

# City Council Agenda

# Advance Packet

Dated: July 16, 2010

**For Monday, July 26, 2010, Council Meeting**

Included in this packet is documentation to support the following Agenda item(s):

## **ORDINANCES**

- Ordinance 10-O-667, adding Section 12.25.012, Rules and Regulations Specific to City Owned Parks, to BMC Chapter 12.25.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: July 26, 2010

Originating Dept: City Manager

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject: Adding Parks Rules and Regulations to Brookings Municipal Code.

Recommended Motion:

Adopt Ordinance 10-O- 667, adding Section 12.25.012, Rules and Regulations Specific to City Owned Parks, to Brookings Municipal Code Chapter 12.25, Public Parks and Recreational Areas.

Financial Impact:

None

Background/Discussion:

The Parks and Recreation Commission has developed recommendations for rules and regulations that would be applicable to all City parks. These rules and regulations are based primarily upon those contained in the City's Park Use Permit Application. The rules and regulations have been reformatted into Ordinance form for adoption into the Brookings Municipal Code, which would make the rules and regulations enforceable as a matter of law.

The Commission reviewed this matter several times and voted 3-1 to recommend final adoption to the City Council. One Commissioner opposed adopting the rules without provision to allow for the use of fireworks in the parks by permit.

The Police Chief recommended an addition to the ordinance which would authorize the use of certain provisions of the Oregon Revised Statutes as enforcement mechanisms, including the use of trespassing provisions.

Attachment(s):

Proposed ordinance

**IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON  
ORDINANCE 10-O-667**

**AN ORDINANCE ADDING SECTION 12.25.012, RULES AND REGULATIONS SPECIFIC TO CITY -OWNED PARKS, TO BROOKINGS MUNICIPAL CODE CHAPTER 12.25, PUBLIC PARKS AND RECREATIONAL AREAS, TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES.**

Sections:

- Section 1. Ordinance identified.
- Section 2. Adds Section 12.25.012

The City of Brookings Ordains as follows:

Section 1. Ordinance identified. This ordinance adds Section 12.25.012, Rules and Regulations Specific To City Owned Parks, to Brookings Municipal Code Chapter 12.25, Public Parks and Recreational Areas, Title 12, Streets, Sidewalks and Public Places.

Section 2. Adds Section 12.25.016. Section 12.25.012 is added as follows:

**12.25.012 Rules and regulations specific to city-owned parks.**

- A. The following activities and uses are prohibited in all City parks, except by City park employees, volunteers or contractors in the performance of authorized maintenance or construction:
1. Camping.
  2. Parking or use of motorized vehicles, other than wheelchairs, on walkways, landscaped areas, natural vegetation areas, playgrounds and sports fields, except for authorized maintenance or the purpose of set-up or tear-down of an event.
  3. Firearms, fireworks or explosives, except as expressly permitted under BMC Section 9.10.055.
  4. Throwing of rice or seeds, including bird seed.
  5. Damage to or removal of any vegetation.
  6. Modification or painting of any structure, equipment or furniture.
  7. Bicycles, skateboards, skates or roller blades, except in designated areas.
  8. Unleashed dogs.
  9. Failure to remove animal excrement by the animal owner.
  10. Attaching signs to any City sign post, trees or other vegetation.
  11. Use of any park for an organized public performance, public gathering or event without having first obtained an approved Park Use Permit.
  12. Amplified sound and/or music at a level that is not contained within the immediate area of the activity, subject to BMC Section 8.15.080.
  13. Placement of any sign without first having obtained approval by the City Manager or his designee.
  14. Failure to remove signs within two hours of the conclusion of an event.
  15. Fires, except fires in camp stoves, portable barbeques or fireplaces provided for such purposes.
  16. The use of camp stoves, portable barbeques except in designated picnic areas.
  17. Unattended fires, camp stoves or portable barbeques.

- 18. Leaving the location of a fire until the fire is completely extinguished with no hot coals remaining.
- 19. The use of amplified sound at Bankus Park.
- 20. The use of Bankus Park for more than single-day events, except as approved by the Parks and Recreation Commission.

**B. Penalties and Fines.**

- 1. The fine for a first offense under section 12.25.012(A) is \$50.00, a second violation is \$100.00, and any third or subsequent violation shall be the maximum allowed under BMC Chapter 1.05, General Penalty.
- 2. Upon a third violation/conviction, the offending person may be prohibited from using or entering all city-owned parks for a period of one year.
- 3. If a person is given a citation for violating section 12.25.012(A), he or she must immediately cease the offending conduct. If the person given the citation continues the offending use or activity, he or she will be subject to additional citations and/or immediate trespass under ORS 164.245.

First Reading: \_\_\_\_\_  
 Second Reading: \_\_\_\_\_  
 Passage: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

Signed by me in authentication of its passage this \_\_\_\_\_, day of \_\_\_\_\_, 2010

ATTEST:

\_\_\_\_\_  
 Mayor Larry Anderson

\_\_\_\_\_  
 City Recorder Joyce Heffington