

# PARK AND OPEN SPACE RULES

REPRINTED SEPTEMBER 2009

*These park rules have been established for the protection, enjoyment and convenience of all citizens. Please respect the public's investment and the rights of other park users by obeying these rules. Questions or concerns regarding any rule should be directed to the Parks and Open Space Division of the Public Works Department, 1820 Roosevelt Boulevard, Eugene, Oregon 97402, (541) 682-4800.*

**Johnny Medlin**  
**Parks and Open Space Division Director**

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## ADMINISTRATIVE ORDER NO. 58-09-11-F

PUBLIC WORKS DEPARTMENT  
CITY OF EUGENE, OREGONAMENDMENT OF THE CITY'S PARK AND  
OPEN SPACE RULES AND REPEAL OF  
ADMINISTRATIVE ORDER NO 58-07-02 F**The Executive Director of the Public Works Department of the City of Eugene finds that:**

- A. Pursuant to the authority in Section 2.019 of the Eugene Code, 1971, and the authority delegated to the Executive Director of the Public Works Department by Administrative Order No. 21-03-12 of the City Manager, the Executive Director of the Public Works Department issued Administrative Order No. 58-07-12-F on March 28, 2007, adopting amended Park and Open Space Rules (the Park Rules).
- B. On August 3, 2009, I issued Administrative Order No. 58-09-11 proposing to amend the Park and Open Space Rules by: (1) amending Rule 1.004(1), "Use Permits" to add provisions requiring that park events be consistent with park classifications and allowing for the submission of "Date Hold" applications; (2) amending Rule 1.007(2) (c) to add Westmoreland Park to the list of parks in which possession and consumption of alcoholic liquor is prohibited without a Standard Use Permit or a Special Event Permit; (3) amending Rule 1.008 by extending the prohibition of tobacco use area outside of City facilities from 10 feet to 25 feet; (4) adding a new section 1.040 concerning encroachment upon parks; and (5) adding a Rule number (1.076) to the Penalty section.
- C. Notice of the proposed Rule amendment was published in the Register-Guard, a newspaper of general circulation within the City, on August 9, 10, 11, 12, and 13, 2009, and was made available to any person who had requested such notice. The Notice provided that written comments would be received for a period of 15 days from the first publication date. No comments were received within the time or in the manner described in the Notice.

Based upon the above findings, the findings in Administrative Order No. 58-09-11, and pursuant to the authority of Section 2.019 of the Eugene Code, 1971, and Administrative Order No. 21-03-12: (1) the unamended provisions of the Park and Open Space Rules adopted by Administrative Order No. 58-07-02-F remain in full force and effect and are incorporated into the amended Park and Open Space Rules set out in this Order; (2) Administrative Order No. 58-07-02-F is repealed as of the effective date of this Order; and (3) the Park and Open Space Rules are amended and adopted to provide:

## **PARK AND OPEN SPACE RULES**

### **1.000 PARKS AND OPEN SPACE AREAS COVERED**

The following rules shall apply to all park property and facilities thereon belonging to the City of Eugene, including park property and facilities outside the corporate limits of the City and County parks within the corporate limits of the city, except park property and facilities for which other specific rules or regulations have been adopted. The following rules also apply to all “open space” areas. For purposes of these rules, “open space” areas include all natural areas owned or leased by the City and managed for their natural resource value by the City’s Parks and Open Space Division of the Public Works Department. References herein to “park,” “park area,” or “open space” shall be deemed to include, where applicable, any facilities located thereon or recreational programs conducted therein or thereon.

### **1.002 RESPONSIBILITY FOR ADMINISTRATION OF RULES**

Responsibility for the acquisition, maintenance, use and operation of City parks, park lands, open space areas, park facilities, and recreation programs has been delegated by the City Manager as follows:

- (1) To the Executive Director of the Public Works Department:
  - (a) The authority under Section 2.019 of the Eugene Code, 1971, to promulgate park rules;
  - (b) The responsibility for the acquisition, maintenance, use and operation of City parks, park lands, and open space areas.
- (2) To the Executive Director of the Library, Recreational and Cultural Services Department (LRCS) the responsibility for the administration, use and operation of park facilities and recreation programs.

Therefore, references to “Executive Director,” “City,” and “authorized City personnel” in these rules shall be deemed to include the Executive Director of Public Works and personnel from that department. It shall also be deemed to include the Executive Director of LRCS and personnel of that department when the use, conduct or authority involves recreation programs or activities, or park facilities directly associated with those recreation programs or activities.

### **1.003 HOURS PARKS AND OPEN SPACE AREAS ARE CLOSED**

- (1) Unless a specific exemption has been granted by the City Council, between the hours of 11:00 p.m. of one day and 6:00 a.m. of the succeeding day, no person other than law enforcement or authorized personnel shall be in a park or open space unless driving, bicycling, walking, or otherwise moving through the park or open space on lawful business within the public street right-of-way or officially designated bicycle path or sidewalk, or authorized to be in the park or open space by the City Manager or the City Manager’s designee. In addition to any closures or reductions in services dictated by budgetary constraints, the Director of Public Works may temporarily close all or any portion of a park, open space, or facility upon finding that conditions that threaten the welfare or safety of nearby residents exist and the need to preserve their welfare and safety outweighs the public’s right of access to the park, open space, and/or facility. The Director of Public Works’ determination shall be by Administrative Order, shall contain the required findings, set forth the specific area that is closed to entry, the date of closure, and the date upon which it will be reopened. Clearly visible signs shall be posted at park or open space entry points and such other locations deemed appropriate by the Director of Public Works, advising the public that entry is prohibited and the penalty for violation. No person other than law enforcement officers or authorized personnel may enter or remain within a park, open space, or facility during the closure period set forth in the Director of Public Works’ order.
- (2) In addition to a closure ordered under Subsection (1) of this Section, the Director of the Public Works Department may restrict vehicular access to City parks or open space during regular open hours upon finding that such restriction is necessary for the preservation of the health, welfare and safety of the citizens of the City of Eugene. Upon such a determination, the gates at park or open space entry points may be closed, and appropriate signs will be posted, indicating the hours

that vehicular access is prohibited. A closure under this Subsection shall not limit the public's right of non-vehicular access to a park or open space between 6:00 a.m. and 11:00 p.m.

#### 1.004 USE PERMITS

**(1) Permit Required.** Unless specifically authorized by the City pursuant to a written agreement, license, permit or other Administrative Rule, no person may conduct a public assembly, private gathering, parade, picnic, or other event involving more than 20 individuals in a City park, open space or park facility without first obtaining either a Standard Use Permit or a Special Event Permit.

- (a) A request to use a City park, open space or park facility must be submitted to the Public Works Department (1820 Roosevelt, Blvd., Eugene, OR 97402) by completing an application form provided by the City. The application must be accompanied by an application fee as established by Administrative Order of the City Manager pursuant to section 2.020 of the Eugene Code, 1971. The City will not accept an application for processing it if is not accompanied by the required application fee. Application fees for Standard Use or Special Event permits are not refundable. If an event is canceled, facility rental fees are refundable in the manner prescribed by Administrative Order of the City Manger.
- (b) Permit applications must be accompanied by a signed statement (on a form provided by the City) providing that the applicant will defend, indemnify and hold harmless the City, its officials, agents and employees, for all claims of injury to property or persons that may arise as a result of any activity occurring at the event for which the applicant seeks a City permit.
- (c) Except as provided in subsection (d) below, permit applications will only be accepted for the current calendar year and permit applications will be processed in the order of receipt, beginning on the first working day in January. The order of receipt of applications received prior to 9 a.m. on the first working day in January shall be determined by lottery.
- (d) The City will accept permit applications for the next calendar year if the applicant can demonstrate that the subject event has been permitted by the City for the last three consecutive years at a specific location on a specified weekend or specific date(s). The City will accept these applications no sooner than the December

prior to the year of the event.

- (e) A person must obtain a Standard Use Permit to reserve a City park, open space or park facility for private gatherings of invited guests, such as weddings, bar mitzvahs, birthday parties, scheduled business gatherings, etc.
- (f) A person must obtain a Special Event Permit to hold an event in a City park, open space or facility if the event will:
  - 1. Have a controlled admission; or,
  - 2. Require the erection of canopies, tents, booths, or stages; or,
  - 3. Be advertised as a public event; or,
  - 4. Amplify sound for more than two hours; or,
  - 5. Use a park or open space facility as a staging site for a public event.
- (g) Use permits will be issued consistent with park classifications and in accordance with this subsection. Park classifications are shown on Map 1 of the City's Parks, Recreation and Open Space Project and Priority Plan, adopted by City Council Resolution No. 4863.
  - 1. Neighborhood parks are intended to primarily serve residents living within a ½ mile radius of the park; on-site parking is not generally provided. Unless the event receives endorsement from the governing neighborhood association, the City will not issue a use permit for a neighborhood park if the anticipated attendance of the proposed event will exceed 250 people or if the event is being advertised as a community-wide event.
  - 2. Community parks are intended to serve the meeting and recreational needs of more than one neighborhood; on-site parking is generally provided. If a person applies for a neighborhood park use permit but the proposed attendance of the event will exceed 250 people or the event is being advertised as a community-wide event, unless the park permit application is denied pursuant to Section 1.004(8) of these rules, the City shall offer to issue the park use permit for a community park if one is available.
- (h) Up to twenty-four (24) months prior to the date of an event, a person may obtain a "Date Hold" for the event.
  - 1. Date Hold requests must be submitted to the Public Works

Department (1820 Roosevelt, Blvd., Eugene, OR 97402) by completing an application form provided by the City. The application must be accompanied by a Date Hold application fee, as established by Administrative Order of the City Manager pursuant to section 2.020 of the Eugene Code, 1971. The City will not accept a Date Hold application for processing if it is not accompanied by the required application fee. Date Hold application fees are not refundable, however, at the time of Special Event Permit application submission, a portion of the Date Hold application fee will be applied to the Special Event Application fee and facility fees in accordance with an Administrative Order of the City Manager adopted pursuant to section 2.020 of the Eugene Code, 1971.

2. If a date is held for an event in accordance with this subsection, but the responsible person does not submit a Special Event Permit application in December prior to the year of the event, the held date will be released on January 1 of the year of the event.
3. An event qualifies for a Date Hold if all of the following conditions are met:
  - i) A person has submitted a complete Date Hold application, including the required non-refundable Date Hold application fee; and,
  - ii) The anticipated attendance of the event will exceed 500 people; and,
  - iii) A person has submitted to the Eugene Special Events Team (ESET) an Event Notification Form and ESET has made are commendation regarding the event; and,
  - iv) The City has not permitted an event at the requested location and on the requested date for the last two consecutive years; and,
  - v) The applicant has demonstrated that the proposed event complies with Section 1.004(1)(g) of these rules.

**(2) Special Event Permit Applications Must Include:**

- (a) For events with an anticipated attendance exceeding 500 people, a certificate of insurance naming the City of Eugene as

an additional insured. The certificate must demonstrate that the special event organizers maintain a commercial general liability insurance policy with coverage of at least \$500,000, combined single limit per occurrence. The policy must be a primary policy, not a policy that contributes to any coverage that the City may carry.

- (b) A site plan for the park or open space, if the permit holder intends to bring to the park or open space equipment, booths, garbage dump boxes, portable restrooms or a stage.
- (c) A schedule of entertainment, if the permit holder intends to use amplified sound.
- (d) A route map for the park and streets, if the permit holder intends to use the park to hold a race/walk/bike event. If the proposed event will impact public ways that are usually open to two-way traffic, the route map must address how the applicant intends to mitigate the impact on the two-way traffic by showing how two-way traffic will be maintained during the event or showing how and where two-way traffic will be controlled and diverted.
- (e) A traffic control and parking plan, if the permit holder anticipates that attendance at the event will exceed 500 people. The traffic control and parking plan must specify where parking will be provided for the anticipated number of event attendants, where vendor parking will be provided and where the applicant intends to provide overflow parking if event attendance exceeds the anticipate number of persons. If the proposed event will impact public ways that are usually open to two-way traffic, the traffic control and parking plan must address how the applicant intends to mitigate the impact on the two-way traffic by showing how two-way traffic will be maintained during the event or showing how and where two-way traffic will be controlled and diverted.
- (f) For events with an anticipated attendance exceeding 500 people, a roster/schedule that identifies the contact person(s) that will be on-site at the event and provides the telephone number of the cell phone that the contact person(s) will be carrying while at the event site. The roster/schedule must cover every hour of the event and the identified contact persons(s) must have the authority to correct problems that arise at the event.
- (g) The applicant's consent to attend a pre-event conference and/or post-event conference with City staff, if a request for one or both of these conferences is made by the City.

### **(3) Alcoholic Beverages.**

- (a) The consumption and/or sale of alcohol at an event for which the City has issued a permit must comply with section R-1.007 of this Rule and all rules established by the Oregon Liquor Control Commission (OLCC).
- (b) If an event involves the sale of alcoholic beverages, event organizers must maintain a commercial liquor liability insurance policy and submit a certificate of insurance with the permit application.
  - 1. Standard Event Permit holders must maintain liquor liability coverage of at least \$500,000, combined single limit per occurrence.
  - 2. Special Event Permit holders must maintain liquor liability coverage of at least \$1,000,000, combined single limit per occurrence.
- (c) If an event involves the sale of alcoholic beverages but no permit is required for the event, event organizers must maintain commercial liquor liability insurance with liability coverage of at least \$500,000, combined single limit per occurrence, and submit a certificate of insurance to the City prior to the event.
- (d) If an event involves the sale of alcoholic beverage, event organizers must obtain an OLCC license and provide the City with a copy of the license at least 20 days prior to the date of the event.
- (e) Even if an event organizer is not required to obtain insurance pursuant to another provision of these Rules, if an event involves the free service of alcoholic beverages, the City will not issue a Standard Use Permit or a Special Event Permit, or enter into a rental agreement for a community center or a senior center, unless the event organizer has provided the City with proof of insurance coverage for the event.

### **(4) Food.**

- (a) If food at the event is to be sold, catered, or given away for charitable purposes, event organizers must provide the City with a copy of the restaurant license and a certificate of insurance by the last business day of the week prior to the date of the event. If a vendor fails to provide the City with a copy of the license by the last business day of the week prior to the date of the event

the vendor is prohibited from setting up at the event. For the purposes of this section, “business day” means Monday through Friday, 9 a.m. to 5 p.m., exclusive of holidays. This food licensing requirement does not extend to personal gatherings where food is exchanged among participants, such as potluck events.

- (b) A Special Event Permit holder may restrict event attendants from bringing outside food and non-alcoholic beverages into the areas that are subject to a separate rental agreement with the City and that have a controlled admission. A Special Event Permit holder may not otherwise prohibit outside food and non-alcoholic beverages at special events.

### **(5) Signs and Concessions.**

- (a) A Special Event Permit holder is exempt from Section 1.060(1) of this Rule which prohibits anyone, except in specifically designated areas, from erecting a sign, marker or inscription of any type within a park or open space area.
- (b) A Special Events Permit holder is exempt from Section 1.060(2) of this Rule which prohibits anyone from operating a fixed or mobile concession, soliciting, selling, offering for sale, peddling, hawking or vending any goods or services or advertising any goods or services.
  1. Event organizers are responsible for maintaining control over the vendors who sell goods or services at permitted events.
  2. Sales of goods and services must be confined to the boundaries of the event.
  3. If the City has an existing contract with a vendor for business in a City park or open space, that contract will supersede the event organizer’s permit allowing the organizer to contract with a vendor.

**(6) Security/Traffic Control.** Security/Traffic Control. For special events with an anticipated attendance exceeding 500 people, event organizers must provide security and traffic control personnel for the event. An event organizer must hire enough security/traffic personnel to effectively manage the anticipated size of the event. Event organizers must provide documentation establishing that the personnel hired for traffic control have adequate experience in traffic control to effectively manage the anticipate size of the event. Personnel providing traffic control services must do so in accordance with both state and local law.

If an event organizer uses City of Eugene police officers to provide security or traffic control services for the event, the event organizer will be charged for the services provided by the officers. Fees for event services provided by City of Eugene police officers are established by Administrative Order of the City Manager pursuant to section 2.020 of the Eugene Code.

**(7) Permit Application Decision.** Permit Application Decision. The Executive Director or designee must grant or deny an application for a park use permit within fourteen days of receipt, unless the Executive Director or designee extends the processing period by an additional fourteen days by written notice to the applicant. Any application not acted on by the deadline shall be deemed granted, conditional upon any of the requirements being satisfied. If, after submission of an application but before the Executive Director or designee renders a decision, the applicant submits additional application materials, the Executive Director or designee must grant or deny the application within fourteen days of receipt of the additional application materials.

**(8) Permit Denials.**

- (a) A denial of a permit application must be made in writing and sent by first class mail to the applicant at the address stated in the application. The notice of denial shall set forth the grounds upon which the permit was denied, and where feasible, shall contain a proposal by the Executive Director or designee for measures by which the applicant may cure any defects in the application or otherwise procure a permit.
- (b) An applicant may appeal the denial of a permit to a hearings officer in the manner prescribed by section 2.021 of the Eugene Code. The hearings officer's decision is final. Pursuant to ORS 34.020, an applicant has the right to appeal the hearing officer's final order by filing a Writ of Review in Circuit Court.
- (c) To the extent permitted by law, the Executive Director or designee, may deny an application for a permit on any of the following grounds:
  1. The applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant;

2. The application for permit (including any required attachments and submissions) is incomplete or improperly executed;
3. The applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the Executive Director or designee;
4. The application for permit contains a material falsehood or misrepresentation;
5. The applicant is legally incompetent to contract or to sue and be sued;
6. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged City property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City;
7. A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;
8. The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place;
9. The proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park or part thereof designated pursuant to City code or Administrative Rule;
10. The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of City employees or of the public;
11. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City concerning the sale or offering for sale of any goods or services;

12. The use or activity intended by the applicant is prohibited by law, the City Code, or by the City's administrative rules.

### **1.005 ENFORCEMENT**

These rules may be enforced by authorized City personnel or by police officers.

#### **(1) Enforcement by Authorized City Personnel.**

- (a) If a violation of these rules takes place in the presence of authorized City personnel or other person in lawful charge of the premises, he or she may:
1. Request that the person cease the conduct that is violating the rules; or
  2. Request that the person leave the park or open space area, recreational facility, or activity; or
  3. Issue a Notice of Violation of Park and Open Space Rules to the person; or
  4. Place the person under arrest for trespass, subject to the provisions of subparagraph (b) of this subsection.
- (b) If the violator:
1. Fails to comply with a request by authorized City personnel or other person in lawful charge of the premises to leave the park area, open space area, recreational facility, or activity, or
  2. Is in violation of a previously issued Notice of Violation Of Park and Open Space Rules which excludes the violator from park areas, open space areas, recreational facilities or activities, pursuant to Subsection (3)(a) of this section, the authorized City personnel or other person in lawful charge of the premises may place the violator under arrest for trespass. If such action is taken, the police department shall be contacted immediately for further action pursuant to Subsection (2) of this section.
- (c) A Notice of Park and Open Space Rule Violation issued by authorized City personnel pursuant to Subsection (1)(a)3. of this section shall:
1. Specifically state the rule or rules alleged to have been violated;
  2. Be signed by the department personnel issuing the notice; and

3. Contain a statement that a complaint may be filed in the Municipal Court of the City of Eugene.

- (d) Within 24 hours after issuing the Notice of Park and Open Space Rule Violation to the violator, the authorized City personnel issuing the notice shall prepare a written report containing a clear and concise statement of the incident, the alleged violation, the names and addresses of any witnesses to the incident and their statements and shall deliver the same, together with a copy of the Notice of Park and Open Space Rule Violation, to the City Prosecutor, who shall determine whether a complaint shall be issued.
- (e) If the City Prosecutor authorizes issuance of a complaint, it shall be signed and sworn to by the person issuing the Notice of Park and Open Space Rule Violation in the manner other Municipal Court complaints are processed. The person signing the complaint shall be responsible for filing the original complaint with the Municipal Court, securing from the Court a citation with the appearance date and amount of scheduled bail affixed thereon, and thereafter delivering the citation to the police department for service upon the defendant.
- (f) After a complaint has been filed and served on the defendant, all subsequent proceedings shall be in accordance with the rules and procedures of the Municipal Court.

**(2) Enforcement by City of Eugene Police Officers.**

- (a) In addition to any other existing authority for citation and/or arrest, if a violation of these rules takes place in the presence of a police officer, the violator may be subject to arrest by the officer, or the officer may issue a misdemeanor citation in lieu of arrest.
- (b) A police officer may also take into custody or issue a misdemeanor citation for trespass to a person if the officer is contacted and advised that authorized City personnel or other person in lawful charge of premises has placed the violator under arrest for trespass for:
  - 1. Failure to comply with a request by authorized City personnel or other person in lawful charge of the premises to leave the park area, open space area, recreational facility, or activity; or
  - 2. Violation of a previously issued Notice of Restriction of Use issued pursuant to Subsection (3) of this section which

excludes the violator from park and open space areas, recreational facilities or activities.

- (c) If a violator is arrested or issued a misdemeanor citation by a police officer, the officer's report, together with the report of the person acting under Subparagraph (b) of this subsection, if applicable, shall be promptly forwarded to the City Prosecutor, who shall determine whether a complaint shall be issued.
- (d) After a complaint has been filed and served on the defendant, all subsequent proceedings shall be in accordance with the rules and procedures of the Municipal Court.

### **(3) Notice of Restriction of Use.**

- (a) The City may, in its discretion, notify any person who engages in conduct in a park, open space, recreational facility or at a City-sponsored activity that results in the person being asked to leave the park area, open space area, recreational facility, or activity, being issued a Notice of Rule Violation pursuant to Subsection (1)(a)3. of this section, being arrested or cited by a police officer for any violation of park and open space rules, the Eugene Code, 1971, or state or federal law, that he or she is prohibited from future use of City parks, open space, or facilities, or from participation in City-sponsored programs or activities, and his or her entry therein or thereon will constitute trespassing and that further legal action will be taken accordingly.
- (b) Any person(s) using or renting a park area, open space area, or recreational facility pursuant to a license or permit issued by the City, or any person permitted to participate in City-sponsored park, open space, or recreational activities may have that license, or permit or permission revoked and may be immediately removed from a park area, or open space area, recreational facility or activity by authorized City personnel or a police officer if the person is in violation of these park and open space rules or of any term or condition of the license or permit. This remedy is in addition to any other remedies available under these rules or the license or permit.

The City may, in its discretion, notify any person who engages in conduct that results in the person having a license or permit revoked and being removed from a park area, open space area, recreational facility, or any person who engages in conduct that

results in the person's permission to participate in City-sponsored park, open space, or recreational activities being revoked and being removed from that activity that it may thereafter refuse to accept applications for use of park areas, open space areas, or recreational facilities or may refuse to allow participation in park, open space, or recreational activities by a person who violates these rules, state statutes, the Eugene Code, 1971, or any term or condition of a license or permit issued by the City.

As used in this subsection, "person" includes, but is not limited to, a business, corporation, association or organization.

- (c) Notices restricting future use under Subsections (3)(a) and (3)(b) of this section shall be issued by the Executive Director or designee and shall set forth the reason(s) therefor. The notice shall state the specific time period to which the prohibition on future use applies.
- (d) Any notice that restricts a person's future use pursuant to Subsections (3)(a) and (3)(b) of this section shall contain a statement advising of the right to request a hearing in the manner set forth in section 1.074 or Section 1.075 of these rules.
- (e) Nothing in this section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitution. However, a person engaged in such protected activity who also commits acts that are not protected and that violate applicable provisions of law shall be subject to exclusion as provided in this section.

### **1.007 POSSESSION OR CONSUMPTION OF HARD LIQUOR AND ALCOHOLIC LIQUOR.**

**(1) Definitions.** For purposes of this Rule, alcoholic liquor and hard liquor mean:

- (a) Alcoholic liquor. An alcoholic beverage containing more than one-half of one percent of alcohol by volume, including but not limited to beer, ale, porter, stout, and wine.
- (b) Hard liquor. An alcoholic beverage, including sweet wines and all spirituous liquors, containing 14 percent or more of alcohol by volume.

**(2) Possession and Consumption:**

- (a) No person may consume hard liquor or possess a receptacle containing hard liquor that has been opened or had the seal broken or the contents partially removed in any park or open space.
- (b) No person may consume alcoholic liquor or possess a receptacle containing alcoholic liquor that has been opened or had the seal broken or the contents partially removed in the following parks and open spaces:
  1. West Eugene Wetlands;
  2. Spencer Butte;
  3. Ridgeline Park System;
  4. Charnel Mulligan Park;
  5. Fairmount Park;
  6. Hendricks Park (main garden section);
  7. Monroe Park;
  8. Scobert Park;
  9. Sladden Park,;
  10. University Park;
  11. Washburne Park;
  12. Washington Jefferson Park;
  13. West University Park;
  14. Maurie Jacobs Park (described as that contiguous park land west of Owen Rose Garden to a point on the west boundary where the improved area ends and the natural river front zone begins);
  15. The Park Blocks (described as that area generally bounded by East 8th Avenue, West Park Street, and East Park Street); and
  16. Along the Willamette River between the water's edge and the adjacent pedestrian/bicycle path or, where there is no adjacent path, within 100 feet of the water's edge.
  17. Martin Luther King Jr. Park; and
  18. Golden Gardens Park.
- (c) Unless the City has authorized the possession and consumption

of alcoholic liquor therein as part of a Standard Use Permit or a Special Event Permit, no person may consume alcoholic liquor or possess a receptacle containing alcoholic liquor that has been opened or had the seal broken or the contents partially removed in the following parks and open spaces:

1. Alton Baker Park;
2. Lamb Cottage;
3. Owen Memorial Rose Garden; and,
4. Westmoreland.

(d) If a park or open space is not identified in Subsection (b) above, alcoholic liquor may be possessed and consumed within the park and open space. However, within such park and open space no person may consume alcoholic liquor or possess a receptacle containing alcoholic liquor that has been opened or had the seal broken or the contents partially removed within 25 feet of the following:

1. Children's playground areas;
2. Athletic fields;
3. Wading pools;
4. Tennis courts;
5. Parking lots;
6. Skateboard facilities;
7. Rest rooms; and,
8. Sheltered picnic areas, unless explicitly authorized by the City in writing in conjunction with the rental of a sheltered picnic area;

(e) No person may consume alcoholic liquor or possess a receptacle containing alcoholic liquor that has been opened or had the seal broken or the contents partially removed within the following facilities or within 200 feet of the following facilities unless explicitly permitted by the facility supervisor or the person in charge of the facility (indicated in parentheses):

1. Amazon Community Center;
2. Amazon Pool;
3. Celeste Campbell Senior Center;

4. Cuthbert Amphitheater;
5. Echo Hollow Pool;
6. Hilyard Community Center;
7. Petersen Park Barn;
8. Sheldon Community Center;
9. Sheldon Pool;
10. River House;
11. Washington Park Center;
12. Laurelwood Golf Course, Pro-Shop, Upstairs rental space (Golf course operator);
13. Shelton McMurphy Johnson House (Non-profit group);
14. Trude Kaufman Senior Center (Non-profit group);
15. Wayne Morse Ranch Park (Caretaker);
16. Westmoreland Community Center (Non-profit group); and,
17. The Science Factory (Lessee).

### **1.008 USE OF TOBACCO PRODUCTS.**

The use of any lighted smoking instrument or device, or the oral use of tobacco products (i.e., chewing tobacco) is prohibited within all City recreation centers, pools, and all public restrooms. This prohibition shall also apply to areas outside such facilities that are within 25 feet of doors, entries, or pathways thereto. As used herein, “smoking instruments or devices” are defined as cigarettes, cigars and pipes. This prohibition shall be incorporated in and made a part of all permits or licenses for use of City park and open space facilities.

### **1.010 PROHIBITED ACTIVITIES.**

In addition to any other prohibitions in these rules, the following activities are prohibited within a park or open space area:

- (1) Setting up or using an amplified sound system without the written permission of the City.
- (2) Setting up or constructing any temporary structures or enclosures, including, but not limited to, canopies, sleeping bags, artificial lighting generators, and tents, without written permission of the City.
- (3) Operating or using any battery or vehicle-operated noise-producing device in a manner that disturbs other park visitors.

- (4) Participating in a disturbance or riotous behavior that interferes with the reasonable use by the general public of the park, open space, or facility.
- (5) Using a metal detector within a park or open space area without the written permission of the City.
- (6) Playing sports outside recreation areas set aside for that purpose if the activity is harmful to plant life or fixtures or interferes with other uses of the park or open space.
- (7) Playing golf outside of the areas designated for golf.
- (8) Playing sports or engaging in other activities in areas set aside for organized sports activities during a time when such areas are scheduled by the City for use without the written permission of the City.
- (9) Organized non-City-sponsored sports activities on athletic facilities without written permission from the City.
- (10) Organized group events such as picnics, weddings, etc. within the Hendricks Park Rhododendron Garden section as such activities would disturb the tranquility of the area.
- (11) Wading, swimming or bathing in any of the pools, ponds, or canals of Alton Baker Park.
- (12) Unless necessary to assist a disabled person, as defined in ORS 174.407, or a child under the age of eight years old with his or her use of a restroom, no more than one person at a time may occupy a restroom stall in any park or open space area.
- (13) Engaging in any commercial or special use of a park, open space area, or park facility such as, but not limited to, commercial photography and production of videos or movies without first obtaining a license or permit therefor from the City. No license or permit shall be issued for commercial photography or video for advertising purposes or for movie production within the Owen Memorial Rose Garden or Hendricks Park Rhododendron area or for any activity in any other park or open space area that would restrict use of the area by the general public for an extended period of time.
- (14) Engaging in any activity or conduct within a park, open space area, or park facility that is prohibited by these rules, state statutes, the Eugene Code, 1971, or posted signs.

- (15) Engaging in any activity or conduct which is disruptive or incompatible with the appropriate use of the premises or which interferes with the reasonable use and enjoyment of the park, open space area, or park facility by others, including, but not limited to, using playground equipment, picnic tables or picnic shelters for reasons other than their intended use.
- (16) Engaging in any activity or conduct which is disruptive or interferes with the enjoyment by others of City-sponsored park, open space, or recreational programs or activities.
- (17) Engaging in any of the above activities or other activities such as, but not limited to, demonstrations, vending, or still photo sessions in a manner that blocks a park or open space entrance or pathway, or interferes with the intended use of that portion of the park or open space.
- (18) Entering in or upon a park facility, open space, or park area during the period of time the facility or area is rented or reserved for use by others and failing to leave the facility or area when requested to do so by the person renting or reserving the park facility, open space, or park area.
- (19) Entering in or upon a park facility, open space, or park area, or a portion of such an area that is posted, delineated, fenced, or barricaded to close it to public use.

### **1.015 HUNTING AND FIREARMS.**

- (1) In a park or open space area, no person may:
  - (a) Hunt, pursue, trap, kill, injure, molest, or disturb any wildlife.
  - (b) Discharge a firearm, pellet gun, bow and arrow, slingshot, or other weapon capable of injuring a person or wildlife.
- (2) Notwithstanding Subsection (1) of this section, persons may hunt migratory water fowl in a park or open space located outside of the City limits that is being leased by a private party for agricultural purposes if permission to hunt the migratory water fowl has been granted by the lease holder.
- (3) City staff or staff from other wildlife management agencies are exempt from Subsection (1) of this section when performing authorized duties of their position.

**1.020 UNCLAIMED ARTICLES.**

No person shall leave personal property unattended. An article found in a park or open space area or facility shall be turned over to the City department responsible for the park area, open space area, or facility and disposed of in accordance with applicable city and state law.

**1.025 FIRES AND FIREWORKS.**

- (1) Fires are prohibited in Spencer Butte Park and the Ridgeline Park System, except prescribed vegetation management fires conducted by City staff or other authorized personnel.
- (2) Fires in all other park and open space areas shall be confined to:
  - (a) Park camp stoves or fireplaces provided for that purpose.
  - (b) Portable stoves or grills in developed park/picnic areas.
  - (c) Prescribed vegetation management fires conducted by City staff or other authorized personnel.
- (3) No fire in a park or open space area may be left unattended; every fire must be extinguished by the user before leaving the park or open space area.
- (4) Unless specifically authorized by the Executive Manager or designee, the use of fireworks of all types (including sparklers, cone fountains, snakes and model rockets) is prohibited in park and open space areas.

**1.030 VEHICLES.**

- (1) No bicycles may be operated on trails designated as foot paths only.
- (2) Motor vehicles may be operated only on roads and in parking areas constructed or designated for motor vehicle use.
- (3) No motor vehicle may be operated on a bicycle or foot path without first obtaining written permission from the City.
- (4) Motor vehicles and trailers may be parked only in designated parking areas. The parking area is clearly designated in each park or open space area.
- (5) Motor vehicles not parked in a “parking facility”, as that term is defined by EC 5.010, are subject to being cited for violation of these Rules and towed at the owner’s expense.
- (6) No person may park under the canopy of a tree unless parking in a paved parking area.

- (7) No person may operate a vehicle within a park or open space area at a speed exceeding 20 miles per hour unless the roadway is posted with a greater speed limit.
- (8) No commercial vehicles or vehicles with the combined weight greater than that of a passenger automobile and its load shall be permitted to use the roads in any parks or open space areas of the City without first obtaining written permission from the City.
- (9) This section does not apply to maintenance vehicles, emergency vehicles, and wheelchairs (manual and electric).

### **1.040 ENCROACHMENTS.**

**(1) Prohibition.** Unless specifically authorized by the City pursuant to a revocable permit, no person may cause or allow an encroachment upon any park property owned by the City of Eugene.

- (a) For purposes of these rules, “encroachment” means an unlawful, unauthorized or unpermitted use of park property including, but not limited to, placing on park property, either temporarily or permanently, a building, structure, garage, shed, fence, deck, driveway, playhouse, tree house, play equipment, lawn furniture, compost/garbage bin, yard waste pile, landscaping (such as trees, shrubs, grasses or forbs), irrigation system, or using park property as a parking space, patio, garden, or storage area.
- (b) Park encroachments will be permitted by the City only in accordance with these rules.

### **(2) Notification of Encroachment.**

- (a) The City will send a Notice of Encroachment to the owner(s) of the property believed to be encroaching upon City park property. The Notice of Encroachment will:
  1. Describe the identified encroachment;
  2. Describe what actions constitute a removal of the indentified encroachment;
  3. Set forth the four options, described in Section 1.040(2)(b) of these rules, available to the property owner(s); and,
  4. Include a copy of the Park and Open Space Rules and applicable forms.

- (b) A person that is notified by the City that he/she has caused or allowed an encroachment upon park property must respond in writing to the City within sixty (60) days from the date of the notification. The written response submitted to the City must do one of the following:
1. Inform the City that the identified encroachment has been removed; or
  2. Inform the City that the identified encroachment will be removed and request that the City allow a specific amount of time for the removal of the identified encroachment to occur; or
  3. Dispute that the identified encroachment is an encroachment upon City owned park property and include supporting documentation; or
  4. Request that the City issue a revocable permit for the park encroachment because the encroachment provides access to a residence.

**(3) Failure to Respond to Notification of Encroachment.** If, after forty-five (45) days from the date of the notification, the City has not yet received a response to its encroachment notification, the City will send a reminder to the responsible party requesting a response to the City's notification. If a person notified by the City that he/she has caused or allowed an encroachment upon park property fails to respond in accordance with these rules, the City will proceed with enforcement action to remove the identified encroachment.

- (4) Enforcement Action. If the encroachment has not been voluntarily eliminated or a revocable permit for the encroachment has not been issued, the City may:
- (a) Assess penalties against the responsible party in accordance with these Park and Open Space Rules.
    1. Unless a later date is specified by the City, daily penalties of \$500 begin to accrue on the 61st day following the City's notification of the encroachment.
    2. Each day that an encroachment exists constitutes a separate violation of these Park and Open Space Rules.
  - (b) Take action to eliminate the encroachment.
    1. Action to eliminate the encroachment taken by the City

includes, but is not limited to, the initiation of City-led work to remove the encroachment and charging fees to defray associated costs for the City-led removal work.

2. If the responsible party does not comply with fee payment for the removal of the encroachment, the City may take additional enforcement action that includes placing a lien on the responsible party's property.

**(5) Revocable Permits.** A residential access encroachment upon City owned park property may be allowed by the City through issuance of a revocable permit.

- (a) The City is authorized to issue a revocable permit for a pedestrian access encroachment if all of the following conditions are met:
  1. The park encroachment provides pedestrian access to the residence; and
  2. The park encroachment does not interfere with the public's use and enjoyment of the park; and
  3. The park encroachment intrudes on park property only to the extent necessary to provide the pedestrian access.
- (b) The City is authorized to issue a revocable permit for a vehicular access encroachment if all of the following conditions are met:
  1. The park encroachment provides sole vehicular access to the residence; and
  2. The park encroachment does not interfere with the public's use and enjoyment of the park; and
  3. The park encroachment intrudes on park property only to the extent necessary to provide the vehicular access; and
  4. The park encroachment existed prior to August 3, 2009.
- (c) A request to encroach upon park property must be submitted to the Public Works Department (1820 Roosevelt Blvd., Eugene, OR 97402) by completing an application form provided by the City. The application must be accompanied by an application fee as established by Administrative Order of the City Manager pursuant to section 2.020 of the Eugene Code.
- (d) Permits are revocable upon thirty (30) days notice or immediately upon failure of the Permittee to comply with the terms and conditions of the Permit.

- (e) The terms of the revocable permit will be established by the City and will include a specific duration of time that the encroachment can remain, conditions to minimize damage to City property, fees to defray the cost of evaluating and processing the permit application and monitoring compliance with the permit requirements and any other criteria deemed necessary by the Executive Director or designee.
- (f) If the City denies a request for a revocable permit, the responsible party will have sixty (60) days from the date of denial to remove the identified encroachment.

**(6) Appeal Rights.** A person aggrieved by a decision made pursuant to section 1.040 of these rules may appeal that decision to a hearings officer in the manner prescribed by section 2.021 of the Eugene Code. The hearings officer's decision is final. A person may appeal the City's determination that there is an encroachment upon City property only if the person complied with Section 1.040(2)(b)(iii) of these rules.

### **1.050 PETS.**

- (1) No pet shall be left unattended and unsupervised in a City park or open space area.
- (2) Except for seeing-eye dogs and other assist dogs, dogs are prohibited in park and open space areas posted as no dog areas, picnic shelters and public restrooms.
- (3) A dog brought into or kept in all other park and open space areas shall be on a leash not more than 8 feet in length, or confined in a vehicle and must be kept under control at all times.
- (4) No dog may deposit solid waste matter on park or open space property unless the dog's owner or caretaker immediately removes the solid waste.
- (5) A dog's owner or caretaker is responsible for the dog's behavior at all times while the dog is in the park or open space area.
- (6) Authorized City employees may require a person in charge of an animal to undertake any measure, including the removal of the animal from the park or open space area, necessary to prevent interference by the animal with the safety, comfort, or well-being of park or open space area visitors or resources.
- (7) No person may ride, drive, lead, or keep a horse, livestock, or any other animal in a park or open space area except on roads, trails,

or areas specifically designated for that purpose, except by special authorization from the City.

- (8) No animal may be hitched to a tree or shrub in a manner that endangers the tree or shrub.
- (9) Dogs may be allowed to run off leash if the City has explicitly given written authorization for the off-leash activity. Dogs may also be allowed to run off leash in officially designated and signed off leash dog areas at Candlelight Park, Wayne Morse Ranch, Alton Baker Park, and Amazon Parkway, provided:
  - (a) The dog is properly licensed and has received required vaccinations (rabies);
  - (b) The dog's owner or caretaker:
    1. Removes any solid waste deposited by the dog;
    2. Keeps the dog within the designated area during all times it is off leash;
    3. Secures the dog by an adequate leash when entering or leaving the designated area;
    4. Does not take a female dog in estrus into a designated area when other dogs are present or, if already within a designated area, removes such female dog in estrus when other dogs enter the area; and
    5. Is present in the designated area and has voice control of his or her dog.

The authorization contained herein shall not extend to a dog classified as a potentially dangerous dog, which must remain secured by an adequate leash during any time it is present within a designated off-leash dog area. No dog shall be permitted to fight, bite, or bark excessively while in a designated off-leash dog area, and the owner or caretaker of a dog fighting, biting, or barking excessively may be cited therefor and/or required to remove his or her dog from the off-leash area.

### **1.060 SIGNS AND CONCESSIONS.**

- (1) Except in a specifically designated area, no person may erect signs, markers, or inscriptions of any type within a park or open space area without permission from the City.
- (2) The following activities are prohibited in a park or open space area unless specifically authorized in writing by the Director of the Parks and Open Space Division or designee:

- (a) Operating a fixed or mobile concession.
  - (b) Soliciting, selling, offering for sale, peddling, hawking, or vending any goods or services.
  - (c) Advertising any goods or services.
- (3) No person may distribute any circular, notice, leaflet, pamphlet, handbill, or written or printed information of any kind except to a person willing to accept it, and it is distributed without charge.

### **1.070 VANDALISM AND LITTER.**

- (1) Wood, flowers, seeds, or other vegetation may not be picked, cut, mutilated, or removed from any park or open space area without written permission from the City.
- (2) No person may mutilate, deface, damage, or remove a table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility, or other City property of any kind in a park or open space area. Except for City staff and other authorized personnel, no person may use paint to mark pavement areas, such as roads, bicycle paths, sidewalks, and parking lots, or other traffic lanes such as bridge decks. No person may lie, sleep, urinate in, defecate in, or otherwise damage or deface any landscaped planting area in a City park or open space area. As used in this subsection, “landscaped planting area” means an area within a City park or open space area set aside for the planting of trees, shrubs, ground cover, flowers, or any combinations of the same.
- (3) No person may dig up, deface, or remove earth, stones, rock, or other substance; make an excavation; lay or set off any blast; roll any stones or other objects; or assist in doing so in a park or open space area except under authority of the City.
- (4) No refuse may be left in a park or open space area unless placed in the receptacles designated for that purpose.
- (5) No person may wash any clothing or other material in a park or open space area.
- (6) No person may clean fish in a lake or stream in a park or open space area except at officially designated and signed fish-cleaning stations.
- (7) Dumping of yard debris and home garbage in park and open space areas is prohibited.

**1.071 GLASS BEVERAGE CONTAINERS.**

Except as authorized in writing by the Executive Director or as authorized by a valid park use permit, no person may possess a beverage container made of glass in any City park, open space area, or County park within the City limits or bring, carry or transport any beverage container made of glass into any City park, open space area, or County park within the City limits.

**1.072 WAIVER.**

The Executive Director may, by administrative order, temporarily waive any of the requirements of these rules upon finding that such waiver is in the public interest and will not seriously prejudice or infringe upon the use and enjoyment of a park, open space area, or park facility by others. The order shall specifically state the rule provision being waived, the time period to which the waiver is applicable, and the reason(s) for the waiver, which must support the required finding. Any waiver granted under this authorization shall be limited to the specific time and/or place set forth in each order and shall not be construed to be a continuing waiver of that or any other provision of these rules or an agreement to waive such rule at any future time for that or any other person or entity.

**1.074 PARKS AND OPEN SPACE DIVISION HEARING AND APPEAL PROCEDURE.**

- (1) Any person who has received a notice issued pursuant to Subsections (3)(a) or (3)(b) of Rule 1.005 that restricts their future use of park or open space areas may request an informal hearing to contest the notice.
- (2) The request for an informal hearing must be in writing and filed with the Parks and Open Space Division Director (“the Division Director”) at the location indicated on the notice within 48 hours (exclusive of weekends) of receipt of the notice.
- (3) The Division Director shall schedule a time and place for the informal hearing to be conducted, which shall be not more than 72 hours (exclusive of weekends) of receipt of the request for hearing.
- (4) At the informal hearing, the Division Director shall consider testimony from the City personnel involved in the incident that resulted in the notice, testimony from the person requesting the hearing, and testimony from any other witnesses to the incident. The Division Director may exclude anyone from the informal

hearing, other than the person that requested the hearing, that is not presenting testimony to the Division Director.

- (5) Within 72 hours of the informal hearing, the Division Director will issue a written decision affirming, modifying, or canceling the notice. The decision shall be delivered or mailed to the person that requested the hearing on the date issued.
- (6) The written decision of the Division Director shall be final unless the person that is subject to the decision appeals the decision by appearing at Municipal Court at the time specified in the decision for a hearing on the appeal. The appeal hearing date shall be no more than fourteen days from the date of the written decision. The Municipal Judge may affirm, modify or reverse the Division Director's written decision. If the person to whom the Division Director's decision is issued does not appear at Municipal Court at the time specified for the appeal, the written decision shall become final at the time set for the appeal.

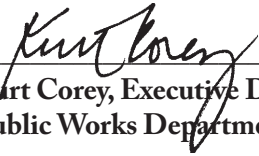
#### **1.075 RECREATION DIVISION HEARING AND APPEAL PROCEDURE.**

- (1) Any person who has received a notice issued pursuant to Subsections (3)(a) or (3)(b) of Rule 1.005 that restricts their future use of park facilities or participation in recreation activities may request an informal hearing to contest the notice.
- (2) The request for an informal hearing must be in writing and filed with the Executive Director of the Library, Recreation and Cultural Services Department ("LRCS Executive Director") or designee at the location indicated on the notice within 48 hours (exclusive of weekends) of receipt of the notice.
- (3) LRCS Executive Director or designee shall schedule a time and place for the informal hearing to be conducted, which shall be not more than 72 hours (exclusive of weekends) after receipt of the request for hearing.
- (4) At the informal hearing, the LRCS Executive Director or designee shall consider testimony from the City personnel involved in the incident that resulted in the notice, testimony from the person requesting the hearing, and testimony from any other witnesses to the incident. The LRCS Executive Director or designee may exclude anyone from the informal hearing, other than the person that requested the hearing, that is not presenting testimony to the LRCS Executive Director or designee.

(5) Within 72 hours of the informal hearing, the LRCS Executive Director or designee will issue a written decision affirming, modifying, or canceling the notice. The decision shall be delivered or mailed to the person that requested the hearing on the date issued. The written decision of the LRCS Executive Director or designee shall be final on the 16th day after it is issued unless prior to that time a notice of appeal is filed with the LRCS Executive Director or designee in accordance with Section 2.021 of the Eugene Code, 1971. The appeal shall be heard by a hearings official appointed by the City Manager and the hearings official's decision shall be the final decision.

**1.076 PENALTIES.** Violation of these Park and Open Space Rules adopted under Section 2.019 of the Eugene Code, 1971, is punishable by a fine not to exceed \$500 or confinement in jail not to exceed 30 days, or both such fine and imprisonment. (Subsection 2.1990(2), Eugene Code, 1971.)

**Dated this 9<sup>th</sup> day of September, 2009.**



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**Kurt Corey, Executive Director  
Public Works Department**