

ORDINANCE No. 1991

An Ordinance Repealing in its entirety and adopting a new Title 13 (Streets, Sidewalks and Public Places), Chapter 44 (Public Parks), of the Hood River Municipal Code to authorize the promulgation of park rules by resolution, enforcement by the City Manager or his designee, and declaring an Emergency

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BY 2/9/11 Date
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The City Council of the City of Hood River finds as follows:

WHEREAS, Chapter 13.44 of the Hood River Municipal Code provides a list of specific rules for use of public parks, but makes no provision for additional or other rules as may be needed from time to time as circumstances warrant; and

WHEREAS, circumstances frequently warrant additional or other rules to address situations that threaten to cause conflicts among park users and endanger the safety and welfare of park users; and

WHEREAS, circumstances frequently warrant the adoption and enforcement of temporary rules to address short-term conflicts and problems that threaten conflicts among park users or endanger the health and safety of park users; and

WHEREAS, the City Council desires the explicit authority to promulgate rules and regulations more quickly and with greater flexibility than is the case with codified rules, to vest the City Manager with the primary authority to enforce park rules and regulations, to adopt temporary rules to respond to short-term health and safety problems that may arise without warning; and

WHEREAS, the City Council considered such an amendment to HRMC §13.44.020 at its regular meeting of October 12, 2010, at which time the Council accepted public testimony and comment on the proposal.

NOW THEREFORE, based on the foregoing Findings, the City Council Ordains as follows:

Section 1 – Repeal. Title 13 (Streets, Sidewalks and Public Places), Chapter 44 (Public Parks) is hereby repealed in its entirety.

Section 2 – Adoption. A new Title 13 (Streets, Sidewalks and Public Places), Chapter 44 (Public Parks) is hereby adopted which shall provide as follows:

Chapter 33.14 – Public Parks

Section:

- 13.44.010.....Authority to Acquire and Designate City Parks
- 13.44.020.....Park Rules and Regulations
- 13.44.030.....Compliance Required, Violations

13.44.010 Authority to Acquire and Designate City Parks. The City Council may acquire real property for current or future use as a public

park and may designate any real property owned by the City for public park purposes. The City may acquire and establish a city park with less than a fee interest in land so long as the interest so acquired by the City is consistent with and ensures use of the property for its designated park purposes. City parks may be established or designated for active or passive recreational use, historic, cultural, openspace, ecological or habitat preservation or any other specific purpose so designated by the City Council.


13.44.020 Park Rules and Regulations. The City Council shall adopt by resolution rules and regulations governing conduct in and use of the City's public parks. The City Manager or the Manager's designee shall have the authority to enforce the rules and regulations authorized by, this Chapter. The City Manager may promulgate and enforce temporary park rules and regulations when circumstances warrant and, in the City Manager's opinion, additional or different rules are necessary to protect the health and safety of park users. For purposes of this authority, "temporary" shall mean that temporary rules may be effective for no more than 90 days without City Council ratification.

13.44.030 Compliance Required, Violations. Any violation of the adopted park rules and regulations, or any temporary rule or regulation so declared by the City Manager, shall constitute a nuisance, a civil infraction and a code violation that may be cited and prosecuted in Municipal Court through any lawful enforcement procedure, with a maximum possible penalty of \$300 per violation. The violation of any criminal code or statute in a City park shall be prosecuted as a crime in Municipal or Circuit Court.

Section 3 – Emergency Declared. The City Council deems it necessary for the preservation of the public health, safety and welfare that there be an efficient and prompt mechanism for the promulgation and enforcement of rules and regulations in public parks as necessary to protect public health and safety. To achieve this important objective, avoid any lapses in regulations and to protect the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon adoption.

APPROVED AND EFFECTIVE this 22 day of November 2010.


AYES: 6
NAYS: 0
ABSTAIN: 0
ABSENT: 1



Arthur Babitz, Mayor

ATTEST:


Jennifer Gray, City Recorder

Approved as to form:


Daniel Kearns, City Attorney