

**ORDINANCE NO. 1955**

(An ordinance amending Chapter 13.44—Public Parks, of the Hood River Municipal Code)

WHEREAS, graffiti is a problem in many areas of the City of Hood River;

WHEREAS, the existence of graffiti causes damage to the public by creating blight, marring the City’s visual attractiveness, adversely affecting the quality of life for the City’s citizens, and discrediting the City’s reputation for livability;

WHEREAS, the City has a substantial and compelling interest to prevent and abate the application of graffiti so that the damage and visual blight caused by graffiti is prevented or eliminated;

WHEREAS, the City Council passed Ordinance 1765—Graffiti Abatement, in 1999 (as amended by Ordinance 1881 (2005)) declaring graffiti a nuisance and providing for its removal;

WHEREAS, the City experiences graffiti in public parks and while the City has the means to remove the graffiti, it does not have the means to exclude those responsible for the graffiti from the public parks and obtain restitution from those responsible for the graffiti;

WHEREAS, similarly, while the City has regulations pertaining to the protection of public parks and their facilities and amenities, it does not have the means to exclude those responsible for damaging public parks, or obtaining restitution for the repair or replacement costs;

WHEREAS, Chapter 13.44 contains rules and regulations pertaining to public parks in the City;

WHEREAS, although Chapter 13.44 makes it a crime to violate the rules and regulations, the City does not have a means to exclude those violators from public parks or obtain restitution for the repair or replacement costs to public parks;

WHEREAS, the following ordinance provides a means to exclude from public parks those responsible for violating rules and regulations pertaining to public parks and makes such persons liable for trespass if they violate an exclusion order; in addition, the following ordinance provides for restitution by those found guilty of violating the rules or regulations and causing damage to public property as a result.

BY gm ✓ CODIFIED  
Date 8/08

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 13.44 of the Hood River Municipal Code is amended to read as follows: [additions shown in underline; deletions shown in ~~strikeout~~]

## **CHAPTER 13.44 - PUBLIC PARKS**

*Legislative History: Ord. 1282 (1970); Ord. 1728 (1996); Ord. 1773 (1999)*

### **SECTIONS:**

- 13.44.010 Public Parks Defined
- 13.44.020 Rules and Regulations Generally
- 13.44.030 Damage to Plants or Property Prohibited
- 13.44.040 Building Fires Restricted
- 13.44.050 Dog Control
- 13.44.060 Vehicle Restrictions
- 13.44.070 Speed Limits
- 13.44.080 Equestrian Restrictions
- 13.44.090 Closing Time - Loitering and Parking Prohibited
- 13.44.100 Defacing or Damaging Property Prohibited
- 13.44.110 Alcoholic Beverage Sales Prohibited
- 13.44.120 Sales and Concessions - Permit Required
- 13.44.130 Dumping Garbage Prohibited
- 13.44.140 Disposal of Waste Material Prohibited
- 13.44.150 Disorderly Conduct Prohibited
- 13.44.160 Applicability of Other Ordinances
- 13.44.170 Trespass
- 13.44.1780 ~~Violation - Penalty~~

13.44.010 Public Parks Defined. The words “public parks,” as used in this chapter, mean and include as parks, reservations, playgrounds, beaches, recreation centers or any other area in the city owned or controlled or used by the city or the Hood River Valley Parks and Recreation District and devoted to active or passive recreation.

13.44.020 Rules and Regulations Generally. For the conduct of the persons using or frequenting the public parks ~~of the city~~, the rules and regulations to be observed and enforced within such public parks are established as set forth in Sections 13.44.030 through 13.44.160. The Director of Public Works may establish such other rules and regulations to be observed and enforced that are not inconsistent with the rules and regulations established below and that are necessary for the safe and efficient operation of the public parks.

13.44.030 Damage to Plants or Property Prohibited. No person shall damage, cut, carve upon, transplant or remove any tree or plant, or injure the bark or pick the flowers or seeds of any tree or plant; nor shall any person attach any rope, wire or other contrivance to any tree or plant; nor climb any tree; nor walk, stand or sit upon monuments, vases, fountains, railings, fences or upon any other property not designated or customarily used for such purposes. A person shall not dig in or otherwise disturb grass areas or in any other way injure or impair the

natural beauty or usefulness of any park area.

13.44.040 Building Fires Restricted. No person shall build or attempt to build any fire within any public park, except in a stove or fireplace provided therefor.

13.44.050 Dog Control. No person shall permit any dog to run at large within any public park, and all dogs within a public park shall be kept and controlled on leash at all times.

13.44.060 Vehicle Restrictions. No motor vehicle or motor bike shall be operated, stopped, parked or left standing in any public park except on roads and parking areas provided therefor.

13.44.070 Speed Limits. No person shall ride or drive a vehicle at a rate of speed exceeding ten miles per hour in a public park except in a facility or upon a structure specifically designated therefor.

13.44.080 Equestrian Restrictions. No person shall ride or drive any horse or animal or permit any horse or animal to go upon any portion of any public park except on the roads and regularly provided parking areas in such parks. No person shall tie or hitch an animal to any tree or plant. Horses shall not be driven or ridden at such a pace or in such a manner as to endanger other persons.

13.44.090 Closing Time - Loitering and Parking Prohibited. Parking or loitering in public parks between sunset and sunrise is prohibited, except in those public parks where artificial lighting is provided, in which case parking or loitering is prohibited from the time the artificial lighting is extinguished until sunrise the following day; and all persons shall be excluded from public parks during the prohibited hours, except as may be permitted by the Director of Public Works on special occasions by order of the city manager.

13.44.100 Defacing or Damaging Property Prohibited. No person shall mutilate, mark, deface, injure, damage, or molest, or permit graffiti on or in any structure, building, installation, personal property or pieces of equipment in any public park. The words "permit graffiti" have the meaning set forth in Chapter 8.10.

13.44.110 Alcoholic Beverage Sales Prohibited. No alcoholic beverages shall be sold in any park, except by permit from the City Manager and in accordance with Oregon Liquor Control Commission regulations.

13.44.120 Sales and Concessions - Permit Required. No person shall engage in the sale of any merchandise or service or operate any concession within any public park without a written permit from the Director of Public Works ~~city manager~~ previously obtained.

13.44.130 Dumping Garbage Prohibited. No person shall dump or dispose of any trash or garbage in any public park except in the receptacles provided therefore.

13.44.140 Disposal of Waste Material Prohibited. No person shall scatter or dispose of any bottles, broken glass or waste material of any kind in any public park except in the receptacles provided therefor.

13.44.150 Disorderly Conduct Prohibited. No person shall conduct himself or herself in a

disorderly manner in any public park.

13.44.160 Applicability of Other Ordinances. All ordinances of the city shall apply to and be in full force and effect within the public parks of the city.

13.44.170 Trespass. In addition to the penalty provisions provided in Section 13.44.180 or any other provision of this code or of the laws of the State of Oregon, any peace officer, as defined by ORS 133.005(3), as amended, or any official or employee of the Public Works Department of the city may exclude from any city owned or controlled public park for a period of not more than thirty (30) days any person who violates any provision of this ordinance, this code, or any provision of state law.

A. Written notice shall be given to any person excluded from any city owned or controlled public park specifying the dates and places of exclusion (“Trespass Notice”). The person issuing the Trespass Notice shall sign and date the Trespass Notice. The notice shall include a prominently displayed warning of consequences for failure to comply

B. A person failing to comply with a Trespass Notice is subject to arrest and conviction for criminal trespass in the second degree pursuant to ORS 164.245, as amended.

C. A person receiving a Trespass Notice may apply in writing to the City Manager for city owned or controlled public parks for a temporary suspension of exclusion for good cause shown. If provided by Hood River Valley Parks and Recreation District regulation, a person receiving a Trespass Notice with respect to a public park owned or controlled by the Hood River Valley Parks and Recreation District may apply in writing to the District for a temporary suspension of exclusion.

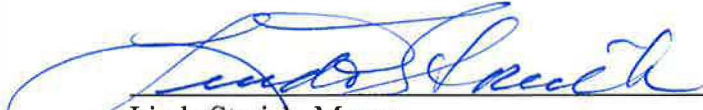
D. A person receiving a Trespass Notice may appeal to the Municipal Court to have the Trespass Notice rescinded or modified. The appeal must be filed with the Municipal Court in writing within five (5) days of the date of receipt of the Trespass Notice, unless extended by the Court for good cause shown.

13.44.1780 Violation - Penalty. Except as provided in Section 13.44.170(B), ~~a~~Any person violating any of the provisions of this chapter shall, upon conviction thereof, ~~be considered guilty of a violation punishable be punished by imprisonment in the city jail for a period not to exceed one hundred days, or by a fine of not more than one thousand two hundred dollars, or both and subject to an order of the court ordering the guilty party to pay restitution in an amount equal to the costs of repair, including labor, and/or to replace the damaged property.~~

Read for the first time: June 23<sup>rd</sup>, 2008.

Read for the second time and passed: July 14<sup>th</sup>, 2008, to become effective thirty (30) days hence.

Signed July 14, 2008.

  
Linda Streich, Mayor

ATTEST:

  
Jennifer McKenzie, City Recorder