

# Park and Facility Rules Ordinance 100

## GOVERNING CONDUCT ON DISTRICT PROPERTY

WHEREAS Willamalane Park and Recreation District seeks to keep its parks and facilities safe, clean and orderly, and wishes to ensure an enjoyable and respectful environment for all users;

WHEREAS Willamalane Park and Recreation District wants to compile in one ordinance all the district's ordinances, regulations and policies governing conduct on district property and in district programs, in order to make them more accessible to the public;

WHEREAS Willamalane Park and Recreation District wishes to assure preservation of district parks and facilities, avoid overuse, ensure adequate parking and sanitary facilities to accommodate park users, ensure the park and surrounding areas are kept clean, and prevent scheduling conflicts; and

WHEREAS Willamalane Park and Recreation District has the authority to adopt regulations by ordinance pursuant to ORS 266.410 (7).

BE IT ENACTED BY WILLAMALANE PARK AND RECREATION DISTRICT:

Willamalane Park and Recreation District hereby ordains that all prior ordinances, regulations and policies governing conduct on district property are hereby amended and restated in their entirety to read as follows:

### 1.05 Definitions:

1. "District" means the Willamalane Park and Recreation District.
2. "District facilities" includes the Adult Activity Center, Camp Putt Adventure Golf Park, Splash! at Lively Park, Bob Keefer Center for Sports and Recreation, and the Willamalane Park Swim Center.
3. "District park" includes Dorris Ranch Park, the Thurston Hills Natural Area, and all neighborhood parks, natural areas, paths, and athletic fields owned, leased, operated or controlled by the district.
4. "District program" includes any recreational program or special event sponsored by the district.
5. "District parks and facilities" 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.
6. "Excluded person" means a person excluded from all or part of the district parks, facilities, and programs pursuant to §1.15 of this ordinance.
7. "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 programs for a period of time.

### 1.10 Regulations:

**1. Criminal activity.** No person or persons shall violate any city, county, state, or federal laws, ordinances or regulations while in district parks and facilities or while participating in district programs.



**2. Drugs.** No illegal drugs are allowed in district parks and facilities or in district programs.

**3. Alcohol and marijuana.** No alcoholic beverages or marijuana are allowed in district parks, facilities, and programs without the authorization of the superintendent or designee. Champagne, beer, and/or wine may be served at designated 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.

**4. Audio devices.** No sound-amplifying devices are permitted in any district park and facilities, except in conjunction with district-sponsored or sanctioned activities as permitted by the city of Springfield.

**5. Weapons.**

**(a) DISTRICT PARKS AND FACILITIES LOCATED IN SPRINGFIELD CITY LIMITS.** Hunting, firearms, fireworks, and loaded weapons are not allowed in District Parks and Facilities within the Springfield city limits except for District-sanctioned activities. The prohibition on firearms and weapons does not apply to a person licensed to carry a concealed handgun. (Springfield Municipal Code Sections 5.286, 5.288 and 5.290 and ORS 498.158)

**(b) DISTRICT PARKS LOCATED OUTSIDE THE SPRINGFIELD CITY LIMITS BUT WITHIN LANE COUNTY.**

No fireworks are allowed in District Parks and Facilities, except as authorized by the District. Hunting is not permitted in any District Parks. No person shall discharge within any District Park any weapon capable of harming persons, wildlife, or property. (Lane County Code Chapter 6.510 (2), ORS 498.158)

**6. Fires.** No open fires or barbecues are permitted, except in District designated fire pits, fireplaces, or barbecues.

**7. Vehicles.** No unauthorized vehicles are allowed in District Parks except in designated public parking spots.

**8. Camping.** No overnight camping is permitted in District Parks and Facilities, except when authorized by the Superintendent.

**9. Animals.** No horses or other pack/riding animals are allowed in any District Park, except in designated areas or in conjunction with District-sponsored or sanctioned activities. All pets must be on a leash except in designated areas. Pet owners are responsible for the immediate removal of animal solid waste.

**10. Park Hours.** For public use, park hours are from 6 a.m. to 10 p.m. April through October and 6 a.m. to 8 p.m. November through March, excluding District-sponsored or sanctioned activities. Park hours will be posted in a visible place in each District Park.

Park gates may be closed at times that differ from the park hours, such as at Clearwater Park, Dorris Ranch, Quartz Park, and Ruff Park, where the gates are typically open from sunrise to sunset. In such situations, non-vehicular access is permitted until the park is closed.

**11. Printed Materials.** Printed materials may be posted at specifically designated locations in District Parks and Facilities provided appropriate approval from the District's Public Affairs

Manager or designee has been obtained. Any person or persons that distribute printed information in any District Park or Facility must pick up any litter created by such distribution.

**12. Aggressive Behavior.** No person or persons shall use aggressive, intimidating, or assaultive behavior in District Parks, Facilities, or Programs.

**13. Smoking.** Effective October 1, 2015, there shall be no smoking in any District Parks and Facilities or within any space or area where smoking is prohibited by law or ordinance.

(a) "Smoking" as used herein shall include: electronic smoking devices, 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.

(b) "Electronic smoking devices" as used herein includes an electronic or battery operated device that delivers vapors for inhalation. Electronic smoking devices includes every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

(c) Notwithstanding the foregoing, the Superintendent may establish designated smoking areas for specific rental contracts. This section (c) shall sunset and no longer be effective on December 31, 2017.

**14. Program or Facility Rules.** No person shall refuse to obey any reasonable District Program or District Facility rules.

**15. Direction of District Employee.** No person shall refuse a request to obey any reasonable direction of a District employee, or other person as may be designated by the Superintendent.

**16. Bicycles.** Bicycles may not be used on trails and paths that are designated and posted for pedestrians or runners only, such as Pre's Trail in Eastgate Woodlands.

**17. Entrances to District Parks and District Facilities.** No person or persons shall block the entering or exiting of patrons to District Parks or District Facilities.

#### 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 Superintendent, may issue a Notice of Exclusion from all or part of the District Parks, Facilities, and Programs for violation of this Ordinance for up to a maximum of 1 (one) year.

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 Superintendent, may, without giving written Notice of Exclusion, direct a person to leave a District Park, District Facility, or District Program if the District employee 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 effectively 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 the District Parks and Facilities 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 Parks and Facilities from which the person has been excluded may be charged with Criminal Trespass in the Second Degree, 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 to an Assistant Superintendent within ten (10) calendar days of the Excluded Person's receipt of the Notice of Exclusion at:

Willamalane Park and Recreation District  
Attn: Assistant Superintendent — Exclusion  
250 S. 32nd St.  
Springfield, OR 97478

During the administrative review process, the exclusion shall remain in effect in accordance with the terms of the Notice of Exclusion.

**2. 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.

a. Administrative reviews shall be conducted by one of the District's Assistant Superintendents as designated by the Superintendent.

b. The administrative review will be conducted in person as soon as reasonably practicable to accommodate the schedules of the Excluded Person and the Assistant Superintendent. At the election of the Assistant Superintendent, the administrative review may be conducted by telephone.

c. The Excluded Person shall represent himself/herself at the review, unless the Excluded Person is a minor or otherwise incapable of representing himself/herself 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 his/her representative and mutually agreed to by the Assistant Superintendent.

d. Upon conclusion of the review and investigation, the Assistant Superintendent shall, in his/her discretion, either: (i) uphold the exclusion in accordance with the terms of the Notice of Exclusion; (ii) modify the terms of the exclusion; or (iii) terminate the exclusion.

e. An administrative review is a prerequisite to an appeal of 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. Such request must be delivered to the District Superintendent, or his/her designee,

within ten (10) calendar days of the Excluded Person's receipt of the Assistant Superintendent's determination at the administrative review at:

Willamalane Park and Recreation District  
Attn: Superintendent — Exclusion  
250 S. 32nd St.  
Springfield, OR 97477

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 administrative review.

**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 wrongful, unfair or improper;
- 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 wrongful, unfair or improper.

- a. Appeals shall be heard by the District Superintendent, or such other person as is designated by the Superintendent.
- 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. 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 himself/herself at the hearing, unless the Excluded Person is a minor or is otherwise incapable of representing himself/herself due to physical or mental disability or impairment, in which case the Excluded Person may be represented by a person designed by the Excluded Person as his/her representative and mutually agreed to by the District Superintendent, or his/her designee.
- d. The Excluded Person shall have the burden of proving that the exclusion is wrongful, unfair, or 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 wrongful, unfair, improper, or prohibited by law. The District Superintendent, or his/her 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 District Superintendent, or his/her 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 District Superintendent, or his/her 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 12<sup>th</sup> day of October, 2016.