

Chapter 12.24

CITY PARKS AND PUBLIC PLAYGROUNDS

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12.24.010 Definitions.

A. "Park" or "park area" means the city's community parks, area parks and other park classifications, the buildings and other facilities located within such areas, public bike paths and pedestrian ways (but not sidewalks along city streets), recreation facilities, including those grounds, areas or facilities, which may be privately owned, covered by a conservation easement duly accepted by the city of Cottage Grove for park and recreation purposes by the general public, and also including those grounds and areas commonly referred to as greenway and riverbank areas, or portions thereof, which have been placed under city jurisdiction, either by deed or dedication, regardless of whether such areas have been opened up for public use. Park areas include any river or stream adjacent to park areas. For purposes of this chapter, "recreation facility" shall include the Community Center-Library and the surrounding grounds.

B. "Council" means the Cottage Grove city council.

C. "Special event" means the use of a park or park area which constitutes one or more of the following:

1. An event involving a large group or special use of an area or facility;
2. An event which creates a special demand for park services such as parking, cleaning, power or water;
3. An event which requires coordination so that other users can co-exist without disruption; and
4. An event which constitutes a commercial use. (Ord. 3022 §2, 2012; Ord. 2872 §2, 2002; Ord. 2824 §2(part), 1998)

12.24.020 Prohibited conduct or activities.

A. In addition to violation of state law or city ordinance it shall be unlawful to:

1. Build or permit to be built a fire in any park area unless said fire is confined to:
 - a. Park camp stoves or fireplaces;

- b. Portions of parks designated as permitting fires;
- c. Portable stoves in established picnic areas and designated where fires are permitted.

2. No fire shall be left unattended, and every fire shall be extinguished before its user leaves the park area.

3. If, in the judgment of the fire chief or his designee, there exists a danger that even confined fires may spread, such as in dry seasons or during times of high winds, all outdoor fires may be prohibited in parks.

4. Use any animal or any weapon, stick, stone, missile or other device of any kind which causes or tends to result in the destruction, injury, disturbance, or molestation of any wild or domestic animal, fowl, or fish (except fishing in designated area) or any habitat thereof within a park or park area.

5. Discharge any firearm, pellet gun, BB gun, slingshot, bow and arrow, or other weapon capable of injuring any person, bird or animal; provided, however, this paragraph shall not apply to the use of officially approved weapons by duly authorized peace officers so authorized under the laws of the state of Oregon or the federal government, or to the use of such weapon under agreement or special authorization of the council.

6. Possess any firearm, pellet gun, or BB gun in park area except as provided by law or by peace officers authorized under the laws of the state of Oregon or the federal government, or by agreement or special authorization of the council.

B. For any person other than a person authorized by the city manager, public works director, or their designee, the following acts are hereby declared to be unlawful:

1. The removal, destruction, breaking, injuring, mutilating, or defacing in any way any structure, monument, statue, vase, fountain, faucet, barrier, wall, fence, gate, railing, or other enclosure or part thereof or any vehicle, traffic recorder, sign, marker, bench, tree, shrub, fern, plant, flower, fixture or other property in any park.

2. The act of bringing upon any of the parks or having in such person's possession while therein any tree, shrub or plant, or any newly plucked branch or leaf of a tree, shrub or plant.

3. The movement or removal of any sign, marker, monument, fence, barrier, faucet, buoy, traffic recorder, or other structure or facility of any kind in a park.

4. The digging, defacing, or removal of any dirt, stones, rock or other substance whatever, make any excavation, quarry any stone, possess or discharge any explosive device, or lay or set off any blast, or roll any stones or other objects, or cause or assist in doing any such things within a park.

5. The possession, discharge or causing to be discharged of any firecracker, explosive, torpedo, rockets propelled by either water pressure or combustible materials, fireworks as defined by ORS [480.110](#), or other substance which could be harmful to park area visitors or resources.

6. The obstruction of free use and enjoyment of any park, the placement of any straw, grass clippings, dirt, chips, paper, shavings, shells, ashes, swill, garbage, rubbish, refuse or debris, or the leaving or abandonment of any vehicle or part thereof in or upon any park; provided, however, the foregoing prohibition shall not apply to the landscaping and other maintenance activities of city employees and agents.

7. The entering of any park with straw, grass clippings, chips, paper, shavings, shells, ashes, swill, garbage, rubbish, refuse or debris that has originated from outside the park, for the purpose of disposing of any of the rubbish, refuse, or debris in the park; provided, however, the foregoing prohibition shall not apply to the disposal of garbage or refuse that results from the normal use of the park for recreational or other lawful purposes.

8. The operation or permission to operate any sound amplification system which is plainly audible at a distance of fifty feet or more from the source of the sound, unless that system is being operated to request assistance or warn of a hazardous situation. This paragraph shall not apply to emergency vehicles as defined in ORS [801.260](#), vehicles operated by utilities as defined in ORS [757.005](#), [758.505](#) and [759.005](#), audio alarm systems installed in vehicles and Federal Communications Commission licensed two-way radio communications system. As used in this paragraph, "plainly audible" means any sound for which the information content of that sound is unambiguously communicated to the listener including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal or comprehensible musical rhythms or vocal sounds.

C. It is unlawful for any person to sell, peddle or offer for sale any goods, liquids, edibles for human consumption, or any goods, wares, services or merchandise or to solicit for contribution in a city park unless that person is doing so as part of a special event for which a permit has been granted by the city manager pursuant to Chapter [10.24](#) of this code or by other permit granted by the city council. Any person acting under a permit shall act in conformance with applicable state and county regulations.

D. Motor vehicles shall be operated and parked only on roads and in parking areas designated for motor vehicle use. Said roads and parking areas are intended for the use of the general public for vehicles and subject to all city, county and state ordinances and regulations. No operator shall park and no owner shall allow a vehicle to be parked within a park for the principal purpose of repairing or servicing the vehicle, except repairs necessitated by an emergency. No motor vehicle, off-road vehicle, motorcycle, trailer, bicycle, skates, skateboards, or other vehicle shall be permitted on any trail or in any part of a park not designated for such use, or on any road or trail posted as closed to the public; provided, however, this subsection shall not apply to those motor vehicles used in connection with city maintenance, fire and emergency medical vehicles or police patrol, or as permitted by the city manager or designee.

E. Except for fire and emergency medical response and police patrols, no person shall operate any motor vehicle within a park at a speed in excess of fifteen miles per hour unless the roadway is posted otherwise.

F. No person shall ride, drive, lead or keep a horse or other livestock in any park, except on such roads, trails, or areas designated for that purpose. No horse or other such animal shall be hitched or tied in such a manner that may cause damage to such tree, shrub, improvement or structure.

G. Any form of gathering for special events or use of a park area at special times or for special uses or events shall be unlawful without specific authorization from the city manager and shall be in

accord with state law, city and county ordinance and regulations as may now or hereby exist. During any gathering for special events or use of a park area authorized under this section, no person shall use, possess or consume alcoholic beverages in any location other than a location designated by the city manager in the special event permit authorizing such gathering.

H. No person shall wash any clothing or other materials, or deposit any material or other substance, or clean any fish, or introduce or place polluting substance, waste or litter in a stream, fountain or river in or along a park.

~~I. It shall be unlawful for any person to camp out or sleep in any park area at such time when the park is closed, except by specific permission of the city manager or designee and only in areas designated for such purpose.~~

J. Certain activities, including, but not limited to, group picnicking, camping, group camping, hiking, and driving of vehicles, and riding of bicycles, skates, skateboards and horses may be restricted by the city manager and/or public works director or their designee to designated zones or areas, and such designations shall be observed.

K. It shall be unlawful for any person to enter or remain in ~~any park or part thereof~~ **Community, Neighborhood and Mini parks and any riparian or wetland areas** from 10:00 p.m. to 5:00 a.m., except as provided below:

1. A gathering for a special event or use of a park area at special times or for special uses or events which are authorized under subsection I of this section.
2. The following persons, when engaged in the course of their duties: city employees, law enforcement officers, fire and emergency medical personnel, and those persons authorized by the city manager and/or city council.

L. It is unlawful for any person to climb any tree, or walk, stand, climb or sit upon a monument, vase, railing, or fence in any park. It is unlawful for any person to walk, stand or sit upon any fountain.

M. It is unlawful for any person to injure, deface, or destroy any notice of the rules and regulations for the government of the parks, or other official notice which has been posted or permanently affixed by order or permission of the public works director or designee.

N. No male person, other than a child with its mother, or a park or law enforcement employee in the discharge of such employee's regular duties, or as otherwise specified by state or federal law, shall enter a public restroom or portable toilet marked "women", or loiter about the entrances of such restroom or portable toilet facility.

O. No female person, other than a child with its father, or a park or law enforcement employee in the discharge of such employee's regular duties, or as otherwise specified by state or federal law, shall enter a public restroom or portable toilet marked "men", or loiter about the entrances of such restroom or portable toilet facility.

P. It is unlawful for any person to blow, spread, or place any nasal or other bodily discharge or waste or to spit, urinate or defecate on the floors, walls, partitions, furniture, fittings, or on any portion of any public restroom or portable toilet or in any place in such facility, excepting directly into the particular fixture provided for that purpose. Nor shall any person place any bottle, can, cloth, rag, or metal, wood, or stone substance in any of the plumbing fixtures in any such station.

Q. It is unlawful for any person to stand or climb on any toilet fixture, toilet seat, basin, partition, or other furniture, fixture or fitting, or to push, crowd, or otherwise act in a disorderly manner, or to interfere with any attendant in the discharge of his or her duties.

R. It is unlawful for any person to cut, deface, mar, destroy or break, or write on or scratch any wall, floor, ceiling, partition, fixture, or furniture, or use towels in any improper manner, or waste soap, toilet paper, or any of the facilities provided in any public restroom or portable toilet facility.

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

T. In case of an emergency, or in case where life or property are endangered, all persons, if requested to do so by a peace officer or other city employee, shall depart from the portion of the grounds specified by such officer or employee, and shall remain off the same until permission is given to return.

U. No person shall engage in activity prohibited by any state, county, or municipal law of Oregon while in a park.

V. It shall be unlawful for any person to engage in, promote, instigate, encourage or cause fighting or similar violent conduct which would threaten the physical well-being of the public.

W. No person may use any tobacco product, smoke, as defined in Chapter [8.28](#), or carry any lighted smoking instrument, in any park, unless in a properly designated smoking area.

X. It shall be unlawful for any person to consume alcohol, to possess an open container holding alcohol, or to open a container holding alcohol while in any park, except pursuant to a special event permit issued by the city manager.

Y. No person shall wade, swim or enter the water or cause or allow any domestic animal to enter the water of a pond, fountain or water feature that is constructed to contain storm water or wastewater effluent for irrigation purposes. (Ord. 3058 §1, 2015; Ord. 3022 §3, 2012; Ord. 2968 §3, 2008; Ord. 2871 §2, 2002; Ord. 2824 §2(part), 1998)

12.24.030 Fees.

Fees, as established by the city council, may be charged for certain services and privileges, and for the use of designated areas, buildings or facilities. It shall be unlawful to enter or use such areas, buildings, services or facilities or to be granted those privileges unless the appropriate fee or fees have been paid. Any fee may be established by resolution and shall be part of the city's comprehensive fee schedule. (Ord. 2824 §2(part), 1998)

12.24.040 Excluding a person from a park.

A. In addition to other measures provided for violation of this chapter, or the laws of the state of Oregon, any peace officer, any authorized city employee may exclude from all or any part of a park any person who violates any provision of this chapter or any law of the state of Oregon, for a period not to exceed ninety days.

B. A person excluded under this section may not enter or remain upon any part of the park from which said person is excluded during the period of exclusion. An excluded person who enters or remains upon any part of a park from which the person has been excluded is a trespasser and may be arrested and prosecuted for the crime of criminal trespass in the second degree (Section [9.24.050](#) of this code and/or ORS [164.245](#)).

C. Written notice signed by the issuing party shall be issued to a person excluded from all or part of a park, which notice shall specify the reason for exclusion, places and duration of exclusion, and the consequences for failure to comply with the notice. The notice shall be given either by personal delivery or by certified mail return receipt requested. Unless otherwise expressly set forth in the notice, the exclusion shall commence immediately upon delivery of the notice to the excluded person.

D. The public works director or his designee is authorized to prepare a form of notice to be used in connection with excluding a person from a park and to include therein such additional material as are considered necessary for administrative purposes. (Ord. 2824 §2(part), 1998)

12.24.050 Appeals.

A. The procedures contained in this section shall apply to orders of the public works director, police officers, or authorized park employees excluding a person from a park and revoking a permit or authorization for use of a park. Failure to follow the procedures contained herein shall constitute a waiver of the person's right to bring an appeal of such order.

B. Not later than ten days after commencement of an order revoking a permit or excluding a person, the affected person may appeal in writing to the Cottage Grove municipal court for de novo review of the order or may petition the Cottage Grove municipal court to rescind or alter the order, or reduce the duration of exclusion. An appeal shall contain a copy of the order, a request for a hearing or request for written review without a hearing, and a statement setting forth the reason that the order is invalid, otherwise improper or why it should be changed. Failure to raise an issue with sufficient specificity to afford the public works director, police officer, or authorized park employee an opportunity to respond to the issue precludes appeal to the municipal court on that issue.

C. If, as part of the written appeal, the person requests a hearing a public hearing will be conducted by the Cottage Grove municipal court or designee, within ten days after the hearing.

D. The procedure to be followed for such hearing shall be as provided in cases of civil infractions. The municipal court may question witnesses and review all documentation referred to by the witnesses. Unless the municipal court orders otherwise, there shall be no continuance or reopening of the hearing.

E. At any time during an exclusion, an excluded person may petition in writing to the city manager, or designee, for a temporary waiver of the exclusion for good reason. (Ord. 2824 §2(part), 1998)

12.24.060 Penalties.

A. Except as otherwise provided, a violation of this chapter is a civil infraction and shall be punishable by a fine not to exceed five hundred dollars. Each violation of a provision of this chapter shall constitute a separate offense, and each day that a violation of this chapter is committed or permitted to continue shall constitute a separate offense. In addition to any other forfeiture, remedy,

order or penalty provided by law or city ordinance, the court, upon a determination of a violation, may order the exclusion of a person from a park or any portion thereof for a period of up to one year.

B. In addition to other remedies provided by this chapter or other law, the city manager and/or city council is authorized to revoke the permit or approval given or issued to a person who violates any rule or regulation set forth in this chapter or any condition under which the permit was issued. Such determination shall be in writing and delivered to the person to whom the permit was issued. Any person aggrieved by the revocation of such permit may appeal such determination in accordance with the procedures provided in [Section 12.24.050](#).

C. The remedies provided by this chapter for violation thereof are cumulative and the pursuit of one remedy shall not preclude the use of another. In addition, where an offense defined under this chapter is also punishable under state law or city ordinance, the use of a remedy or remedies provided by this ordinance shall not be construed as an election of remedies or otherwise preclude the use of additional or alternative remedies or penalties provided by law.

D. Where a person has been refused a permit or authorization for use of a park and such refusal is not in connection with an order otherwise appealable to the municipal court under [Section 12.24.050](#), an aggrieved person may petition in writing to the city manager, or designee, for reconsideration of such refusal. (Ord. 2824 §2(part), 1998)