

Park and Facility Rules Ordinance 100

AN ORDINANCE GOVERNING CONDUCT ON DISTRICT PROPERTY

WHEREAS, Willamalane Park and Recreation District (the “District”) seeks to keep its District Parks and District Facilities, both as defined below, safe, clean and orderly, and wishes to ensure an enjoyable and respectful environment for all users;

WHEREAS, the District wants to compile in one ordinance all the District's regulations governing conduct on District Property and in District Programs, both as defined below, in order to make them more accessible to the public;

WHEREAS, the District wishes to assure preservation of District interests, including but not limited to protection of District Parks and Facilities, avoid overuse; protect the safety of District patrons, employees and the public; ensure adequate parking and sanitary facilities to accommodate park users; ensure District Parks and surrounding areas are kept clean, and prevent scheduling conflicts;

WHEREAS, the District has the authority to adopt regulations by ordinance pursuant to ORS 266.410(7); and

WHEREAS, the District previously adopted Park and Facility Rules Ordinance 100, An Ordinance Governing Conduct on District Property, on January 13, 2021 (the “Prior Ordinance”).

NOW, THEREFORE, BE IT ENACTED BY WILLAMALANE PARK AND RECREATION DISTRICT that the Prior Ordinance governing conduct on District Property and in District Programs is hereby amended and restated in its 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. “Board” means the Willamalane Park and Recreation District Board of Directors.
3. “Camp” or “Camping” means to pitch, use, or occupy camp materials or a camp for the purpose of occupancy, habitation, or sheltering for survival, and in such a way as will facilitate sleeping or storage of personal belongings, carrying on cooking activities, taking measures to keep protected from the elements including heat and cold, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep. A “camp” is a location where people camp or are camping. Springfield Municipal Code § 5.130(1).
4. “Camp materials” may include, but are not limited to, tents, huts, awnings, lean-tos, chairs, tarps or tarpaulins, cots, beds, sleeping bags, blankets, mattresses, sleeping or bedding materials, food or food storage items, and/or similar items that are or appear to be used as sheltering, habitation and/or sleeping accommodations, or to assist with sheltering, habitation and/or sleeping activities. Springfield Municipal Code § 5.130(1)
5. “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.

6. "Dangerous weapon" means any weapon, device, instrument, material or substance which under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury. ORS 161.015(1).
7. "District" means the Willamalane Park and Recreation District.
8. "District Facilities" means any building, structure, or improved property leased, managed, operated, or owned by the District.
9. "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.
10. "District Program" includes any recreational program or special event sponsored by the District.
11. "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.
12. "Electric Assisted Bicycle" means a bicycle that is equipped with an electric motor and fully operative pedals, and that is a Class 1 Electric Assisted Bicycle, a Class 2 Electric Assisted Bicycle, or a Class 3 Electric Assisted Bicycle, as further defined below.
 - a. "Class 1 Electric Assisted Bicycle" means an electric assisted bicycle that:
 - i. Provides assistance only when the rider is pedaling; and
 - ii. Ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.
 - b. "Class 2 Electric Assisted Bicycle" means an electric assisted bicycle that:
 - i. May be propelled by its motor without a rider pedaling; and
 - ii. Ceases to provide assistance once the bicycle reaches a speed of 20 miles per hour.
 - c. "Class 3 Electric Assisted Bicycle" means an electric assisted bicycle that:
 - i. Provides assistance only when the rider is pedaling;
 - ii. Ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and
 - iii. Is equipped with a speedometer.
13. "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.
14. "Firearms" includes a firearm, rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive powder, gas, compressed air, spring or elastic mechanism. Springfield Municipal Code § 5.286.
15. "Inhalant Delivery System" has the meaning assigned to that term in OAR 333-015-0030(14)(a).
16. "Multi-use Path" means an accessible way paved with asphalt or concrete with a minimum width of not less than six feet that is open to the public and designed for shared use by pedestrians, bicyclists, and using other permitted forms of motorized and non-motorized transportation, or as otherwise specifically provided by law or a governing body for purposes of recreation and transportation.

17. "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.
18. "Out-of-class Electric Bicycle" means a bicycle that does not comply with one of the Electric Assisted Bicycle classifications defined herein.
19. "Owner" means an animal's handler or legal owner.
20. "Smoking" means use of an inhalant delivery system, a smoking instrument, and use of . 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.
21. "Smoking Instrument" has the meaning assigned to that term in OAR 333-015-0030(23).
22. "Trail" means a constructed track intended for recreational activities, such as walking, hiking, and biking, that may provide access to remote areas otherwise inaccessible via other means of travel, and is either:
 - a. a "Soft Surface Trail", with a travel tread composed of soil, dirt, wood chips, or mulch; or
 - b. a "Hard Surface Trail", with a travel tread composed of compacted gravel, rock, or other non-asphaltic or non-cementitious material.

1.10 General Rules

1. **Criminal Activity**: No person shall violate, or refuse to obey, any city, county, state, or federal laws, ordinances or 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 shall 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 Executive Director.
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 § 1.15.
- 6. **Entrances to District Parks and District Facilities:** Except for District employees granted authority by the Executive Director 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 Executive Director.
- 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 Executive Director:
 - 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; or
 - f. Affixed game and trail cameras.
- 13. **Remote-controlled and Uncrewed Aerial Vehicles:** Operation of remote-controlled vehicles and unmanned aerial vehicles (i.e., a drone) is prohibited within the following District Parks, unless approved by the Executive Director:
 - 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 District Park, 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 Executive Director.
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 Executive Director’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 Executive Director 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 Executive Director.
 - 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 Executive Director. Emotional support animals are not considered Assistance Animals.
17. **Non-motorized Vehicles:** “Non-motorized vehicles,” including bicycles, skateboards, scooters, in-line and roller skates, wheelchairs 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 Multi use Path, Trail, disabled access ramp, or building entrance.
 - c. May only be used on Multi-use Paths and Trails which do not exclude their use.
 - d. Except for wheelchairs and other medically prescribed non-motorized mobility devices, shall not be used on synthetic turf or on a Soft Surface Trail that has a tread composed of wood chips or bark mulch.
 - e. May be further restricted during special events and under direction of the Executive Director.
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 Executive Director. 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 herein, 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 and the following.
 - i. Class 1 Electric Assisted Bicycles may be used on Hard or Soft Surface Trails, and

Multi-use Paths.

- ii. Class 2 Electric Assisted Bicycles may be used on Multi-use Paths, and Hard or Soft Surface Trails not designated exclusively for mountain bike use.
 - iii. Class 3 Electric Assisted Bicycles may not be used on any Trail or Multi-use Path.
 - iv. Electric Assisted Bicycles shall be operated in compliance Oregon state law.
- 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 and operated in compliance with §17 of this Ordinance.
 - iv. Must yield and give the right of way to all non-motorized means of transportation.
 - v. Except for medically prescribed mobility devices, must remain on Hard Surfaced Trails, Multi-use Paths, and paved areas accessible to authorized motor vehicles.
 - vi. Shall be in compliance with applicable licensing and minimum age limits specified in Oregon state law.
- g. Motorized vehicles and Out-of-class Electric Bicycles are not permitted on Multi-use Paths or Trails, unless authorized by the Executive Director or their designee.
- h. Except as set forth in subsections (a) – (g), above, no motorized vehicles are allowed in District Parks or District Facilities, except in designated vehicle circulation areas and parking spots.

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

- a. DISTRICT PARKS AND FACILITIES LOCATED IN SPRINGFIELD CITY LIMITS.
 - i. DISTRICT PARKS. Except as provided in ORS 166.173(2) and pursuant to Springfield Municipal Code § 5.286, dangerous weapons and loaded firearms are not allowed in District Parks within the Springfield city limits, except for District-sanctioned activities.
 - ii. DISTRICT FACILITIES. Pursuant to ORS 166.370(1), dangerous weapons and firearms, whether loaded or unloaded, are prohibited within District Facilities, except for District-sanctioned activities. Because the District has adopted a policy pursuant to ORS 166.377(3), the affirmative defense described in ORS 166.370(3)(g) concerning persons licensed to carry a concealed handgun under ORS 166.291 and 166.292, does not apply to any District Facilities used for District Board meetings.
- b. DISTRICT PARKS LOCATED OUTSIDE THE SPRINGFIELD CITY LIMITS BUT WITHIN LANE COUNTY. Pursuant to Lane County Code Chapter 6.450.510 (B), no person shall discharge within any District Park any weapon capable of harming persons, wildlife, or property.

- 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, molesting, injuring, capturing or removing any wild animal is prohibited unless authorized in writing by the Executive Director, a designee or other government agency with jurisdiction. Springfield Municipal Code § 5.290, ORS 498.158.
- f. No person shall possess or use fireworks or other explosives on District Property unless authorized by the Executive Director. Springfield Municipal Code § 5.288.

20. **Business Operations, Leafleting and Organized Events:**

- a. The following activities are prohibited on District Property unless specifically authorized in writing by the Executive Director or their designee, and with evidence of such permission on their person:
 - i. Operating a fixed or mobile concession;
 - ii. Soliciting, selling, offering for sale, peddling, hawking, advertising, or vending any goods or services;
 - iii. Displaying commercial advertisements, signs or business cards on District Facility bulletin boards or elsewhere on District Property;
 - iv. Distributing any notice, pamphlet, handbill, or printed information of any kind, except to a person willing to accept it and if it is distributed free of charge;
 - v. Organizing, conducting or participating in any event or scheduled activity that is publicly advertised; and
 - vi. Placing staked signs or displays.
- b. The Executive Director, or designee, will consider all requests on a fair and equal basis, irrespective of the affiliation or ideology of the individual or group 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.
- c. Any person or persons that distributes or displays any printed information at any District Property must collect and dispose of any litter created by such distribution. Printed materials may not be placed on vehicles in District parking lots without authorization from the Executive Director.
- d. Any signs, displays or materials in violation of this section are subject to removal by the District.

21. **Permits:**

- a. The Executive Director 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 Executive Director 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 Executive Director.

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 used 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 and for no longer than 10 minutes, 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.** The use of Smoking Instruments, Inhalant Delivery Systems, and 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 Executive Director 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 Executive Director, 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 Executive Director, 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, pursuant to 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 Executive Director within ten (10) calendar days of the Excluded Person's receipt of the Notice of Exclusion at either:

“Willamalane Park and Recreation District
Attn: Executive Director - 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 Executive Director.
 - 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 virtually 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 Executive Director or their designee.
 - iv. Upon conclusion of the review and investigation, the District employee shall, in their discretion, either: (1) uphold the exclusion in accordance with the terms of the Notice of Exclusion; (2) modify the terms of the exclusion; or (3) 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

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

“Willamalane Park and Recreation District
Attn: Executive Director – 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 invalid, 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 invalid, improper or otherwise prohibited by law.
 - a. Appeals shall be heard by the Executive Director, or such other person as is designated by the Executive Director.
 - 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 virtually at the election of the Executive Director. 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 Executive Director, or designee.
 - d. The Excluded Person shall have the burden of proving that the exclusion is invalid 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 invalid, improper, or prohibited by law. The Executive Director, 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 Executive Director, 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 Executive Director, 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 _____ day of _____, 2026.

Kiersten Muenchinger, Board President

ATTEST:

Michael Wargo, Secretary