CITY of LA GRANDE
COUNCIL ACTION FORM

Council Meeting Date: **June 14, 2017**

**PRESENTER:** Robert A. Strope, City Manager

**COUNCIL ACTION:** CONSIDER SECOND READING by TITLE ONLY of PROPOSED ORDINANCE REGULATING CONDUCT IN CITY PARKS

1. **MAYOR:** Open the Public Hearing, Announce this is a Legislative Hearing; that the Rules of Order were Read in their Entirety during the Regular Session of May 3, 2017; and that Public Comments were taken at that time

2. **MAYOR:** Request Staff Report

3. **MAYOR:** Invite Council Discussion

4. **MAYOR:** Entertain Motion

   **Suggested Motion:** I move that the Proposed Ordinance Regulating Conduct in City Parks be Read by Title Only a Second Time; put to a vote; and Adopted

5. **MAYOR:** Ask City Recorder to Read the Proposed Ordinance for the Second Time by Title Only

6. **MAYOR:** Ask for the Vote

***********************************************************************************************************************************

**EXPLANATION:** The first reading of this ordinance regarding management practices for Morgan Lake Park was read at the regular session of City Council on May 3, 2017. As a reminder, the Parks and Recreation Advisory Commission, through a public process, came to the conclusion that the following recommended changes be made to the Parks Rules Ordinance and/or the management of the park: limit camping to a maximum 3-night stay, impose registration for campers by gathering information including but not limited to their license plate number, emphasize fire restrictions, set up the sale of firewood, label campsites, and only allow camping in designated sites. These changes are reflected in the updated Ordinance for your consideration.

Based on the forums, the Commission plans to pursue the following suggested future improvements, subject to secured funding. Improvements include: an added ADA vault toilet building near the entrance to the park; bank vegetation restoration efforts; a life jacket self-check-out kiosk; development of a swimming area; repair and ADA access to the paved pathways and main dock; arranging all the campsites in one concentrated area near the road; and an enhanced day use, picnic, and parking area near the main dock.

**********************************************************************************************************************************

Reviewed By: (Initial)   COUNCIL ACTION  (Office Use Only)
City Manager  _____       Ordinance Adopted
City Recorder  _____       Motion Passed
Aquatics Division  _____       Motion Failed
Building Department  _____       Action Tabled: ________________
ED Department  _____       Vote: ________________________
Finance/Human Re-       Resolution Passed
ources Department  _____       Recessed: _______________________
Fire Department  _____
Library  _____
Parks Department  _____       Effective Date: ________________
Planning Department  _____       Work Session: ____________________
Police Department  _____       Other: ________________________
Public Works Department  _____

COUNCIL ACTION FORM TEMPLATE REVISED 05-15-15
U:A CITY COUNCIL:CAFS/2017/REGULAR SESSIONS/6-14-17/Parks Ord/CAF Park Rules Ordinance 2nd reading 2017 (3).doc
THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

Section 1. DEFINITIONS

a. City Park
   Any public grounds operated under the supervision of the Parks and Recreation Director, whether within or outside of the corporate limits of the City of La Grande.

b. Director
   The person, or his/her designee, hired by the City of La Grande to be in charge of the City’s Parks and Recreation Department.

c. Motor Vehicle
   Every vehicle which is self-propelled.

d. At Large
   Out of physical or verbal control.

e. Smoking and Tobacco Use
   Smokeless tobacco and the burning, carrying or holding of a lighted cigarette, cigar, pipe, electronic cigarette, any vapor products, hookahs or any other lighted smoking item or equipment containing tobacco or any other herbaceous material, or the inhalation or exhalation of smoke from the same.

f. Motors
   Including gas and electric boat motors, generators, and pumps.

g. Criminal Trespass
   Criminal Trespass as defined in ORS 164.245

Section 2. CONDUCT IN CITY PARKS

a. Regulation of Activities
   The Director shall have the authority to regulate the activities in City parks when necessary to prevent congestion and to procure the maximum use and safety for the general public. Users shall comply with regulations and/or directions set forth for these activities.

b. Hours Open to the Public
   Except for unforeseen emergencies, all City parks, with the exception of Morgan Lake, shall be open to the public every day of the year. Opening and closing hours for each City park may be established by the Director and shall be posted for public information.

c. Reservations and Fees
   A City park, or portion thereof, may be reserved for organized or group activities for a fee in accordance with the current City Resolution establishing such fees. When buildings or facilities are not reserved, they are available to the public on a first come, first served basis. Reservations shall be made through the Parks and Recreation Department on an application form provided by the City. For major events, a Special Event Application may be required and approved by the Director. The Director shall approve such applications when he/she finds:
1. that the proposed activity or use of the park will not unreasonably interfere with or detract from the general public’s enjoyment of the park;

2. that the proposed activity or use of the park is not reasonably anticipated to incite violence, crime or disorderly conduct; or

3. that the proposed activity or use of the park will not entail unusual, extraordinary activity, create burdensome expense for the City or require police supervision. Denial of such an application may be appealed to the City Manager whose decision is final and binding.

d. Animals in Parks
1. No person shall allow any animal in his/her possession or ownership to be at large in any City park. Persons with pets shall be responsible for cleanup of pet waste. Persons who do not clean up pet waste are subject to the fines detailed in Section 4 of this Ordinance.

2. No hoofed animals are allowed in any City park, except Morgan Lake. The Director may authorize an exception for special events, subject to such requirements, including posting a bond, as he/she may specify.

e. Preservation of Vegetation
No person shall pick any flowers or foliage, or cut, dig up, remove, drive on, or in any way mutilate or injure any tree, shrub, plant or grass in a City park.

f. Fireworks
No person shall discharge, set off or explode any firecracker, firework, or explosive device of any kind, except by special permit from the Director. No permit shall be granted without the approval of the La Grande Fire Department.

g. Fires
No person shall build a fire in a City park except in designated areas.

i. Personal Hygiene
No person shall use any public body of water in or adjacent to any City park, for the purpose of performing personal hygiene, except in such places and subject to such regulations as the Director may specifically designate.

j. Excavating/Blasting
No person shall dig up or remove any dirt, stone, rock or any other earthen part of a City park without a permit from the Director.

k. Speed Limit
No person shall operate a motor vehicle on any driveway or roadway within a City park at a speed in excess of ten (10) miles per hour, unless a higher rate of speed is permitted, as indicated by signs posted by the City.

l. Overnight Use of City Parks
No person shall camp overnight in any City park or remain in any City park after the established closing hours. Camping is allowed at Morgan Lake, but may not exceed a maximum of three (3) consecutive days. At the discretion of the Director, other City parks or portions of other City parks may be reserved for camping by organized groups on a case by case basis. An appropriate application as detailed in Section 2.c. of this Ordinance may be required.

m. Smoking and Tobacco Use Prohibited
Smoking and tobacco use as defined in Section 1.e. is prohibited in or upon any recreational facility owned and/or operated by the City of La Grande.

n. Peddling
Section 3. CONDUCT SPECIFIC TO MORGAN LAKE PARK

In addition to conduct outlined in Section 2, the following items apply specifically to Morgan Lake Park.

a. Open to the Public
   Generally Morgan Lake is open to the public effective the day before the first day of fishing season for lakes, as established by the State of Oregon Department of Fish and Wildlife, through the last day of October. The park gate will remain open throughout the open season. Vehicle access is limited to the parking area outside the gate when park is closed. Opening and closing hours may be established by the Director and shall be posted for public information.

b. Overnight Use
   Overnight camping is only allowed in designated sites with a maximum stay of three (3) consecutive days per calendar month. Overnight campers must complete registration at gate. At least one person must occupy a camping area each night after camping equipment has been set up unless permission has otherwise been granted by the Director.

c. Campfires
   (1) Campfires shall only be built in the metal fire rings or fireplaces provided for such purposes. Fires shall not be left unattended or be permitted to cause damage to park facilities or areas.
   (2) No firewood cutting or collection of firewood is allowed in park areas.
   (3) Firewood may be made available for purchase from the City of La Grande Parks and Recreation Department at the discretion of the Director and sold by camp host or other individuals designated by the Director.
   (4) Fire users must fully extinguish fires before leaving the park.
   (5) Propane portable stoves may be used only in established campsite or picnic areas. Other types of portable stoves are not allowed.
   (6) Briquettes may be used in the provided barbecue stands in the day use areas.
   (7) At the Director’s discretion, fires normally permitted in park areas may be restricted or prohibited due to high fire hazard conditions.

d. Animals
   (1) No person shall allow any animal in his/her possession or ownership to be at large in the park area. Persons with pets shall be responsible for cleanup of pet waste. Persons that do not clean up waste are subject to the fines detailed in Section 4 of this Ordinance.
   (2) Horses may utilize roadways designated for the use of motor vehicles.

e. Litter, Garbage, Sewage or Waste
   Litter, garbage, sewage or waste shall be packed out or deposited in the approved containers, if provided. Garbage, litter, fish cleanings or other foreign substances are not permitted in toilets or plumbing fixtures or in the Lake.

f. Firearms
   No person shall hunt, pursue, trap, kill, injure or molest any wildlife or disturb their habitats. With the exception of law enforcement officials, concealed handgun license holders possessing a firearm as allowed under their license, and other government officials required to carry firearms in the performance of their official duties, firearms are prohibited in the park area.

g. Motors Prohibited
   No motors as defined above are allowed at Morgan Lake Park with the exception of the camp host using a generator for power. Motor vehicles are permitted on designated roadways when the park gate is open.

h. Preservation of Vegetation
   No person shall pick any flowers or foliage, or cut, dig up, remove, drive on, or in
any way mutilate or injure any tree, shrub, plant or grass in the park.

Section 4. PENALTIES

a. Fines and Restitution
A person violating any of the provisions of this Ordinance or a rule/regulation issued under the authority of this Ordinance shall, upon conviction thereof, be required to make full restitution for damages. In addition, violators may receive a fine not to exceed five hundred dollars ($500) for each violation.

b. Trespass
Law enforcement officials or the Director may issue a warning to an individual who violates any of the provisions of this Ordinance. Law enforcement or the Director may exclude that person from that specific park or facility for the remainder of the day and up to 30 days. The individual may be arrested and prosecuted for criminal trespass if the individual enters/remains in the park from which he has been previously excluded during the period of time specified by law enforcement or the Director.

Section 5. SEVERABILITY

The sections and subsections of this Ordinance are severable. If any section or subsection is found invalid or unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the Ordinance as a whole nor any of the remaining sections or subsections; and they shall remain in full force and effect.

Section 6. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Union County, Oregon, and its approval by the Mayor; specifically, July 14, 2017.

ADOPTED this Fourteenth (14th) day of June, 2017, by _____________ (___) of ______________ (___) Councilors present and voting.

____________________________________
Stephen E. Clements, Mayor

ATTEST:

____________________________________
Angelika N. Brooks
City Recorder