

CHAPTER 94 OFFENSES IN PARKS

- 94.010. Definitions
- 94.020. Animals Prohibited; Exceptions
- 94.030. Picking Flowers, Injuring Trees, Buildings, Fences, Etc.
- 94.050. Discharge of Fireworks
- 94.060. Kindling Fires
- 94.070. Throwing, Batting, Etc., Missiles
- 94.100. Sales and Solicitations
- 94.110. Bathing
- 94.120. Disturbing, Injuring, Animals and Birds
- 94.130. Excavating, Blasting, Etc.
- 94.140. Deposit of Rubbish and Broken Glass
- 94.150. Deposit of Junk
- 94.160. Use of Motor Vehicles
- 94.170. Speed Limit
- 94.180. Parking Regulations in Areas Where Fee Charged
- 94.190. Overnight Use of Parks
- 94.195. Possession of Alcoholic Beverages in Parks
- 94.200. Park Operating Policy
- 94.210. Park Exclusion
- 94.980. Rules
- 94.990. Violations

94.010. Definitions. Unless the context specifically requires otherwise, as used in this Chapter, the following words and phrases mean:

- (a) **Alcoholic beverage:** any liquid or solid containing more than three percent alcohol by volume and capable of being consumed by a human being.
- (b) **Director:** the City Manager, or the department director charged by the City Manager with the administration and enforcement of this Chapter, or that department head's designee.
- (c) **Park:** any public grounds owned, supervised, or controlled by the City, whether within or outside of the corporate limits of the city. As used in this Chapter, The word "park" shall also mean the grounds of the State Capitol, including Wilson Park, Capitol Park, and other parks and grounds in the Capitol area as defined in ORS 276.010, save and except that property used for residential purposes, provided that the Director of the Department of General Services of the State of Oregon has the authority to issue permits and to establish rules and regulations for such areas.
- (d) **Sports field:** any publicly-owned field, stadium, or grounds designed and used for sports, including, but not limited to baseball, softball, soccer, football, and basketball, and including areas designated for spectators to attend the sport. (Ord No. 4685; Ord No.19-81; Ord No. 43-82; Ord No. 30-97; Ord No. 57-05; Ord No. 100-07; Ord No. 42-09)

94.020. Animals Prohibited; Exceptions.

- (a) It shall be unlawful for any person to permit any domestic or other animal, excepting dogs in the company and under the control of such person, to be within, to enter upon, or to go at large in any park.
- (b) It shall be unlawful for any person to permit any dog to be within, or to enter upon any park unless such dog is kept on a leash held by the person at all times, except within that portion of the park posted by the Director as a "dog exercise area." This subsection does not apply to public safety officers in the official performance of their duties.
- (c) Notwithstanding subsections (a) and (b) of this section, it shall be unlawful for any person to

permit any dog to enter upon, or to be within, any portion of a park posted by the Director as an area prohibited to dogs.

(d) It shall be unlawful for any person who permits any domestic or other animal, including a dog, to enter upon or go at large in any park, to fail to immediately remove any and all feces deposited by such animal upon any park property.

(e) Notwithstanding any other provision of this section, authority is hereby granted to the Director to issue permits, for use of the parks, or portions thereof, for animals in conjunction with special events, services or uses under conditions to be determined by the Director. (Ord No. 4685; Ord No. 104-73; Ord No. 45-89; Ord No. 1-94; Ord No. 30-97; Ord No. 57-05)

94.030. Picking Flowers, Injuring Trees, Buildings, Fences, Etc.

(a) It shall be unlawful for any person to pick any flowers, foliage, or fruit, in any park without first obtaining a permit issued by the Director.

(b) It shall be unlawful for any person to willfully cut, break, dig up, or in any way to mutilate, injure or destroy any tree, shrub, plant, grass, turf, railing, seat, fence, structure, building, or any thing in any park, or to cut, carve, paint, mark, or paste on any tree, stone, fence, wall, building, or other structure in any park with any bill, poster, advertisement, or inscription whatsoever. (Ord No. 4685; Ord No. 57-05)

94.050. Discharge of Fireworks. It shall be unlawful for any person to discharge, set off, or explode any firecracker, torpedo, rocket, or other fireworks of any kind in any park, without first obtaining a permit under SRC 58.315 and written permission from the Director. The Director shall not grant any permit for the explosion of fireworks, except for public firework displays that are permitted and are under the jurisdiction of the Chief of the Fire Department. (Ord No. 4685; Ord No. 30-97; Ord No. 57-05)

94.060. Kindling Fires. It shall be unlawful for any person to light, kindle, or use any fire in any park except with permission from the Director, but this provision shall not apply to fires kindled or set in fireplaces or stoves provided for that purpose in any park or in a portable grill. (Ord No. 4685; Ord No. 30-97; Ord 57-05)

94.070. Throwing, Batting, Etc., Missiles. No stone, ball, or other missile shall be thrown, batted, hit, or projected, or rolled from, into, within, or upon any park, except in such place as may be designated for a specific activity in which such ball or other object customarily is used. (Ord No. 4685)

94.100. Sales and Solicitations. It shall be unlawful for any person to sell or expose for sale any merchandise, article, or thing, or to solicit any collection, donation, or charge in any park, unless the person first obtains a permit therefor from the Director. The requirements of this section are in addition to the requirements of any other applicable ordinance pertaining to the sale of any merchandise or any solicitation or collection in the city. (Ord No. 4685; Ord No. 30-97; Ord No. 57-05)

94.110. Bathing. No person shall bathe in any public body of water in or adjacent to any park, except in such places and subject to such regulations as the Director may, from time to time, specially designate for that purpose. (Ord No. 4685; Ord No. 30-97; Ord No. 42-09)

94.120. Disturbing, Injuring, Animals and Birds.

(a) It shall be unlawful for any person to disturb, injure, damage, or kill any bird, bird nest, egg, or any squirrel or other animal within any park.

(b) Notwithstanding any other provision of this section, authority is hereby granted to the Director to issue permits to state agencies and educational institutions to conduct field experiments, trapping, and wildlife relocation within any park, under conditions to be determined by the Director. (Ord No. 4685; Ord No. 57-05)

94.130. Excavating, Blasting, Etc. No person shall dig up or remove any dirt, stone, rock, or other thing whatsoever, make any excavation, quarry any stone, or lay or set off any blast, or cause or assist in doing any of such things within any park, without a permit from the Director. (Ord No. 4685; Ord No. 30-97; Ord No. 42-09)

94.140. Deposit of Rubbish and Broken Glass. It shall be unlawful for any person to throw, leave, or deposit any bottle, broken glass, ashes, coals, burnt materials or refuse, wastepaper or other rubbish, or break any glass in any park, except at such places or in such receptacles as may be designated or provided by the Director. (Ord No. 4685; Ord No. 30-97; Ord No. 42-09)

94.150. Deposit of Junk. It shall be unlawful for any person to leave or deposit any automobile body, automobile part, junk, metal tank, or like material in any park. (Ord No. 4685)

94.160. Use of Motor Vehicles. It shall be unlawful for any person to drive or take any automobile or other motor vehicle into or upon any park except upon such driveways and roadways as may be provided from time to time and as may be designated for that purpose, and then only when such automobile or other vehicle is operated or driven pursuant to such rules and regulations as the Director may promulgate. (Ord No. 4685; Ord No. 30-97; Ord No. 57-05)

94.170. Speed Limit. It shall be unlawful for any person to drive or operate any motor vehicle upon any driveway or roadway within any park at a speed in excess of five miles per hour unless a higher rate or speed is permitted, as indicated by signs posted by the Director. (Ord No. 5588; Ord No. 30-97; Ord No. 57-05)

94.180. Parking Regulations in Areas Where Fee Charged.

(a) It shall be unlawful for anyone to park a motor vehicle in any park where a parking fee is charged, unless the motor vehicle has thereon under the windshield wiper a card issued by the Director showing the date upon which such motor vehicle may be parked, which shall be the date shown on such card.

(b) In lieu of a card required by subsection (a) of this section, it shall be lawful for a motor vehicle to be in a park in which a parking fee is charged if it has attached to the windshield wiper a valid temporary pass issued by the Director showing the date on which such pass is valid and showing the date on which such pass shall be returned to the Director.

(c) All cards entitling motor vehicles to park in any park wherein a parking fee is charged shall be surrendered to the Director when such motor vehicles leave the park area. (Ord No. 5588; Ord No. 30-97; Ord No. 57-05)

94.190. Overnight Use of Parks.

(a) It shall be unlawful for any person to set up camp, tents or any temporary shelter or to use house trailers, recreational vehicles, campers, or automobiles for the purpose of overnight camping in any park between sunset and sunrise;

(b) Notwithstanding any other provision of this section, authority is hereby granted to the Director to issue overnight camping permits to groups, under conditions to be determined by the Director. (Ord No. 124-68; Ord No. 6-80; Ord No. 30-97; Ord No. 57-05)

94.195. Possession of Alcoholic Beverages in Parks.

(a) It shall be unlawful for any person to possess an alcoholic beverage in any park, sports field, City-owned facility, or any event on property controlled by the City and requiring a permit from the Director, except as provided in subsection (b) of this section.

(b) Notwithstanding subsection (a) of this section, a person twenty-one years of age or older may possess an alcoholic beverage that is less than fourteen percent of alcohol by volume in the

following places and under the following circumstances:

- (1) At Wallace Marine Softball Complex if the alcoholic beverage is purchased from a concessionaire that is operating pursuant to a permit issued by the Department of Community Services and licensed by the Oregon Liquor Control Commission; provided, however, that the person shall not remove the alcoholic beverage, or cause or permit the alcoholic beverage to be removed by any other person, from the Wallace Marine Softball Complex.
 - (2) At events authorized by the Director and conducted on City-owned premises, if the alcoholic beverage is purchased from a concessionaire that is operating pursuant to a permit issued by the City and licensed by the Oregon Liquor Control Commission; provided, however, that the person may not possess the alcoholic beverage on such premises, or cause or permit the alcoholic beverage to be possessed by any other person on such premises, more than one hour following closure of the event.
 - (3) As part of an event for which the Director has issued a permit for the consumption of alcohol pursuant to regulations adopted by the Director.
 - (4) At events at City-owned facilities, including, but not limited to, Deepwood Estate, Bush Art Barn, Bush House, the Riverfront Carousel, and A.C. Gilbert's Discovery Village, if such possession has been authorized by the Director or the City's authorized operational contractor of the facility.
- (c) As used in this section, "possession" and "to possess" means the physical possession of, or the exercise of dominion and control over, the alcoholic beverage; provided, however, that a person shall not be deemed to possess an alcoholic beverage if the beverage is in any bottle, can, or other receptacle that is unopened or where the seal has not been broken, and which is contained within a vehicle owned or controlled by the person. (Ord No. 21-78; Ord No. 79-91; Ord No. 79-94; Ord No. 30-97; Ord No. 57-05; Ord No. 100-07; Ord No. 42-09)

94.200. Park Operating Policy.

- (a) Except for unusual and unforeseen emergencies, city parks shall be open to the public every day of the year during designated hours. The Director may establish opening and closing hours for each individual park. The hours shall be posted in the park.
- (b) The Director may as part of a park use permit, allow the erection and maintenance of temporary signs in conjunction with park reservations, special events, services or uses under sign regulations promulgated by the Director.
- (c) A park, or portion thereof, may be reserved for organized or group activities. Reservations shall be made through the Director on an approved application form. The Director may approve such application upon finding:
 - (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
 - (2) That the proposed activity and use will not unreasonably interfere or detract from the promotion of public health, welfare, safety, and recreation;
 - (3) That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;
 - (4) That the proposed activity will not entail unusual, extraordinary activity, or burdensome expense, or police operation by the city; and
 - (5) That the facilities desired have not been reserved for other use at the day and hour required in the application.
- (d) The Director shall have the authority to regulate the activities in park areas when necessary to prevent congestion and to procure the maximum use and safety for the convenience of all. Visitors shall comply with any directions given to achieve this end. Failure to so comply with such regulations shall be considered a violation of this section. (Ord No. 30-97; Ord No. 35-2002; Ord No. 57-05; Ord No. 4-12)

94.210. Park Exclusion.

- (a) In addition to other measures provided in SRC 94.990, or other sections of the Salem Revised Code or any of the laws of the State of Oregon, any person who, within any park, violates any provision of the Salem Revised Code or any non-felony criminal laws of the State of Oregon or any regulation duly made and issued by the Director may be excluded from any park for a period of thirty days, and any person who violates any felony law of the State of Oregon may be excluded from any or all parks for a period of ninety days.
- (b) Written notice shall be given to any person excluded from any park. Such notice shall specify the reason for the exclusion, and the dates and places of exclusion. The notice shall prominently display warning of the consequences of failure to comply, right of appeal and opportunity to apply for temporary waiver from the effects of the notice. Exclusion shall commence immediately upon delivery of the notice to the excluded person.
- (c) A person who has received written notice of exclusion and who violates the notice restrictions may be charged with Trespass under SRC 95.550. In addition the person may be excluded from any or all parks for an additional period of not more than ninety days.
- (d) Any person receiving a second written notice of exclusion within six months of receiving another such notice may be excluded from any or all parks for a period of not more than ninety days.
- (e) For the purposes of this section a person "violates" a provision of law if based on the evidence reason exists to believe that more likely than not an offense was committed and the person committed it.
- (f) Persons with authority to enforce this section are any peace officer, any official or employee designated by the Director to enforce this section, and any individuals under contract with the City for park security services.
- (g) The appeal provisions in SRC 95.770 apply to exclusion notices issued under this section. (Ord No. 9-93; Ord No. 30-97; Ord No. 31-2003; Ord 57-05; Ord 42-09)

94.980. Rules. The Director shall adopt rules governing the issuance of permits. The Director may adopt such additional rules and regulations not inconsistent with the provisions of this chapter, that the Director determines to be required for the administration and enforcement of this chapter. (Ord No. 57-05)

94.990. Violations.

- (a) Violation of SRC 94.040, 94.080, 94.120, or 94.195 is a misdemeanor.
- (b) Violation of any other provision of this chapter is an infraction. (Ord No. 193-79; Ord No. 108-81)

