

Park and Facility Rules Ordinance 100

AN ORDINANCE GOVERNING CONDUCT ON DISTRICT PROPERTY

WHEREAS, Willamalane Park and Recreation District seeks to keep its parks and facilities safe, clean and orderly, and wishes to ensure an enjoyable and respectful environment for all users;

WHEREAS, Willamalane Park and Recreation District wants to compile in one ordinance all the District's ordinances, regulations and policies governing conduct on District Property and in District Programs, in order to make them more accessible to the public;

WHEREAS, Willamalane Park and Recreation District wishes to assure preservation of District Parks and Facilities, avoid overuse, ensure adequate parking and sanitary facilities to accommodate park users, ensure the park and surrounding areas are kept clean, and prevent scheduling conflicts; and

WHEREAS, Willamalane Park and Recreation District has the authority to adopt regulations by ordinance pursuant to ORS 266.410 (7).

NOW, THEREFORE, BE IT ENACTED BY WILLAMALANE PARK AND RECREATION DISTRICT that all prior ordinances, regulations and policies governing conduct on District Property are hereby amended and restated in their entirety to read as follows:

1.05 Definitions

1. "Assistance Animal" means a dog or other animal designated by administrative rule that has been individually trained to do work or perform tasks for the benefit of an individual.
2. "Camping" means to set up or to remain in or at a Campsite.
3. "Campsite" means any place where any bedding, sleeping bag, other sleeping matter, or any stove or fire, is placed, established, or maintained, whether or not the place incorporates the use of any tent, lean-to, shack, or any other structure, as set forth in the Springfield Municipal Code § 5.130.
4. "District" means the Willamalane Park and Recreation District.
5. "District Facilities" means any building, structure, or improved property leased, managed, operated, or owned by the District.
6. "District Park" means all neighborhood parks, community parks, linear parks, special use parks, natural areas, paths, sports parks, athletic fields, and undeveloped property owned, leased, operated or controlled by the District.
7. "District Program" includes any recreational program or special event sponsored by the District.
8. "District Property" means the property, equipment and improvements, of whatever nature, owned, leased, operated or controlled by the District to provide park and recreation services, and includes all District Facilities and District Parks.
9. "Electronic Smoking Devices" means an electronic or battery operated device that delivers vapors for inhalation. Electronic Smoking Devices includes every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an

electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

10. "Excluded Person" means a person excluded from all or part of the District Parks, Facilities, and/or Programs, pursuant to §1.15 of this Ordinance.
11. "Notice of Exclusion" means a notice issued pursuant to §1.15 of this Ordinance excluding an individual from all or part of the District Parks, Facilities, and/or Programs for a period of time.
12. "Owner" means an animal's handler or legal owner.
13. "Smoking" means electronic smoking devices, tobacco, marijuana, Bidis, cigarettes, cigarillos, cigars, clove cigarettes, nicotine vaporizers, nicotine liquids, hookahs, kreteks, pipes, chew, snuff, smokeless tobacco, and any burning or smoldering substance in any form.

1.10 General Rules

1. **Criminal Activity**: No Person shall violate, or refuse to obey, any city, county, state, or federal laws, ordinances regulations while in District Parks or Facilities or while participating in District Programs.
2. **Park Hours**: For public use, park hours are from dawn to dusk, unless posted otherwise, and excluding District-sponsored or sanctioned activities. Park hours will be posted in a visible space in each District Park.
3. **Program or Facility Rules**: No person shall refuse to obey any District Program or District Facility rules.
4. **Direction of a District Employee**: No person shall refuse to obey and abide by all instructions, warnings, restrictions, and prohibitions on posted signs and notices, or communicated verbally or in writing by a District employee, or other person as designated by the Superintendent.
5. **Authority to Protect Public Health and Safety**: A District employee may protect the safety or health of the public or protect District Property. This authority includes actions that may temporarily:
 - a. Permit or limit specific activities or uses in designated portions of a District Property;
 - b. Designate a location within a District Property for a single use to avoid conflicts between users;
 - c. Restrict access to or close an entire District Park;
 - d. Restrict access to or close a portion of a District Park; or
 - e. Exclude a person from District Property, consistent with Section 1.15.
6. **Entrances to District Parks and District Facilities**: Except for District employees granted authority by the Superintendent and local, state, and federal law enforcement officers, no person or persons shall block the entering and exiting of patrons to District Parks or District Facilities.
7. **Aggressive Behavior**: No person shall use aggressive, intimidating, or assaultive behavior in District Parks, Facilities or Programs, as set forth in Oregon Revised Statutes Chapter 163 and 166. Prohibited conduct shall include but is not limited to: assault, bias crime, coercion, disorderly conduct, harassment, hazing, menacing, public indecency, or reckless endangerment. For an

extensive list and definitions of all prohibited conduct within District Parks, Facilities, or Programs, see Oregon Revised Statutes Chapters 163 (Offenses Against Persons) and 166 (Offenses Against Public Order).

8. **Property Damage**: No person shall damage, remove, tamper with, modify or deface District Property including vegetation, dirt and rocks.
9. **Littering**: No person shall litter on District Property. Garbage, waste and organic debris shall not be brought to District Property for disposal. Persons may not deposit or abandon trash, waste or other materials except in receptacles specifically provided for such purposes.
10. **Audio Devices**: No person shall produce amplified sound or use a public address system at an unreasonable volume, as defined in Springfield Municipal Code § 5.284, except in conjunction with District-sponsored or sanctioned activities, as permitted by the City of Springfield or approved by the Superintendent.
11. **Water Use**: No individual shall bathe (unless in designated showers), wash clothing or other materials, or clean fish in streams, ponds, pools or restrooms.
12. **Prohibited Items for the Safety of Park Users, Property and Wildlife**: The following items are prohibited to possess or use on District Property without approval from the Superintendent:
 - a. Knives or blades over four (4) inches in length
 - b. Axes, machetes, scythes, and other metal implements with a sharpened edge meant for cutting
 - c. Firearm replicas
 - d. Spray-paint
 - e. Merchant shopping carts
 - f. Game and trail cameras
13. **Remote-controlled and Unmanned Aerial Vehicles**: Operation of remote-controlled vehicles and unmanned aerial vehicles (i.e., a drone) is prohibited within the following parks and natural areas, unless approved by the Superintendent:
 - a. Dorris Ranch
 - b. Clearwater Park
 - c. Georgia Pacific Natural Area
 - d. Harvest Landing
 - e. Whilamut Natural Area
 - f. Thurston Hills Natural Area
 - g. Middle Fork Path
 - h. Weyerhaeuser McKenzie Natural Area
 - i. Mill Race Path
 - j. West "D" Greenway
 - k. Within 100 feet of playgrounds

- l. In any other park or natural area, users must operate any unmanned aerial vehicle, whether for recreational or commercial purposes, consistent with Federal Aviation Administration regulations.
14. **Camping:** No person shall camp or sleep overnight in a Campsite established on District Property, except in warming shelters or when authorized in writing by the Superintendent.
15. **Fires:**
- a. Fires and portable grills that utilize any form of combustible fuel are prohibited on all District Property, except in designated fire pits, fireplaces, barbeques, or by the Superintendent's approval.
 - b. No fire on District Property may be left unattended and every fire must be properly extinguished by the user before leaving District Property.
 - c. No person shall build, light, or maintain any fire so as to constitute a hazard by its proximity to any building, structure, vegetation or flammable material.
 - d. The Superintendent may restrict or prohibit fires further than provided in this section when fire hazard conditions are high.
16. **Animals:**
- a. No person shall harass or molest domestic or wild animals on District Property.
 - b. No person shall feed waterfowl or other wildlife.
 - c. No person shall release animals, domestic, exotic or native, onto District Property.
 - d. Horse and other stock animals are prohibited, except in designated equestrian use areas or as authorized in writing by the Superintendent.
 - e. Owners are responsible and liable for the animal's action. Animals or Owners may be excluded from District Property for failure to abide by District rules.
 - f. Owners shall maintain control of dogs by securely holding onto a physical leash (not an electronic control device) of not more than six (6) feet in length that is attached to the dog, except when in a designated off-leash area.
 - g. Owners shall not allow an animal to damage the property of another, including by digging or burrowing, or to harass, threaten, injure or fight with another animal or person.
 - h. No person shall tie any animal to any tree or other structure on District Property that is not designated for that purpose.
 - i. Owners are responsible for the immediate removal of all excrement generated by their animals.
 - j. Owners may be responsible for no more than three dogs at a time while on District Property.

- k. Only trained Assistance Animals that perform a specific task for a disability are allowed in District Facilities, or at District sponsored or sanctioned events or programs, unless permitted by the Superintendent. Emotional support animals are not considered Assistance Animals.
17. **Non-motorized Vehicles:** “Non-motorized vehicles,” including bicycles, skateboards, scooters, in-line and roller skates and other similar devices exclusively powered by humans:
- a. Shall not move at a speed, or in a manner, that endangers other persons, pets, wildlife or District Property.
 - b. Shall not be placed in a manner that obstructs pedestrian or vehicular traffic on a path, trail, disabled access ramp, or building entrance.
 - c. May only be used on paths and trails which do not exclude their use.
 - d. May be further restricted during special events and under direction of the Superintendent.
18. **Motorized Vehicles:**
- a. Oversized vehicles (i.e., motor homes, recreational vehicles, vehicles towing a trailer) shall only be parked in designated spaces.
 - b. No person shall operate any motor vehicle in violation of the State Motor Vehicle Code and other laws.
 - c. No person shall conduct mechanical repairs or automotive maintenance on a motor vehicle while it is present at District Property, except as may be minimally necessary to resolve a punctured tire or a dead battery.
 - d. No person shall remain in their vehicle or leave their vehicle at a District Park or a District Facility overnight or after park hours, except as authorized in writing by the Superintendent. Where access to a District Park or a District Facility is controlled by a gate, vehicles shall exit prior to closure of the gate.
 - e. Electric assisted bicycles, as defined in ORS 801.258, are permitted in District Parks and are subject to all District laws and rules that apply to bicycles, including those set forth in §17 of this Ordinance.
 - f. Electrically motorized wheelchairs, scooters, skateboards, hover boards, one-wheel devices, and mobility devices may be used on District Property if they meet the following criteria:
 - i. Are manufactured for single occupancy.
 - ii. Are operated by one person and have no passengers.
 - iii. Are used at speeds, and in a manner, that do not endanger people, pets, wildlife or District Property.
 - iv. Must yield and give the right of way to all non-motorized means of transportation.
 - v. Must remain on paved, multiuse paths and trails (except medically prescribed mobility devices).

- g. Except as set forth in subsections (a) – (g), above, no motorized vehicles are allowed in District Parks, except in designated vehicle circulation areas and parking spots.

19. **Weapons, Hunting and Fireworks:**

- a. **DISTRICT PARKS AND FACILITIES LOCATED IN SPRINGFIELD CITY LIMITS.** Firearms and loaded weapons are not allowed in District Parks within the Springfield city limits except for District-sanctioned activities. Dangerous weapons and firearms, whether loaded or unloaded, are prohibited within District Facilities except for District-sanctioned activities. The prohibition on firearms and weapons does not apply to a person licensed to carry a concealed handgun. (Springfield Municipal Code Sections 5.286, 5.288 and 5.290, and ORS 166.370 and 498.158)
- b. **DISTRICT PARKS LOCATED OUTSIDE THE SPRINGFIELD CITY LIMITS BUT WITHIN LANE COUNTY.** No person shall discharge within any District Park any weapon capable of harming persons, wildlife, or property. (Lane County Code Chapter 6.510 (2), ORS 498.158)
- c. No person shall possess or use a bow and arrow, crossbow, spear gun, paintball gun, BB or pellet gun, airsoft gun, or device capable of launching a projectile by means of compressed gas, or electricity while on District Property.
- d. Fishing is permitted on District Property consistent with the Oregon law, including licensing requirements under ORS Chapter 497.
- e. Hunting trapping or removing any wild animal is prohibited unless authorized in writing by the Superintendent, a designee or other government agency with jurisdiction.
- f. No person shall possess or use fireworks or other explosives on District Property unless authorized by the Superintendent.

20. **Business Operations, Leafleting and Organized Events:** The following activities are prohibited on District Property unless specifically authorized in writing by the Superintendent or their designee, and with evidence of such permission on their person. The Superintendent, or designee, will consider all requests on a fair and equal basis, irrespective of the affiliation or ideology of the individual making the request. The preservation of District interests, including but not limited to protection of District Property and the safety of District patrons, employees and the public, will be the foremost considerations before granting or denying the request. Whether a request is approved or denied will also be determined by whether the requested activity is compatible with the normal activity of the District at the particular time and place requested.

- a. Operating a fixed or mobile concession.
- b. Soliciting, selling, offering for sale, peddling, hawking, advertising, or vending any goods or services.
- c. Displaying commercial advertisements, signs or business cards on facility bulletin boards or elsewhere on District Property.
- d. No person shall distribute any notice, pamphlet, handbill, or printed information of any kind, except to a person willing to accept it and if it is distributed without charge.

- e. Printed materials may be posted at specifically designated locations in District Parks and Facilities upon receipt of written approval from the Superintendent or their designee. Any person or persons that distribute printed information at any District Property must collect and dispose of any litter created by such distribution.
- f. No person shall organize, conduct or participate in any event or scheduled activity that is publicly advertised without prior written authorization from the Superintendent or their designee.

21. **Permits:**

- a. The Superintendent shall have the authority to issue permits, or to grant exceptions or waivers to any of the terms of these rules and regulations for authorized events and activities.
- b. Permit-holders shall keep the permit on their person at all times while engaging in the permitted activity.
- c. Permit holders must abide by all District rules and regulations unless granted an exception or waiver by the terms of the permit.
- d. Permit-holders shall be liable for any loss, damage, or injury to any person, or property caused by a permit-holder's use of District Property pursuant to the permit.
- e. The Superintendent has the authority to revoke a permit upon finding a violation of any District rule, regulation or ordinance, or for other cause.

22. **Specific Special Recreational Activities:**

- a. Metal Detectors: No person shall use metal detectors on District Property unless pursuant to a permit.
- b. Geocaching/letterboxing is permitted to the extent that the activity does not violate a District rule.
- c. Slacklines, hammocks and similar devices are permitted to the extent that their use is consistent with District rules and causes no damage to vegetation or structures.
- d. No person shall tether, launch or land a hot air balloon, paraglider, parachute or other similar devices on District Property unless authorized in writing by the Superintendent.

23. **Restrooms and Changing Areas:**

- a. No person shall urinate or defecate on District Property except in restroom toilets or portable toilets provided for that purpose.
- b. No person shall use a cell phone, camera, recording device or other photographic equipment while inside a restroom facility, dressing room, or changing area.
- c. No person over the age of six shall enter a restroom, washroom, or locker facility designated for the opposite gender. However, those who need assistance and are accompanied by a parent, legal guardian, or caregiver may enter a restroom, washroom or locker facility that

aligns with the gender of the parent, legal guardian or caregiver. The above requirements do not excuse a failure by the District to provide reasonable and appropriate accommodations permitting all persons access to restrooms consistent with their expressed gender.

- d. No animals, bicycles, camping materials, or items use to prepare food for consumption are allowed in District restrooms.
- e. Single occupant restrooms and restroom stalls are not to be occupied by more than one person, with the exception of those who need assistance and are accompanied by a parent, legal guardian, or caregiver, as permitted by subsection (c), above.
- f. No person shall be permitted within a restroom outside of posted hours of operation.

24. **Substances:**

- a. **SMOKING.** Smoking is prohibited at any District Property, or within any space or area where Smoking is prohibited by law or ordinance.
- b. **ALCOHOL AND MARIJUANA.** No alcoholic beverages or marijuana are allowed in District Parks, Facilities or Programs without prior written authorization of the Superintendent or their designee. Champagne, beer and or wine may be served at designated District Facilities if a certificate of compliance, as to all regulations pertaining to the use and consumption of alcoholic beverages, is provided to the appropriate District staff and advance authorization is given.
- c. **DRUGS.** No person shall sell, buy, use or have in possession any drug or narcotic prohibited by state law while on District Property or in District Programs.

1.15 **Exclusion**

- 1. **Written Notice:** In addition to any penalties provided for violation of federal, state or local laws, any District employee, or other persons as may be designated by the Superintendent, may issue a Notice of Exclusion from all or part of the District Parks, Facilities, and/or Programs for violation of this Ordinance for up to a maximum of 1 (one) year for each violation.
 - a. In order to ensure the safety of all District Parks and Facilities users, a District employee, or other persons as may be designated by the Superintendent, may, without giving written Notice of Exclusion, direct a person to leave a District Park, Facility, or Program if the District employee, or designee, has probable cause to conclude that such person is in violation of any provision of this Ordinance. Without written Notice of Exclusion, such exclusion shall be effective for a maximum period of fourteen (14) calendar days.
- 2. **Exclusion Effective Immediately:** A Notice of Exclusion shall be effective immediately upon issuance and shall remain in effect until the exclusion expires, is terminated, or otherwise modified by the District.
- 3. **Exclusion and Trespass:** An Excluded Person may not enter or remain upon any part of District Property from which the person is excluded, or participate in any District Program, during the stated period of the exclusion. An Excluded Person who enters or remains in any District Property from which the person has been excluded, or who participates or attends any District Programs from which the person has been excluded, may be charged with Criminal Trespass in the Second Degree, ORS 164.245, as may be amended hereafter, and subject to the penalties thereof.

1.20 Administrative Review of Exclusion

1. **Request for Administrative Review:** An Excluded Person may request an administrative review of the exclusion. Such request must be delivered in writing to the Superintendent within ten (10) calendar days of the Excluded Person's receipt of the Notice of Exclusion at either:

“Willamalane Park and Recreation District
Attn: Superintendent - Exclusion
250 S. 32nd St.
Springfield, OR 97478”

OR

an official email address provided to the Excluded Person by the District.

During the administrative review process, the exclusion shall remain in effect in accordance with the terms of the Notice of Exclusion.

- a. **Conduct of Administrative Review:** The purpose of the administrative review is to offer the Excluded Person an opportunity to have the Notice of Exclusion reviewed in an expeditious and informal process.
 - i. Administrative reviews shall be conducted by a District employee designated by the Superintendent.
 - ii. The administrative review will be conducted in person as soon as reasonably practicable to accommodate the schedules of the Excluded Person and the designated District employee. The administrative review may be conducted by telephone at the election of the designated District employee.
 - iii. The Excluded Person shall represent themselves at the review, unless the Excluded Person is a minor or otherwise incapable of representing themselves due to a physical or mental disability or impairment, in which case the Excluded Person may be represented by a person designated by the Excluded Person as their representative and mutually agreed to by the Superintendent or their designee.
 - iv. Upon conclusion of the review and investigation, the District employee shall, in their discretion, either: (i) uphold the exclusion in accordance with the terms of the Notice of Exclusion; (ii) modify the terms of the exclusion; or (iii) terminate the exclusion.
 - v. An administrative review is a prerequisite to appeal a Notice of Exclusion. If an Excluded Person fails to timely request an administrative review, or fails to appear at an administrative review, the review proceeding shall be dismissed and the exclusion shall remain in effect in accordance with the terms of the Notice of Exclusion.

1.25 Appeal of Exclusion

1. **Request for Hearing:** Following an administrative review, an Excluded Person may appeal the exclusion if it has been sustained in whole or in part. Such request must be delivered in writing to the

Superintendent within ten (10) calendar days of the Excluded Person's receipt of the administrative review decision at either:

“Willamalane Park and Recreation District
Attn: Superintendent – Exclusion
250 S. 32nd St.
Springfield, OR 97478”

OR

an official email address provided to the Excluded Person by the District.

During the appeal process, the exclusion shall remain in effect in accordance with the terms of the Notice of Exclusion, except as otherwise modified by the administrative review decision.

2. **Contents of Appeal:** An appeal must contain the following:
 - a. A copy of the Notice of Exclusion;
 - b. A written request for a hearing;
 - c. A statement setting forth the reason(s) the exclusion is wrongful, unfair or improper or prohibited by law;
 - d. The Excluded Person's current contact information, including: address, telephone number, and email address, if available.

3. **Conduct of Hearing:** The purpose of the hearing shall be to determine whether the exclusion issued pursuant to the Notice of Exclusion is wrongful, unfair or improper.
 - a. Appeals shall be heard by the Superintendent, or such other person as is designated by the Superintendent.
 - b. The hearing shall be scheduled no later than fifteen (15) business days after receipt of the appeal, unless a hearing within that timeframe is not practicable, in which case a hearing shall be scheduled as soon as reasonably practicable. Written notice of the hearing shall be given to the Excluded Person, which shall include the time and location of the hearing, and a copy of this Ordinance.
 - c. The Excluded Person shall appear at the hearing in person, unless conducted by telephone at the election of the Superintendent. The Excluded Person may, but is not required to, have legal counsel. If the Excluded Person does not have legal counsel, the Excluded Person shall represent themselves at the hearing, unless the Excluded Person is a minor or is otherwise incapable of representing themselves due to physical or mental disability or impairment, in which case the Excluded Person may be represented by a person designated by the Excluded Person as their representative and mutually agreed to by the District Superintendent, or designee.
 - d. The Excluded Person shall have the burden of proving that the exclusion is wrongful, unfair, or improper, or that the Notice of Exclusion is prohibited by law.

- e. Evidence shall be limited to that which goes to prove or disprove whether the exclusion is wrongful, unfair, improper, or prohibited by law. The Superintendent, or their designee, may rely upon any relevant evidence that a reasonable person would rely upon in making an important decision or conducting personal business.
- f. Upon conclusion of the hearing and investigation, the Superintendent, or their designee, shall either:
 - i. deny the appeal and uphold the exclusion in accordance with the terms of the Notice of Exclusion except as otherwise modified by administrative review;
 - ii. modify the terms of the exclusion; or
 - iii. grant the appeal and terminate the exclusion effective immediately. The decision of the Superintendent, or their designee, is final.
- g. If an Excluded Person fails to timely request an appeal or fails to appear at the hearing, the appeal proceeding shall be dismissed and the exclusion shall remain in effect in accordance with the terms of the Notice of Exclusion, except as otherwise modified by administrative review.

1.30 **Severability**

It is hereby declared to be the legislative intent of Willamalane Park and Recreation District that the provisions of this Ordinance are severable, and if any provision, clause, section, or part is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, the remaining provisions shall continue to be in force and such partial illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair the application of the remaining provisions to other persons and circumstances.

ADOPTED this 13th day of January, 2021.

Greg James, Board President

ATTEST:

Michael Wargo, Secretary