

ORDINANCE 09-01

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS WITHIN CITY PARKS

WHEREAS, the parks of the City of Manzanita are established and maintained as areas of recreation, relaxation, and enjoyment for the public; and,

WHEREAS, the City Council wishes to establish rules and regulations relating to its intention that the parks shall be regulated and used to permit enjoyment by a maximum number of people engaged in widely diverse interests and activities as may be practical within the limits of space, design, and accommodations available in each park unit; Limitations may be required to ensure the safe use of park areas and to protect the rights of others in surrounding areas;

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

- Section 1. Definitions.** The following words and phrases, as used herein, shall have the following meanings:
- A. City Official. City Manager or his designee.
 - B. Park. As used in this ordinance means and includes all the properties controlled by the City and operated as parks available for use of the public.
 - C. Minor. Any individual under the age of eighteen.
 - D. Roller blade. Any device with wheels which are attached to or are a part of any shoe or boot.
 - E. Scooter. Any non-motorized device with wheels and handlebars, excluding bicycles, designed to be propelled by foot or other mechanical means.
 - F. Skateboard. Any device with wheels attached to a surface, such surface being designed such that a person or persons may stand, sit or kneel upon it; and is propelled by foot or other mechanical means.
 - G. Riding. The act of propelling a skateboard, roller blade, or scooter by any means other than carrying it.
- Section 2. Rules & Regulations.** For the conduct of persons using or frequenting the parks of the City of Manzanita, the following rules and regulations are to be observed and enforced within the parks:
- A. Picnic Facilities. Use of the picnic facilities is on a first come first serve basis. Sharing facilities is encouraged.
 - B. Park Hours. The City Park hours are as posted by the Public Works Department.
 - C. Parking. Parking is allowed in designated parking spots only.
 - D. Camping. Overnight camping is prohibited.
 - E. Firearms. Firearms of any kind are prohibited in the park, including, but not limited to: rifles, handguns, assault weapons, BB guns, pellet guns, air guns, except by police officers or those with a valid concealed hand gun permit.
 - F. Projectiles. The use of projectiles of any kind, except balls, Frisbees, horseshoes and boomerangs, are prohibited. Projectiles include, but are not limited to: golf clubs and balls, archery equipment, discus, javelin and shot put equipment, remote controlled model aircraft and lawn darts.
 - G. Tennis Court. Only tennis players and tennis equipment are allowed on the tennis court. No riding of bicycles, tricycles, skateboards, scooters, rollerblades or any other wheeled vehicle is permitted on the tennis court.

- H. Commercial Operators. No person shall operate any concession or sell or trade any merchandise or service in the park without the prior approval of the City Council. No solicitor of any goods or services is allowed in the park without the prior approval of the City Council.
- I. Fireworks. Fireworks are prohibited in the park at all times.
- J. Disruptive Behavior. Behavior which is disruptive or causes alarm to others in the area is prohibited.
- K. Disturbance of Flora. No collecting, cutting, picking, removing, breaking or disturbing any plant, flower, shrub, grass, moss or trees is allowed without authorization from a City Official.
- L. Firewood. Removal of any log or downed timber is prohibited and chain saws are prohibited without written permission from the Public Works Director or City Manager.
- M. Animals. All non-domesticated animals are prohibited. All domesticated animals must be on a leash at all times, kept under physical control at all times by the owner or person-in-charge, and all animal feces shall be removed and properly disposed of by the owner or person-in-charge. With the exception of seeing-eye or service dogs, no animals shall be allowed in the bathrooms at any time. Frequent or prolonged barking of dogs is prohibited and is a cause for ejection from the park. Aggressive dogs are prohibited in the park. Horses are prohibited in the park.
- N. Additional cooking apparatus. Cooking devices may be used in addition to or instead of the built-in BBQs unless a City Official deems them unsafe.
- O. Fish Cleaning/Animal Cleaning. No fish or animal cleaning is allowed at the park.
- P. Animal Molestation. There shall be no unauthorized trapping, killing, hunting or molesting of any kind of bird or animal in the park.
- Q. Garbage. No garbage originating off-site shall be deposited at the park. All other garbage shall be deposited in designated trash receptacles or removed from the park.
- R. Alcohol. Possession or consumption of alcohol is prohibited in the park.
- S. Tagging/Vandalism. Tagging, vandalism and other property damage are prohibited.

Section 3. City Liability. The City shall not be responsible for injury or damage in the park caused by accidents, injury, and loss of property by fire, theft, wind, floods or other natural acts. equipment furnished in the park is solely for the convenience of persons using the park and is used at their own risk.

Section 4. Liability for Damage. Any person who causes personal injury or who damages or causes to be damaged any property, whether publicly or privately owned, shall be liable for such damage. The liability shall extend to the parents or legal guardians in the event of a minor being in violation of this Ordinance.

Section 5. Parental or Guardian Responsibility.

- A. The parent, legal guardian or person with legal responsibility for the safety and welfare of a minor, hereinafter “supervisor,” shall have the legal responsibility for the actions of such minor which are in violation of any provision of this Ordinance occurring on public property.
- B. It shall be a defense to the charge of failure to supervise if:
 - 1. The offense occurred in the presence of the supervisor; and
 - 2. The supervisor took reasonable steps to control the action of the minor or reported the action to the appropriate authorities.

- C. In addition to any fine or penalty imposed pursuant to this Ordinance, the Court may order the supervisor to pay restitution to the City or victim, if any, of the minor's unlawful conduct.
- D. If a violation of subsection A of this Section occurs where the minor is 11 years of age or younger, any citation shall be issued to the supervisor and not to the minor.

Section 6. Penalties. Any person found guilty of any violation of this ordinance shall be subject to penalties for each violation. This remedy is in addition to any other remedy allowed by law.

- A. Fines. In addition to the above, a person found in violation of this Ordinance shall be subject to the following fines:
 - a. First Offense – \$25.00
 - b. Second Offense – \$50.00
 - c. Third Offense – \$100.00
 - d. Fourth Offense – Not to exceed \$500.00

Section 7. Severability. The separate provisions of this Ordinance are hereby declared to be independent from one another; and if any cause, sentence, paragraph, section or part of this Ordinance shall for any reason be adjudged invalid by any court of competent jurisdiction, all remaining parts shall remain in full force and effect.

PASSED FIRST READING by the Council this 7th day of January, 2009.

PASSED SECOND READING by the Council this 4th day of February, 2009.

APPROVED by the Mayor this 4th day of February, 2009.

Garry R. Bullard, Mayor

ATTEST:

Jerald P. Taylor, City Manager/Recorder