball. The volleyball court is designated for volleyball only. Additional activities may be permitted upon approval of the City Manager or his/her designee.

Prohibited activities include non-sport-related activities such as concerts and related events that require a stage or other heavy equipment unless permitted by the City Manager or his/her designee. Sport activities that may cause significant damage to the fields and/or pose a safety hazard are strictly prohibited. No apparatus or equipment may be installed or located on the sports fields in less the use and location of the equipment has received prior approval.

No group or organization may release space to another individual or group. Reservations for space are group or event specific and may be changed only by the City of Happy Valley Parks Reservation Staff.

Any food or beverage sales are prohibited without express written consent of the City of Happy Valley. All vending and commercial sales require pre-approval from the City. If approved, a vending permit requires the appropriate business license and if needed food handlers permit. The City will retain a percentage of the gross revenue or flat fee of any vending operations unless other arrangements are negotiated. Fees may be waived if the renter is affiliated with a non-profit or school organization.

Amplification systems are only allowed by permit and must be obtained from the City. Tents, canopies or other temporary structures are permitted in designated areas only. These areas may vary based on the type of event or activity. Check with the City Staff for specifics prior to setting up these structures.

Facility Clean-Up

The permit holder is responsible for clean-up of the field(s), team areas and spectator areas after each game. Trash and recycle cans are placed throughout the facilities for your convenience. Cleanliness will be determined by City Staff.

Damage or Vandalism

Damage to the facility, structures or playing surface determined to stem from the rental activity will be billed to the renter or to the Tournament Director. Damage and replacement costs are determined by COHV. Major damage will be reported to the Police Department.

Any signage intended to be affixed to fencing, structures or staked in the ground must be pre-approved by the City. Unauthorized signage with inappropriate content is subject to removal by City Staff. Signs may not block the view of the public, cause a distraction or obscure any facility sponsor signage. All signs must be taken down upon conclusion of the rental.

Covered Areas:

All park rules apply when in the covered areas on the park. Additionally, the following rules apply:

1. Temporary signs or banners must be removed and disposed of properly prior to leaving the park.
2. Garbage will be placed in the provided receptacles and any spills must be cleaned or reported to City Staff for proper clean-up.
3. Covered areas are often reserved and will need to be available during reserved times. You may be required to move your party if a reservation exists.
4. If utilizing the barbeque areas, you are responsible for the safe disposal of coals and grease. Safe receptacles are provided for this proper disposal.
5. No smoking or tobacco use of any kind is allowed.
6. No alcoholic beverages are allowed.
7. Driving stakes into the ground is prohibited to protect the utilities of the Park.

Off Leash Dog Park Area:

All dogs must be on leash and under the control of a capable person, unless within the designated off leash area. Separate off leash areas are provided for large and small dogs, so please follow the posted signage on each area.

You must clean-up after your dog and properly dispose of the debris. Waste bags and garbage stations are provided by the City and its sponsors.

Please be considerate of other dog owners and if your dog becomes aggressive, remove your dog from the off-leash area immediately.

Public Disturbance

Use of abusive or threatening language or gestures that create any public disturbance or engage in riotous behavior will not be allowed. Persons engaging in any of these behaviors or any criminal act as defined in the Oregon Revised Statutes will be in violation.

Application of Other City, County, State and Municipal ordinances, laws or codes

It is unlawful for any person to engage in any activity prohibited by any state, county or municipal law of Oregon while in any park or while engaged in any park activity, or on any public premises.

Noise

It is unlawful to use radios, tape machines, CD players, stereos and amplification systems in a loud manner that will interfere with others using the park, or with park neighbors, except when a permit has been issued by the City. It is unlawful to use any excessive noise in any City park as detailed in the City Ordinance.

Sexual Activity

No person shall engage in sexual conduct as defined under ORS 167.060, including but not limited to, the physical manipulation or touching of a person's sex organs through a person's clothing in an act of apparent sexual stimulation or gratification.

Alcoholic Beverages

It is unlawful for any person to sell, possess or consume any alcoholic beverage in any City park except as provided below:

For City sponsored events: By issuance of a permit, allow the sale of alcoholic beverages on the premises of designated facilities when duly licensed by the Oregon Liquor Control Commission or from time to time, designate certain parks or park areas where alcohol may be brought for use in meal preparation or consumption by permit only. Said permit will be in addition to any permit required by the Oregon Liquor Control Commission.

Motor Vehicles:

Operate any motor vehicle in violation of the State Motor Vehicle Code and other laws.

Operate any motor vehicle at a speed in excess of 10 miles per hour unless otherwise designated.

Operate a motor vehicle or bicycle on any area or trail that is not specifically designated for motor vehicle or bicycle use, that is posted as closed to the public, or on which signs have been placed by authority of the City prohibiting the operation of motor vehicles or bicycles.

Leave any vehicle in any park after hours or overnight without having obtained written permission from the City.

Parking

Parking is permitted in designated parking areas only. Park a motor vehicle any place other than in designated parking areas.

Camping and Fires

It is unlawful to camp overnight or build fires within or upon any park within the City, except within designated BBQ facilities provided by the City.

No person shall leave any barbeque unattended, and every barbeque user shall extinguish the barbeque before leaving the park and properly dispose of coals and grease within the provided safe metal containers.

Operation of Drones, Model Aircraft, Radio Controlled Devices

It is lawful to operate a drone, model aircraft or radio-controlled device in City Parks when the following conditions are being met;

The aircraft is capable of sustained flight in the atmosphere, it is being flown within visual line of sight of the person operating the aircraft, and only flown for hobby or recreational purposes.

Aircraft must be flown in a safe manner and remain a minimum of 300 feet from any person, other than the aircraft operator and their guests.

Operate within FAA guidelines for Unmanned Aircraft Systems (UAS).

Violations of these safety rules could result in one or all of the following; citation, exclusion or FAA administrative action.

Weapons, Firearms, Fireworks and Rockets

It is unlawful for any person to bring any weapon into or upon any City park.

No firearms or explosive devices of any kind shall, without permit, be permitted upon or within any public park or other public premises within the City. No discharge of any bow, arrow,

weapon, paint ball or air gun shall be permitted within any City park or other public premises within the City.

“Weapon” means

- a) A firearm (as defined in ORS 166.210)
- b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or knife, other than an ordinary pocket knife, the use of which could inflict injury upon a person or property, or
- c) Tear gas, or any similar deleterious agent or,
- d) An electrical stun gun or any similar instrument or,
- e) A club, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any similar Instrument, the use of which could inflict injury upon a person or property; or
- f) A dangerous or deadly weapon as those terms defined in ORS 161.015

It is unlawful for any person to use a javelin, shot put, discus, or golf equipment in any park.

It is unlawful for any person to possess or discharge any explosive device or lay or set any blast or to assist in the same in any park or public premises, or to possess or discharge, or cause to be discharged, any firecracker, explosive, torpedo, combustible material or rocket propelled by either water pressure or combustible material, or fireworks as described in ORS. 480.110 or other substances which could be harmful to park visitors or resources.

The above does not apply to a police officer or military personnel in performance of their duty.

Hunting

No person shall within any park:

Hunt, pursue, trap, kill, injure, or molest any bird or animal, or have in possession any wild animal, bird, fish or reptile or the eggs or nest of any bird or reptile except for county, state or federal officers enlisted to remove dangerous or threatening wildlife. However, sport angling is permitted in compliance with rules and regulations promulgated by the Oregon Department of Fish and Wildlife. From time to time the Director may permit the collection of fish or wildlife specimens for the purpose of scientific study when such collection has been authorized by the Oregon Department of Fish and Wildlife.

Fees

Any person or organization using a City Park, or its facilities may be required to pay a fee or fees as determined by the City for the purpose of insuring routine maintenance of said facilities.

Special Use Permit & Insurance Requirements

A special use permit shall be obtained and approved prior to pursuing the following activities in any park:

Movie, commercial or television filming, photography, and production.

Organized sporting events, except those specifically hosted by the City.

Special educational events or festivals, except those specifically hosted by the City.

Amplified sound, pony rides, dunk tanks or any other equipment/apparatus used for entertainment, except those specifically hosted by the City when such events are held in City owned parks.

Production of Permits Required

No person shall:

Fail to produce and exhibit, upon the request of any Law Enforcement Officer or City employee, any required permit from the City the person claims to have.

Fail to produce, upon request of any Law Enforcement Officer or City employee, while within the boundaries of any park, any required proof of entrance and/or fee payment.

Interference with Permittee Prohibited

No person shall disturb or interfere unreasonably with any person or party occupying any park area or participating in any activity in a park under the authority of an approved City permit.

Penalties and Enforcement

Any person who violates any provision of this ordinance as herein set forth shall be deemed guilty of a violation and upon conviction before the Municipal Judge be punished by a fine of not more than \$500.00; each day or portion of a day such violation shall continue or shall occur shall be deemed a separate offense and violation and be punishable accordingly.

Park rules and regulations may be enforced by a Law Enforcement Officer, the City Manager and/or designee.

The City Manager, City Employees and Law Enforcement Officer, in connection with their duties imposed by law shall diligently enforce the provisions of this ordinance.

No person shall harass, obstruct, interfere with or disobey the direction of any Law Enforcement Officer or City employee carrying out the enforcement of this ordinance or rules adopted under the City ordinance.

These park rules shall in no way be substitute for or eliminate the necessity of conforming with any and all state laws and rules and other ordinances which are now or may be in the future in effect which relate to the activities regulated in these ordinances/rules.

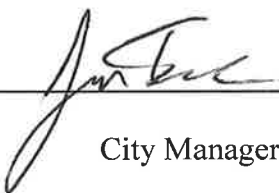
The City may close to the public any City owned and/or maintained park or portion thereof, restrict the times when any City park area shall be open to such use, and limit or prohibit a recreation use whenever such action is necessary to protect the health or safety of the public or the safety of the park area or its facilities.

The City or any Law Enforcement Officer may revoke any permit that has been issued erroneously or when a Law Enforcement Officer/City Staff has probable cause to believe the permit holder or any person in his or her custody/control or family under that permit has violated any of the provisions of these rules or any state, county or federal law. Any person whose permit has been revoked and all other person in his or her custody/control or family under that permit shall immediately leave the park.

Authorized City employees and Law Enforcement Officers shall have the authority to cite or eject/exclude from a City park any person who violates any of the rules herein or an exclusion order.

No person who has been ordered to leave a City park area by a Law Enforcement Officer or City employee shall remain therein.

No person, other than law enforcement or City employees, shall enter or remain in any park area, or leave a vehicle parked there, after the daily closing and before the daily opening as established by the City and posted at the entrance to the park area without permission of the City. Vehicles in violation of this regulation are subject to tow or citation in accordance with City, County and State laws/ordinances.

Signed:  _____
City Manager

Date: 6/20/18

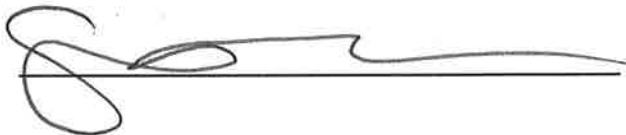
Park Rules Violation Procedure

This procedure will be followed by Police and Code Enforcement when handling a violation of park rules relating to the new helmet law at the Happy Valley Skate Park.

- 1st Offense -
 - o Option 1 - Issue warning to violator & document.
 - o Option 2 - Issue citation to violator, photo document conditions – If needed Issue 60-day Park Exclusion based on situation of violation/contact.
- 2nd Offense -
 - o – If a repeat violation occurs or situation warrants- Issue citation to violator, photo document and issue 60 Day Park Exclusion.

A copy of all Warnings, Citations and Exclusions will be filed with the City of Happy Valley Municipal Court.

Reviewed and Approved by:



-Director of Public Safety

Date: 07-10-18

