

ORDINANCE NO. 720

AN ORDINANCE ADDING STAYTON MUNICIPAL CODE SECTIONS 8.12.650, "PROHIBITED BEHAVIOR IN PUBLIC PARKS AND FACILITIES"; 8.12.660, "EXCLUSION OF PERSONS FROM PARKS AND PUBLIC FACILITIES"; AND 8.12.670; "EMERGENCY CLOSURE OF PARKS"; AND DECLARING AN EMERGENCY.

WHEREAS, activities in public parks by some individuals have created a level of noise, litter, vandalism, and other conditions that are unacceptable; and

WHEREAS, these conditions have generated increasing numbers of complaints to the police department from area residents and park users; and

WHEREAS, the lack of cooperation from those individuals to direction from members of the police department and other enforcement agencies has created a situation where the adoption of regulations governing behavior of members of the public within parks and city facilities and authority for emergency closure of city parks and facilities is necessary to preserve the health, safety, and interests of the public;

NOW, THEREFORE, the Stayton City Council ordains as follows:

SECTION 1: Stayton Municipal Code Sections 8.12.650 to 8.12.670 are added to read:

8.12.650 **PROHIBITED BEHAVIOR IN PUBLIC PARKS AND FACILITIES**

1. No person shall sleep on the seats or benches; or make, assist in making, continue, or cause to be made any boisterous, disturbing, threatening, abusive, indecent, or obscene language or gestures; or unnecessary noise; or by any other act to breach the public peace; or annoy, disturb, injure, or endanger the comfort, repose, health, safety, welfare, or peace of others while in any park or public facility.
2. No person shall blow, spread, or place any nasal or other bodily discharge, or spit, urinate, or defecate on the floors, walls, partitions, furniture, fittings, or any portion of a public restroom located in any park, or in any place in a public restroom or public facility, excepting directly into the particular fixture provided for that purpose.
3. No person shall place a bottle, can, cloth, rag, metal, wood, stone, or other foreign substance in the plumbing fixtures in a public restroom or public facility.
4. No person shall enter or remain in a park or public facility while in a visibly intoxicated condition.

8.12.660 **EXCLUSION OF PERSONS FROM PARKS AND PUBLIC FACILITIES**

1. If a person violates any section of Stayton City Code, chapters 8.04, 8.12, 9.04, 9.08, 9.20, 9.24, 9.28, 9.32, 9.36, 10.04, 10.12, or any laws of Oregon while in a public park or public facility, a police officer may exclude that person from any or all parks or public facilities for a period of not more than thirty (30) days in accordance with the following procedure:

- a. Written notice shall be given to the person to be excluded from a park or public facility. The exclusion period shall take immediate effect.
- b. The notice shall prominently specify the beginning and ending dates of the exclusion period.
- c. The notice shall prominently display a trespass warning describing the potential consequences of unlawful behavior after receipt of an exclusion notice and for entering a park during the exclusion period.
- d. At any time within the exclusion period, a person having received a notice may apply in writing to the chief of police or his designate for a temporary waiver from the exclusion for good reason shown.

8.12.670 EMERGENCY CLOSURE OF PARKS

1. A police officer of the City of Stayton may close a park, or part thereof, at any time by erecting barricades prohibiting access to any such park, or part thereof, at appropriate locations. Notice that any park, or part thereof, is closed shall be posted at appropriate locations during the period of such closure.
2. A police officer of the City of Stayton may close any park, or any part thereof, in accordance with this section, in the interest of public safety, health, and welfare in the event conditions exist in or near that park which involve any of the following circumstances:
 - a. Life or property appear to be endangered and other means cannot reasonably be utilized to eliminate the danger;
 - b. An overcrowding of persons or vehicles has occurred, impairing access of emergency assistance or emergency vehicles;
 - c. Park property or other property located near the park reasonably appears to be endangered;
 - d. Persons making, assisting in making, continuing, or causing to be made any boisterous, disturbing, threatening, abusive, indecent, or obscene language or gestures, or unnecessary noise, or by any other act to breach the public peace; or annoying, disturbing, injuring, or endangering the comfort, repose, health, safety, welfare, or peace of others in any park or public facility, and is of such consequence that cessation of the disturbance cannot otherwise be accomplished;
 - e. A hazardous condition exists;
 - f. That violation(s) of criminal offenses or ordinances is occurring and is caused by sufficient numbers of persons, or is of such consequence that cessation of the disturbance cannot otherwise be accomplished;
 - g. Other conditions exist such that the safety of persons or property cannot reasonably be assured.
3. During the closure of a park, or portion thereof, in accordance with this section, it shall be unlawful for any person to enter the park, or any part thereof, that has been closed, or to remain

in the park, or part thereof, after having been notified of the closure and having been requested to leave by a police officer.

4. Such emergency closure shall not exceed 18 hours without the written approval of the city administrator.

SECTION 2: It is hereby adjudged and declared that existing conditions are such that this ordinance amending the Stayton Municipal Code sections related to closure of city parks is necessary to serve the public health, safety, welfare, convenience, and environmental amenities of the City of Stayton and the inhabitants thereof, and this ordinance shall be in full force and effect when executed by the mayor.

PASSED BY THE STAYTON CITY COUNCIL this 2nd day of August 1993.

Date: 8-3-93 By: Willmer Van Vleet
WILLMER VAN VLEET, MAYOR

Date: 8-3-93 Attest: Michael D. Healy
MICHAEL D. HEALY, Acting City Administrator

APPROVED AS TO FORM

Date: JUL 23 1993 David A. Rhoten
DAVID A. RHOTEN, City Attorney

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