

ORDINANCE NO. 5928

AN ORDINANCE REPEALING CHAPTER 12.28 OF THE HILLSBORO MUNICIPAL CODE, AND ADOPTING A NEW CHAPTER 12.28, RELATING TO PUBLIC PARKS AND RECREATION; AND SAFETY AND SECURITY.

WHEREAS, the effective management of public parks and recreation facilities requires the adoption and enforcement of rules regulating their use;

WHEREAS, the Hillsboro Municipal Code Section 2.30.040 charges the Parks and Recreation Commission with overseeing the management of city park and recreation facilities;

WHEREAS, the Hillsboro Municipal Code Section 2.30.040 authorizes the Parks and Recreation Commission to regulate the use of parks and recreation facilities;

WHEREAS, the Parks and Recreation Commission has adopted the park rules attached hereto as Exhibit A; and

WHEREAS, the enforcement of these rules will be more effective and efficient if they are adopted as part of the Hillsboro Municipal Code.

NOW, THEREFORE, THE CITY OF HILLSBORO ORDAINS AS FOLLOWS:

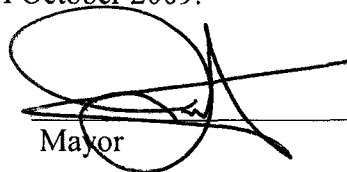
Section 1. The existing Chapter 12.28, Article II of the Hillsboro Municipal Code is repealed, and a new Chapter 12.28, Article II, as attached to this ordinance as Exhibit A, is adopted.

Section 2. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

First approval of the Council on this 6th day of October 2009.

Second approval and adoption by the Council on this 20th day of October 2009.

Approved by the Mayor this 20th day of October 2009.



Mayor

ATTEST: Della Werner
City Recorder

EXHIBIT A

Chapter 12.28 PUBLIC PARKS AND RECREATION

Article II. Safety and Security

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Article II. Safety and Security

12.28.100 Definitions

Words or phrases have the following meanings unless the context clearly requires a different meaning:

MANAGER, the city manager or the city manager's designee.

PARK, an area of land, including buildings, structures, facilities, parking lots, playing fields and other areas used for recreational purposes, owned by the city and regulated by the city Parks and Recreation commission.

PEACE OFFICER, a city police officer or nonsworn enforcement officer employed by the city police department.

PUBLIC LAND, publicly owned or leased land and buildings within the city over which the city has control or authority, including "city property" as defined in Hillsboro Municipal Code (HMC), as well as publicly accessible property owned or controlled by the Tri-County Metropolitan Transit District (Tri-Met) such as transit stations, transit centers, bus shelters, and light rail passenger platforms.

TRESPASS, any entry onto a park or public land in violation of notice of exclusion issued in accordance with this chapter.

12.28.110 Use regulations

The areas affected by this chapter include all parks and public lands within the city.

12.28.120 Exclusion from public land

A. In addition to any other remedy or penalty provided by law, any peace officer or other person specifically authorized by the manager may exclude any person who violates any provision(s) of the HMC, state law or rule, Tri-Met ordinance, or any rule adopted by the city council relating to activities in parks or on public land from that park or public land for a period of up to 90 days. A person excluded under this section may not enter or remain upon that park or public land during the exclusion period. A person excluded from the Civic Center Complex may enter upon or remain at the Civic Center Complex only to the extent necessary to file documents required to be filed with a city official or appear in any municipal court proceeding.

B. A person shall be given a warning and an opportunity to comply with the law before an exclusion notice is issued. An exclusion notice shall not be issued if the person promptly complies with the warning. No warning is required if the exclusion is based on:

1. Conduct punishable as a felony;
2. Involvement of controlled substances or alcoholic beverages;
3. Actions actually or likely to result in personal injury or property damage; or
4. The person having been previously warned or excluded for the same conduct in a separate situation.

C. Written notice shall be given to any person excluded from any park or public land. Such notice shall specify the following:

1. The signature of the issuing party and date of the notice.
2. The date(s) of the exclusion;
3. The place(s) from which the person is excluded;
4. The provision(s) of law violated; and
5. A brief description of the offending conduct;
6. A statement of the consequences for failure to comply; and
7. The appropriate municipal court procedures.

D. This section does not authorize exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal law.

12.28.130 Appeal of exclusion

A. A person receiving an exclusion notice may appeal to the municipal court and seek to have the exclusion reversed or the exclusion period shortened. Any appeal must be filed with the court within 10 calendar days of receipt of the notice, unless extended by the court.

B. If the court receives an appeal of an exclusion notice, that exclusion must be automatically stayed for the time between the court's receipt of the appeal and when the decision on appeal is issued by the court. The court must decide all appeals within 10 days of their filing unless the hearing date is extended by court order.

12.28.140 Hours

Except for evening use otherwise allowed by the city council or as designated by the parks and recreation commission, the permissible hours of use for parks are dawn to dusk. Parks specifically designated for evening use are closed from 1:00 a.m. to dawn.

12.28.150 Animals

- A. Inside parks, pets must be on a leash at all times except in designated off-leash areas.
- B. Pets are prohibited from playground areas, sports fields, sports courts, ponds, streams and wetlands, including the Jackson Bottom Wetlands Preserve.
- C. Owners are responsible for the immediate removal of all solid waste from their pets inside parks.

12.28.160 Fires and fireworks

- A. Fires are prohibited in parks except in barbecue stands, pits, or fireplaces provided for that purpose by the city.
- B. No fire may be left unattended and every fire must be extinguished by the user before leaving the park area.
- C. The use of fireworks is prohibited inside parks.

12.28.170 Tobacco products

The use of any form of tobacco or tobacco-related products is prohibited inside parks.

12.28.180 Vehicles in parks

Motorized vehicles are prohibited within parks and public lands except when traveling on roadways or parking lots prepared and open for such purposes. This prohibition shall not apply to service equipment used to maintain or operate the facilities or emergency vehicles.

12.28.190 Parking facilities

Parking facilities abutting parks are reserved for use by park and recreation patrons only, unless otherwise designated by the city.

12.28.200 Misuse of a public restroom

This section does not prevent access to a public restroom by a person consistent with that person's expressed gender. The following acts are prohibited in a permanent or temporary structure or part of a structure erected or placed for use as a public restroom within a park or public land, including any city building:

- A. Standing, climbing, sitting upon, or laying down on any fixture or floor located inside of or at the entrance of any restroom, unless that fixture or floor is intended to be used for standing, climbing, sitting or lying upon;

- B. Occupying of any restroom by two or more persons when the restroom is specifically designed for use by only one person, unless one of those persons is assisting a handicapped person or persons, a child or children under twelve years of age, or an elderly person or persons, or a person or persons in need of assistance;
- C. Interfering with an attendant in the discharge of his or her duties within a restroom;
- D. For a male person to enter or occupy a restroom marked "Women." This section does not apply to a male child with his mother or female guardian, or an authorized person in the discharge of his regular duties;
- E. For a female person to enter or occupy a restroom marked "Men." This section does not apply to a female child with her father or male guardian, or an authorized person in the discharge of her regular duties; and
- F. Engaging in disorderly or disruptive conduct inside of or at the entrance to any restroom.

12.28.210 Certain activities restricted to specific areas

Activities that may be hazardous to persons using the park or public lands or which may damage grass or foliage, such as hard or softball, golf, football, horseshoes, soccer or rugby, are restricted to areas designated for these activities.

12.28.220 Other activities

The following activities are prohibited within parks without prior approval by the parks and recreation commission:

- A. The consumption of alcoholic beverages;
- B. Overnight camping;
- C. Vending activities;
- D. Posting of signs, markers or inscriptions;
- E. The production of live music; and
- F. Organized gatherings or events involving 50 or more people unless they are within areas available for rent.

12.28.230 Location specific rules

In addition to all other provisions in this chapter, the following rules apply at these specific locations:

- A. Noble Woods Park – all bicycles must be walked on the trails.
- B. Reedville Creek Skate Park
 - 1. Only skateboards and inline skates may be used in the facility. Bicycles, scooters and motorized vehicles are not permitted.
 - 2. Skateboarding is prohibited outside of the designated skating area.
 - 3. Additional ramps, jumps or other obstacles are not allowed in the facility.
 - 4. No food, beverages or glass items are allowed in the facility.
 - 5. Competitive or demonstrative events are not permitted without prior approval by the parks and recreation commission.
- C. All Sports Courts
 - 1. Glass containers are prohibited.

2. Bicycles, skateboards and inline skates are prohibited.
 3. When others are waiting, limit play to one hour.
- D. Hondo Dog Park
1. Dogs must:
 - a. Display identification tags showing proof of current license and rabies vaccination; and
 - b. Demonstrate appropriate social interaction. Dogs displaying aggressive behavior toward people or other dogs must be leashed and removed from the area immediately.
 2. Handlers must:
 - a. Carry a leash for each dog in your care, and leash your dog when outside the off-leash area;
 - b. Closely supervise young children. Children under 12 must be supervised by an adult;
 - c. Accept legal responsibility for any damage or injury caused by your dog. The city and Washington County are not responsible for any damages or injuries;
 - d. Remain in the off-leash area to supervise your dog, keeping him/her within view and under verbal control at all times;
 - e. Remove pinch, choke, and spiked collars when off-leash to prevent injury;
 - f. Not bring a dog in heat to the off-leash area;
 - g. Not bring a puppy without a complete cycle of vaccinations to the off-leash area; and
 - h. Not abandon their dog. Abandoned dogs will be impounded.

12.28.240 Additional rules

The city council may establish additional rules for the safe and efficient operation of parks and public lands.

12.28.250 Violation—Penalty

Any violation of a notice of exclusion issued in accordance with this chapter constitutes criminal trespass in the second degree and is punishable as provided by ORS 164.245 as well as any other applicable provision of state law or provisions of the HMC.