

RESOLUTION 16-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO AMENDING THE PARK RULES

WHEREAS, the Parks and Recreation Department has undertaken an effort to improve clarity and simplify rules that govern Park property in the City; and

WHEREAS, the City Council finds that the proposed revisions to the Park Rules are appropriate and promote the public interest;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Oswego that:

Section 1. The City Council adopts the Rules and Regulations (known as Park Rules) Governing the Use of City Owned Park and Recreation Property, Amenities and Facilities in the form attached as Exhibit A, replacing and repealing the current Park Rules (which were most recently revised by Resolution 12-15).

Section 3. Effective Date. This Resolution shall take effect upon passage.

Considered and enacted at the regular meeting of the City Council of the City of Lake Oswego on the 20th day of September, 2016.

AYES: Mayor Studebaker, Gudman, Gustafson, Collins, O'Neill, Manz

NOES: None

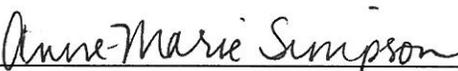
EXCUSED: Buck

ABSTAIN: None



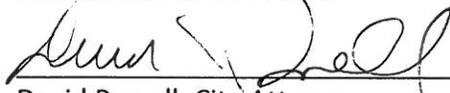
Kent Studebaker, Mayor

ATTEST:



Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney

RULES AND REGULATIONS GOVERNING THE USE OF CITY OWNED PARK AND RECREATIONAL PROPERTY, AMENITIES AND FACILITIES

PARK RULES

Adopted by Resolution 16-24, September 20, 2016

SECTION I: AUTHORITY

As provided in the Lake Oswego Code, the City Council is authorized to establish or amend rules and regulations that govern the use of Park Property, in order to provide for reasonable use and enjoyment of Park Property, to prevent damage to Park Property, to provide for the safety of persons using Park Property, to provide for the orderly administration of Park Property, and protect the City from unnecessary liability or expense.

SECTION II: DEFINITIONS

“Athletic Field” means any athletic field, including sidelines, owned by the City of Lake Oswego or the Lake Oswego School District, and operated, managed or maintained by the City of Lake Oswego Parks and Recreation Department.

“Boat Dock” means the excursion dock on the Willamette River in Roehr Park, the dock located on the Willamette River in Foothills Park and the dock located on the Willamette River in Tryon Cove Park.

“Director” means the person designated (or his or her designee) by the City Manager to administer the Parks and Recreation Department.

“Dolphin” means either of the cylindrical structures located in the Willamette River at Roehr Park, previously used for barge docking or retrofitted for recreational viewing platforms, and the tented platform located over the Willamette River at Foothills Park.

“Motorized Watercraft” means any device by which any person or property is transported upon a waterway except devices moved by human power.

“Park Property” means any athletic field, boat dock, foot bridge, pathway, trail, natural area, open space, park, and recreational facility owned by the City of Lake Oswego or operated, managed or maintained by the City of Lake Oswego Parks and Recreation Department, including specialized service areas such as the Lake Oswego Public Golf Course, Indoor Tennis Center, Luscher Farm, Water Sports Center and Adult Community Center.

“Picnic Shelter” means covered shelters located at East and West Waluga Parks, George Rogers Park, Rossman Park and Westlake Park.

“Premier Park” means Foothills Park, Millennium Plaza Park, and Roehr Park.

SECTION III: CONDUCT

1. **Use of Alcohol.** Possession or consumption of alcoholic beverages is prohibited within all Park Property except as follows:
 - a. **Designated Areas of Park Property.** Possession and consumption of alcoholic beverages is limited to beer and wine served on Director-approved, designated areas of the premises by individuals or organizations that have obtained the necessary approval and/or permits from the Oregon Liquor Control Commission (OLCC) where required, and the City. The permit holder must maintain liquor liability insurance as required by the OLCC and the City.
 - b. **During Designated City Events.** Possession and consumption of beer and wine is allowed during Director-designated, City-sponsored events in designated areas. Consumption and possession is limited to wine and beer brought to the site by event patrons for personal consumption and is limited in time to one hour preceding the event and during the event.

2. **Amplified Sound.** With the exception of City-approved and/or sponsored special events, no person shall cause or allow amplified sound to be played in a Park Property at a volume where the sound can be heard beyond the boundaries of the Park Property. Amplified sound in conjunction with picnic shelter or premier park reservations must be directed away from the water and is not allowed after 10:00 p.m.

3. **Code of Conduct in Park Programs or on Park Property.**
 - a. No person shall violate the expected conduct of participants and volunteers which is outlined in Supporting Documents located at: <http://www.ci.oswego.or.us/parksrec/parks-recreation-code-conduct>
 - b. No person shall use a cell phone, camera or other photographic devices inside a restroom facility, dressing room, or changing area.
 - c. No person shall organize, conduct or participate in any tournament, camp, or scheduled activity that requires exclusive use of all or a substantial portion of a Park Property without prior authorization from the Director. Any scheduled Parks and Recreation activity has priority use of Park Property.
 - d. Sexually explicit material shall not be displayed in view of minors. No person or group engaging in an authorized event may display sexually explicit artwork or similar displays or performances that may interfere with other patrons’ enjoyment or use of Park Property. Artwork, displays or performances must be approved in writing by the Director and stationed so as to minimize disturbance to those wishing to avoid such displays and/or performances, minimize congestion, and promote the flow of foot traffic through the Park Property. All displays must be placed in areas designated for that purpose.
 - e. It is prohibited to urinate or defecate on Park Property except in restroom receptacles or portable toilets provided for that purpose.

4. Commercial Activity. It is prohibited for any person to engage in any commercial activity in a Park Property except as approved by the Director pursuant to a reservation of park facilities. This rule does not apply to an operator of the restaurant facility at the Lake Oswego Golf Course or vendors for City-sponsored events that provide services pursuant to a contract with the City.
5. Engaging in Criminal Activity. It is prohibited for any person to engage in a criminal activity while on Park Property.
6. Fires. It is prohibited for any person to build campfires, or fires of any type, in Park Property, except in areas where barbecue pits or fireplaces are provided. Portable barbecues are allowed in designated areas in conjunction with a picnic shelter or premier park rental. Persons using portable barbecues shall properly extinguish and dispose all coals. A permit must be obtained in advance from the Parks and Recreation Department to build a fire in the Millennium Park or Foothills Park fireplaces.
7. Fireworks, Firecrackers, or Explosives. It is prohibited for a person to discharge fireworks, firecrackers or explosives of any kind in Park Property unless authorized to do so by the Director.
8. Fishing, Hunting and Bathing. It is prohibited for any person to fish, wade, swim or bathe in any Park Property where signs have been posted prohibiting these activities. No person shall hunt on Park Property.
9. Geocaching. Geocaching caches (containers) shall be marked clearly with "Official Geocache" prior to placement in any Park Property.
10. Hazards and Nuisances. It is prohibited for any person to use a slingshot, javelin, shot put, discus, golf equipment or archery equipment, in or upon any Park Property, except that any of the above equipment or devices may be used in areas specifically designated or provided for that particular use. It is also prohibited for any person to use equipment or engage in behavior in a park in a manner that may be hazardous or a nuisance to others or property.
11. Jumping/Diving from Park Structures. It is prohibited for any person to jump or dive from any bridge, dolphin, pier, or other structure in any Park Property.
12. Littering/Dumping Trash in Parks
 - a. It is prohibited for any person to place any paper, shavings, shells, ashes, swill, garbage, household items or other rubbish or refuse or debris, in or upon any park.
 - b. It is prohibited for any persons to enter any Park Property with straw, dirt, chips, paper, shavings, shells, ashes, swill or garbage or other rubbish or refuse or debris that has originated outside the park, for the purpose of disposing of any of the rubbish, refuse or debris in the park, except for the disposal of garbage or refuse that results from the normal use of the park for recreational or other lawful purposes.
13. Metal Detectors. Use of metal detectors in Park Property is prohibited without written approval from the Director.

14. Motorized Models, Planes, Drones. Operation of motorized models, planes and drones is prohibited in Park Property without written approval from the Director.
15. Moving City-Owned Equipment/Supplies. It is prohibited for any person to move any City-owned equipment or supplies from Park Property without written permission from the Director.
16. Mutilation of Park Notices. It is prohibited for any person to injure, deface or destroy any notice of the rules and regulations for the government of the parks, which have been posted by order or permit from the Director.
17. Overnight Camping. Camping overnight in any Park Property is prohibited, except at places designated for such purposes by the Director.
18. Pesticide Use in Park Property. It is prohibited for any person to use pesticides, herbicides or any other chemicals in or on Park Property except as authorized by the Director.
19. Public Art. It is prohibited for any person to remove, deface or in any way injure or damage any work of art, statue, monument, memorial tablet or plaque, fountain or any other ornamental structure in any Park Property.
20. Signs.
 - a. Except as provided for in subsection 20b. and 20c., it is prohibited for any person to place any structure, sign, bulletin board or other device of any kind, or to erect any post or pole or attach any notice, bill, poster, sign, wire, rod or cord on any tree, shrub, fence railing, fountain, wall, post, vase, statue, bridge, monument or other structure in any Park Property.
 - b. The City Manager or Director, by a written permit, may allow the erection of a temporary decoration, sign or advertising device on occasions of public celebration, holidays or activities of civic importance.
 - c. Park Signs may be installed by the City.
21. Skateboard and Rollerblade Use. It is prohibited for any person to skate (i.e. skateboards, roller blades or other types of skating) in any Park Property where signs have been posted prohibiting these activities.
22. Soliciting. It is prohibited for any person to solicit, sell or peddle any goods, services, wares, merchandise, liquids or edibles for human consumption in any Park Property, except by permit issued by the City Manager or the Director.
23. Structures in Parks.
 - a. Unless authorized in writing from the Director, and subject to the terms of permit if required, it is prohibited to excavate for, to erect or install, or to do any act as part of or commencement of excavation, erection or installation for, a permanent or temporary structure or facility in or on any Park Property.

b. This section shall not be deemed to prohibit the erection of permanent or temporary covering or shelter in places designated for such purposes and subject to park regulations applicable to such designated places.

24. Trail Use. It is prohibited to alter or demolish existing or build new trails without written approval from the Director. Dogs must be leashed. Horses are allowed only on designated trails where posted.

25. Trespassing. It is prohibited for any person, except an authorized City employee in the performance of duties or other person duly authorized pursuant to law, to enter any area that has been designated and posted as a “No Admittance” or “No Trespassing” area, or to enter any Park Property at any time the Park Property is posted as being closed to the public.

26. Moving, Removal or Destruction of Park Property.

a. It is prohibited for any person to remove, destroy, break, injure, mutilate or deface in any way any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, plant, flower or other property in any Park Property.

b. It is prohibited for any person other than Parks and Recreation Department personnel to bring upon any Park Property or possess while therein, any tree, shrub, or plant or any newly-plucked branch or leaf or tree, shrub or plant, unless authorized by the Parks and Recreation Department.

27. Entering Oswego Lake from Millennium Plaza Park, Sundeleaf Plaza or the Headlee Walkway. It is prohibited for any person to enter Oswego Lake from Millennium Plaza Park, Sundeleaf Plaza or the Headlee Walkway by any means or method, including, without limitation, by wading or swimming, or by using water vessels or other flotation devices.

28. Leaving the Pathway Portion of the Headlee Walkway. It is prohibited for any person to leave the pathway portion of the Headlee Walkway when using that facility, or to climb, traverse or occupy the fencing or the planted areas adjacent to the path.

29. Use of Tobacco Products. It is prohibited for any person to use a tobacco product within any Park Property, except for the Lake Oswego Municipal Golf Course. “Tobacco product” includes any tobacco cigarette or cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco that may be utilized for smoking, chewing, inhalation, or other means of ingestion.

30. Firearms. No person may discharge firearms in a City Park.

SECTION IV: ANIMALS

1. Animals Running At Large. It is prohibited for any person to permit any dog, other pet or livestock in any area of Park Property designated and posted by the City Manager or Director as a game refuge, sanctuary or reserve, or to permit such dog or other pet to molest or disturb wildlife therein or the nest or breeding place of any such wildlife, or to permit any dog or other pet to enter any other area that the City Manager or Director has posted as a place prohibited to animals.

2. Molesting Animals, Birds, and Fish. It is prohibited for any person to use any weapon, stick, stone, or missile of any kind to destroy, injure, disturb or molest any wild or domestic animal, fowl, or fish within the limits of the park.

3. Domestic Animals in Parks.
 - a. Dogs are not allowed on Park Property unless leashed and controlled by the owner or keeper at all times, except in areas designated by sign as "off leash."
 - b. Owners or keepers must promptly remove excrement or other solid waste deposited by the animal.
 - c. All dogs on Park Property that have a set of permanent canine teeth must be licensed and current in vaccinations. The owner or keeper of the dog shall be found in violation of this rule if the dog is not wearing its collar and tag.
 - d. Dogs are not allowed on Athletic Fields unless authorized by the Director.
 - e. It is prohibited for any person to allow any animal in his or her custody or control to annoy, molest, attack or injure any person or animal in Park Property.
 - f. No person shall tie up any animal in his or her custody or control and leave such animal unattended on Park Property.

4. Feeding of Animals. It is prohibited for any person to leave, place or distribute foodstuffs of any kind or nature in any park, with an intent to feed farm animals or wildlife; provided, this section shall not apply to the feeding of farm animals or wildlife by Parks and Recreation Department personnel.

SECTION V: VEHICLES AND WATERCRAFT

1. Landing, Docking, Launching and Use of Watercraft. It is prohibited for any person to land, launch, dock or use any motorized watercraft in or at any swimming area, dock, pier, float, boat ramp or shoreline within the limits of a Park Property, except for such areas specifically designated for such use by motorized watercraft; provided motorized watercraft may use the following docks as limited below:
 - a. Boat Dock Usage.
 - i. Transient Boat Dock at Foothills Park
 - (1) No person shall tie up, secure or moor any boat or vessel in excess of 72 hours within any 14-day period.
 - (2) No person shall engage in any commercial activity from the dock, gangway, or any boat or vessel secured to the dock. This does not apply to City-sponsored events and or programs.
 - (3) No person shall fish, dive, and or swim from the dock.
 - (4) All tied up, secured or moored boats and vessels must have current applicable registrations and certificates of identifying numbers, and shall display identification numbers and validation stickers as required by law.
 - ii. Boat Dock at Roehr Park.
 - (1) No person shall tie up, secure or moor any boat or vessel in excess of 72 hours within any 14-day period.

- (2) Commercial activity is allowed with Director approval.
- (3) No person shall fish, dive, and or swim from the dock
- (4) All tied up, secured or moored boats and vessels must have current

applicable registrations and certificates of identifying numbers, and shall display identification numbers and validation stickers as required by law.

iii. Non-motorized Dock (Tryon Cove).

(1) No person shall tie up, secure or moor any boat or vessel in excess of 72 hours within any 14-day period.

(2) No person shall engage in any commercial activity from the dock, gangway, or any boat or vessel secured to the dock. This does not apply to City-sponsored events and or programs.

(3) All tied up, secured or moored boats and vessels must have current applicable registrations and certificates of identifying numbers, and shall display identification numbers and validation stickers as required by law.

2. Commercial Watercraft. It is prohibited to use marine areas and marine facilities for commercial purposes or for commercial watercraft to use such areas or facilities, except where done pursuant to permit issued by the City Manager or Director. For purposes of this section, “commercial watercraft” means watercraft used for any commercial purpose but shall not include a watercraft operated under a concession agreement with the City.

3. Motorized Vehicles.

a. Motorized vehicles may be operated only:

i. On roadways, trails and parking areas specifically designated for motorized vehicles.

ii. By special permit.

iii. As needed for public safety purposes.

b. It is prohibited for any person to block the flow of traffic in a parking lot or prevent emergency vehicle access by double parking or blocking a fire hydrant, driveway or entry gate.

4. Parking/Use of Parking Areas.

a. Use of parking areas on Park Property is restricted to users of those sites.

b. It is prohibited for any person to operate or park a motor vehicle in any Park Property outside of the designated parking area without written approval from the Director.

c. It is unlawful for a person to leave a motor vehicle parked in any parking area overnight or during any time the Park Property is closed without written approval from the Director. This rule does not apply to City maintenance or public works vehicles or those of contractors authorized by the City to perform work in a Park Property.

5. Speed Limit. It is prohibited to ride, propel, drive or direct any motorized vehicle over any street, drive or parkway in any Park Property in excess of 15 miles per hour when no speed limit is posted, or in excess of any posted speed limit.

6. Non-Motorized Vehicles. It is prohibited for any person to use any rolling device such as a bicycle, skateboard, scooter, inline skates, etc., in a manner that may cause potential harm to other people, pets, wildlife or park property, or on any sports fields, tennis courts, playgrounds or off-leash areas, or other areas reserved for special events.

SECTION VI: SPECIAL USE PERMITS

Persons issued special use permits as listed below for events on Park Property must abide by all park rules and regulations, and all applicable ordinances. The permit holder shall be liable for any loss, damage or injury sustained by any person using Park Property pursuant to the permit. The Director may revoke a permit upon finding of violation of any rule, regulation or ordinance, or for other cause.

1. Commercial Photo Shoot Permit.
 - a. One Day Photo Shoot Permit.
 - b. Annual Parks Photo Pass Permit.
2. Facility Reservations/Use of Park Facilities Permit.
3. Film/Video Shoot Permit.

SECTION VII: PARK HOURS AND CLOSURE

1. Hours of Operation. The Lake Oswego Park Properties shall be open from 6 a.m. until 10 p.m., with the exception of Millennium Plaza Park where hours are from 6 a.m. to midnight. Hours may be extended by special permit and written approval from the Director or designee.
2. Discretionary Closures.
 - a. Any part or all of a Park Property or athletic field may be closed to the public by the following persons for the following reasons:
 - i. The Fire Marshal may order a closure if the Marshal believes continued public use could create or exacerbate a fire hazard.
 - ii. The Director may order a closure if the Director believes that construction activity or other condition on the property creates a risk of harm to the public, or believes that public use would create a risk of harm to Park Property or natural areas.
 - iii. The City Manager may order a closure if the Manager believes that closure is in the best interests of the City.
 - iv. Winter closure of athletic fields to protect the turf from damage during its dormant season will occur each year from November 15 to March 1 or at the discretion of the Director depending on conditions.
 - v. Seasonal closure of athletic fields will be determined by the Director based on unsafe or damaging conditions.

b. Any order closing a Park Property or part of a Park Property as described in subsections 2.a.i., ii. and iii. shall be in writing, shall set forth the reason for closure, and shall be signed by the appropriate official. The order closing the park shall become effective following posting of the premises. The closure shall continue until terminated in writing by the appropriate official.

c. In addition to any other penalties permitted by law, the Director may deny future use of athletic fields for a period of up to one year to any person or organization using a closed athletic field.

SECTION VIII: ENFORCEMENT OF RULES

1. Unless otherwise indicated, the park rules and offenses apply to all Park Property within the City of Lake Oswego and along the Willamette River regardless of the extent to which such park has been altered or improved. A violation of park rules as now or hereafter constituted is declared a civil violation and may be enforced in accordance with the City's civil violation procedure.
2. The Director, as well as any peace officer, as defined in Oregon law, are vested with authority to enforce these rules and regulations and to:
 - a. Issue a citation as provided by City Code or Oregon law to any person who violates any provision of the rules.
 - b. When authorized by law, seize from any persons property that is being used or left in violation of these rules.
 - c. Refuse entry to a Park Property or program, or require a person to leave a Park Property or program.
3. No person shall refuse to leave any Park Property or program after being directed to leave by a peace officer, the Director, or the Director's designee.
4. No person shall interfere with any Parks and Recreation Department personnel enforcing these policies and regulations.
5. The Director shall have the authority to issue special use permits, or to grant exceptions or waivers to any of the terms of the rules and regulations for authorized events and activities.
6. These rules and regulations shall be filed with the City Recorder and available for public inspection at any time. Additional copies of the rules and regulations, or portions thereof, may be distributed by the Parks and Recreation Department or posted at Park Property.