

## Chapter 11.03 CITY PARKS

### Sections:

11.03.010	Purpose
11.03.020	Definitions
11.03.030	Allowable hours of operation
11.03.040	Prohibited activities
11.03.050	Use of parks and permits for exclusive or special park use
11.03.060	Park operations and maintenance
11.03.070	Park master plan standards
11.03.080	Naming of park facilities
11.03.090	Violations and Enforcement

**11.03.010 Purpose.** The establishment and maintenance of City parks and related facilities is intended to benefit current and future citizens of the City of Mosier by providing opportunities for active and passive recreation and relaxation. The regulations set forth in this chapter and any rules and regulations adopted administratively by the City are intended to promote and protect the public, health, safety and general welfare and to ensure that public park properties and facilities are used and maintained in a way that benefits the greatest number of citizens for the long-term. These regulations also provide a procedure for issuing permits for organized community and family events in City parks for one-time events and on-going activities.

**11.03.020 Definitions.** The following terms shall have the indicated definitions for purposes of this chapter:

- A. "Camp" means to remain in and/or sleep over night and to erect a tent or other shelter or to use a sleeping bag, a vehicle or a trailer camper for the purpose of or in such a way as will permit remaining over night.
- B. "City" means the City of Mosier acting through the City Council, an authorized official or representative acting within the scope of their authority.
- C. "Director" means the City official designated by the Mayor to administer the management, maintenance and use of City parks.
- D. "Motor vehicle" means any motorized, self-propelled vehicle capable of being moved upon a road or other surface by which any persons or property may be transported, and shall include but not be limited to automobiles, boats, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles and snowmobiles.
- E. "Park" means all public land, structures and related facilities that are owned, held or operated by the City of Mosier for public recreational use, and are provided for in the City's Park Capital Improvement Plan. The term "park" includes park land, plazas, playgrounds, sports and playing fields, community and activity centers and associated buildings, designated open spaces, critical lands and the like.

F. "Person" means an individual person, group of people, family, corporation, firm, partnership, club and any association or combination thereof.

G. "Trail" means a City park, or part thereof, the use of which is limited to pedestrians, bicycles and other non-motorized modes of travel.

**11.03.030 Allowable hours of operation.** Unless indicated otherwise for a specific park, a City-sponsored event, or on a City-issued permit, all parks shall be open to the public between the hours of 5:00 a.m. until 10:00 p.m. No person shall enter onto or use any park outside of these hours without specific authority or a permit to do so.

**11.03.040 Prohibited activities.** Unless allowed in a specific park, at a City-sponsored event or pursuant to a City-issued park use permit, the following activities are prohibited in all parks:

A. Any activity that constitutes a civil infraction or a crime under the Mosier Municipal Code, State or Federal law.

B. Activities that are hazardous to others such as the following:

1. Practicing or playing of games or activities in a manner that could knowingly harm other persons, animals and/or real or personal property;
2. Building or maintaining fires except in a park and a place within a park where fires are allowed.
3. Operating a motor vehicle in excess of 10 miles per hour or driving off of a paved surface.

C. Activities that interfere with the use and enjoyment of parks by others including the following.

1. Commercial activities conducted for private gain without prior authorization by the City;
2. Operation of a powered public address system or amplified music speaker system or other means of amplifying sound;
3. Cutting woody vegetation, causing harm or destruction to plants, trees or animals in a park;
4. Camping or overnight parking of recreational vehicles, including trailers, except in a park, and a place within a park, where camping is allowed;
5. Posting signs, posters or notices except where specifically allowed by the City;
6. Interfering with the use of a reserved area of any park obtained through an approved park use permit process.
7. Hiking or bike riding off of a designated trail, where the particular park rules and regulations require people to stay on trails.

8. Failure to keep pets on a leash, except for designated “dog park” areas, service dogs or dogs used by a governmental agency;
9. Failure to clean up animal waste.

**11.03.050 Use of parks and permits for exclusive or special park use.**

A. The City will honor any lease, permit or agreement for the use of a park that was previously issued and in effect on the day this chapter becomes effective.

B. Any person may enter, occupy and use any park only in accordance with the requirements of this chapter, a City issued park use permit, and any applicable rules or regulations.

C. Use of a park or part thereof by a group of more than 50 people and exclusive use of a park or part thereof by any number of people requires a permit under this section. Any permit issued under this section for the use of a park or part thereof shall constitute a special regulation and shall control the use of the park by the public as well as the permit holder.

D. City parks or parts thereof may be reserved for one-time special use, such as a community event or festival, family picnic, wedding or other special event, or for use on an on-going basis for a regular or recurring event, such as a weekly sporting event. Anyone seeking a park use permit shall apply for and obtain a permit from the City under this section.

1. Application for a park use permit shall be made on forms provided by the City at least 30 days prior to use of the park. The City may impose permit fees reasonably calculated to pay the City’s actual or average cost of administering the park permit program and enforcing park rules and regulations, including reasonable maintenance, clean-up and repair associated with park use by permittees.
2. Use of a park or part thereof may be exclusive and shall comply with this chapter, all applicable rules and regulations and all conditions attached to the permit.
3. The applicant for any park use that might attract a large crowd shall provide security for that activity. All security measures shall be reviewed and approved by the Wasco County Sheriff’s Office at least 30 days before the activity. Failure to comply with this requirement may result in the Director stopping and/or canceling the park use or activity.
4. The Director shall have the authority to resolve any scheduling conflicts for parks or parts thereof in a way that best serves the City, the public and the parties involved.
5. The Director may require the permit holder to obtain liability insurance in a form and amount sufficient to insure the permit holder and the City against any claim for property damage, bodily injury or death.

E. The Director shall have the authority to approve, approve with conditions or deny any park use permit. A permit may be denied if the Director determines that the proposed use may cause or lead to damage or destruction of park or near-by land or the Director determines that the proposed use is prohibited. Where the Director determines that that a proposed activity will have significant impact on abutting property owners, the general public or other users of the park, the Director may refer the use request to the City Council for a decision.

F. Any applicant for a park use permit under this section may appeal a denial or condition attached to a permit by filing a written appeal with the City clerk within 7 days of the Director's decision. The City Council shall hear and decide any such appeal, and the City Council's decision shall be final.

G. The provisions of this chapter do not relieve or limit in any way the responsibility or liability of any person, business or organization using a park for personal injury property damage or death resulting from the use, authorized or unauthorized, of park property or park facilities. Neither the City or its agents, official or employees shall be responsible or liable for any claim for damage, injury or death resulting from the use of any City park.

#### **11.03.060 Park operations and maintenance**

A. Parks maintenance and operations shall be conducted by the City or its authorized agent under the supervision of the Director.

B. Volunteer groups or organizations are encouraged to assist the City in the improvement and/or maintenance of its park property and/or park facilities. Such assistance may be on a one-time, annual or on-going basis. Volunteer organizations that wish to assist the City with parks maintenance and operation shall fill out an information form indicating the location, time and extent of proposed volunteer activity and specifying a contact person provided by the City prior to the commencement of any work.

C. The Director shall review and may allow requests to conduct volunteer activities for any temporary or permanent park improvements and maintenance including, but not limited to, seasonal plantings. Volunteer activities for permanent and durable park improvements, including, but not limited to, buildings, lighting, trees and shrubs and benches shall be reviewed by the Director or his or her designee. In reviewing requests for volunteer activities, the Director shall determine if the proposed improvement is in conformance with any adopted master plan and any other applicable policies or laws and will make the final decision on all such requests.

#### **11.03.070 Park master plan standards**

A. The City may adopt, and from time to time revise, rules and regulations governing the maintenance, operation, improvement and use of specific parks or city parks generally. Those rules and regulations shall become legally binding requirements according to their terms.

B. The City shall adopt and may from time amend one or more park master plans for specific parks or City parks generally. The City shall also adopt and may from time to time amend a Capital Improvements Plan for City parks.

### **11.03.080 Naming of park facilities**

A. The following are the general procedures for the naming of City parks. These procedures apply to existing parkland that is not currently named or new parkland dedicated to the City as part of a development action or donated to the City by a private party.

1. Submittal of Request. A request to name a park shall be submitted in writing to the City clerk on forms provided by the City.
2. City staff shall make a presentation to the City Council on the park name proposal and shall provide the City Council with information about the requesting party, including any specific requests for naming, park location and park size. Staff will provide a recommendation to the City Council on the naming request.
3. The City Council as part of a regular meeting agenda will consider the request, staff's recommendation and any other relevant information or testimony. The City Council's decision on a park name request shall be final.

B. In considering park name proposals the City will consider the following factors:

1. Geographic References. Park names may be based on their location in the community or a common name for the area where the park is located.
2. Recognition of Individuals. Park names may be based on deceased or living individuals who have provided significant service to the community. The City will attempt, when possible, to obtain written evidence of family support for the park naming consideration prior to City staff recommendation to the City Council.
3. Recognition of Function. Park names may be based on a specific function that the park serves.
4. Recognition of Historical or Cultural or Community Based Events or Organizations. Park names may be based on historical events, cultural events, or for community based events or organizations.

C. The City Council shall not be bound by the preceding guidelines, and may follow other considerations when considering the naming of park facilities.

**11.03.090 Violations and Enforcement.** Any person who violates a requirement of this chapter, a rule or regulation adopted by the City for the use of a park or a condition of a City-issued park use permit shall be guilty of a civil infraction and subject to enforcement under MMC chapter 2.10 and/or revocation of a park use permit.