

WIARD MEMORIAL PARK DISTRICT

RULES AND REGULATIONS

**APPROVED AND ADOPTED BY
WIARD PARK DISTRICT
BOARD OF DIRECTORS**

**APRIL 18, 2003
ORDINANCE NO. 01-03**

**AMENDED - AUGUST 21, 2013
ORDINANCE NO. 13-01**

**AMENDED - MARCH 15, 2017
ORDINANCE NO. 17-01**

KLAMATH COUNTY, OREGON

WIARD PARK DISTRICT FACILITIES

WIARD PARK: 2800 WIARD ST.

CREST PARK: 3801 HILYARD AVE.

ETNA PARK: 1865 ETNA ST.

ALVA PARK: 5200 ALVA AVE.

KLEIN PARK: 3020 BARRY AVE.

KELLER PARK: 6416 HARLAN DR.

GIGLER NATURE PARK: FARGO ST.

QUICK REFERENCE INDEX

<u>Subject</u>	<u>Regulation#</u>
ALCOHOL (see liquor)	7.1
ANIMALS	10.1
BB GUNS	9.2
BICYCLES (see Vehicles)	8.1
BOW AND ARROW	9.2
CAMPING	3.1
CRIMINAL TRESPASS	15.2
CRIMINAL MISCHIEF	1.2
DISORDERLY CONDUCT	1.1
DOGS	10.4
DRUGS	7.2
DUMPING	1.3
ENFORCEMENT	14.1-4
EXCLUSION	16.1-7
FIREARMS	9.1
FIRES	4.1-3
FIREWORKS	9.3
GARBAGE	1.3
GIGLER NATURE PARK	15.1-4
GOLFING	3.3
HORSES	10.4b
HOURS OF OPERATION	2.1
HUNTING	10.2
LIQUOR	7.1
MEETINGS (religious, political)	13.1
MODELS (aircraft, rockets)	6.1
MUSIC (noise levels)	5.1
OBSCENE LANGUAGE, GESTURES	1.1
PAINTBALL	1.2, 9.2
PARKING	3.2, 8.1, 8.5-6
POLLUTION	1.4
SKATEBOARDING (scooters, skates)	8.1
SLINGSHOTS	1.2, 9.2
SOLICITATIONS - SALES	11.1-2
VEGETATION (removal, damage)	1.2
VEHICLES	3.2, 8.1, 8.5-6
YARD DEBRIS	1.3

1. GENERAL USE OF PARK AND RECREATION AREAS

It is prohibited to:

- 1.1 Use abusive, threatening, or obscene language and gestures. Persons shall conduct themselves in a manner that will not distract or disturb others in the peaceable enjoyment of any District park.
- 1.2 Remove, destroy, or damage any vegetation, materials, or supplies provided for the comfort of the general public within a District park.
- 1.3 Dump or leave any rubbish, yard debris or refuse of any type in any District park. Refuse or litter resulting from use of park areas must be deposited in refuse receptacles provided for such purposes.
- 1.4 Wash any clothing or other material or equipment, or introduce or place any polluting substance, waste, or litter in any wading pool, fountain, or restroom facility in a District park.
- 1.5 No person shall violate any section of the Oregon Criminal Code of 1971 as amended.

2. PARK HOURS

- 2.1 All parks are open from dawn to dusk, during periods of normal seasonal operation, except for activities for which
a
Park District permit has been obtained.
- 2.2 Seasonal operation will commence at the discretion of the District Manager, but not later than May 1st, and shall conclude at the discretion of the District Manager, but not earlier than October 1st.

3. PARK/PICNIC AREAS

It is prohibited to:

- 3.1 Camp overnight in any District park, except by District Permit.
- 3.2 Stay overnight in any vehicle within any park or within any public lot adjacent to a park.
- 3.3 Hit golf balls in District parks.

4. FIRES

Fires are prohibited in any park except in areas designated and set aside from such purposes.

- 4.1 Fires in park areas shall be confined to barbecue stands, pits, or fireplaces provided for that purpose; and portable stoves in established picnic areas where fires are permitted.
- 4.2 No fire in a park may be left unattended. Every fire must be extinguished by the user before leaving the park area.
- 4.3 Fires may be restricted or prohibited at the discretion of the District Manager when fire hazard conditions are high.

5. MUSIC/AMPLIFICATION SYSTEMS

- 5.1 It is not permissible to play any amplified sound or public address systems at sound levels that offend other park users or extend beyond the boundaries of the park.

6. MODEL AIRCRAFT

- 6.1 It is prohibited to operate model aircraft, drones, or rockets in any park except by permit or in areas specifically designated for that purpose.

7. INTOXICATING LIQUORS AND DRUGS

It is prohibited to:

- 7.1 Possess or consume alcoholic beverages that contain an excess of 14% alcohol by volume, at any time in the park. Alcoholic beverages that contain less than 14% alcohol by volume, such as beer and wine, are permitted in all park picnic areas, but are prohibited in the following areas:
- 7.1a Children's playground areas
 - 7.1b Athletic fields, basketball courts, tennis courts, volleyball courts
 - 7.1c Parking lots
 - 7.1d Restrooms
- 7.2 Sell, use, or possess any drug or narcotic prohibited by state law, while in or upon property under the jurisdiction of the District.

8. VEHICLES

- 8.1 Bikes, scooters and skateboards are permitted within park boundaries on the condition that riders abide by section 8.2: dismount and bike, scooter, or skateboard and place in a designated storage area or walk the vehicle upon request of District staff.
- 8.2 Persons shall dismount any of the above listed vehicles and either place it in a designated storage area or walk the vehicle while on park premises.

It is prohibited to:

- 8.3 Operate a motorized vehicle within any District park except:
- 8.3a On roadways and parking areas specifically designated to motor vehicles.
 - 8.3b Maintenance vehicles of the District.
 - 8.3c By consent of District Manager and with guidance and direction by park personnel.
- 8.4 Operate a vehicle carelessly or, in such a manner as to endanger the rights and safety of others.

8.5 VEHICLES, PARKING, ABANDONMENT AND TOWING

8.5.1 As used herein the definitions appearing in ORS Chapter 801 shall apply.

8.5.2 No person shall park a vehicle on Park District property or on any public way, parking lot, shoulder or street adjoining Park District property, a) between the hours of 10:00 pm and 6:00 am, except in conjunction with any authorized and permitted Park activity; b) with the intent to market, sell or repair; c) for purposes of camping or use as sleeping quarters; or d) for operation of any food vending concession or other commercial activity, except upon authorization of the Park District.

8.5.3 No person shall abandon a vehicle upon Park District property or on any road, highway, parking area or right of way adjoining Park District Park District property.

8.5.4 A vehicle abandoned in violation to this section is subject to the provisions for towing and sell of abandoned vehicles under ORS 819.110 to 819.215.

8.5.5 A vehicle may be taken into the custody of the Klamath County Sheriff pursuant to ORS 819.110 if the vehicle has been parked or left standing upon any public way for a period in excess of 24 hours without authorization.

8.5.6 Before taking a vehicle into custody the Park District shall provide notice and provide an explanation of procedures available for obtaining a hearing under ORS 819.190, in addition the notice shall: a) be given by fixing a notice to the vehicle at least 24 hours before taking the vehicle into custody; b) it shall provide that the vehicle at least 24 hours before taking the vehicle into custody; b) it shall provide that the vehicle be subject to being taken into custody and being towed by Klamath County if not removed before the time set in the notice; c) the notice shall provide that the vehicle is in violation of provisions of Wiard Memorial Park District Ordinance 13-01; d) that the vehicle will be held in custody at a named authority whose address and telephone number shall be given; e) that the vehicle be subject to towing and storage charges and a lien will attach to the vehicle and its contents; f) that the vehicle will be sold to satisfy the costs of towing and storage if the charges are not paid; g) that the owner, possessor or person having interest in the vehicle is entitled to a hearing before the vehicle is impounded to contest the proposed custody and towing if a hearing is timely requested; h) that the owner, possessor or person having interest in the vehicle may challenge the reasonableness of the towing and storing charges at the hearing; i) the time with which a hearing must be requested and method for requesting it.

9. FIREARMS AND EXPLOSIVES

It is prohibited to:

- 9.1** Possess, discharge or cause to be discharged in or into any of the properties of the District, any fireworks, explosives or other substance.
- 9.2** Possess, discharge or cause to be discharged in, or into any of the properties of the District, any fireworks, explosives or other substance.

10. TREATMENT OF ANIMALS

- 10.1** Individuals may not release animals, domestic or native, onto District property.
- 10.2** It is prohibited to pursue, hunt, trap, or capture any wild bird or animal in a District park.
- 10.3** Individuals may not mistreat, torment or molest domestic or wild animals on district property.
- 10.4** Domestic animals are excluded from all park areas.
 - 10.4a** Dogs are prohibited in all park areas, except guide dogs per ORS 346.
 - 10.4b** Individuals may not ride, lead or keep a horse, livestock, or any other animal in a park area.

11. SOLICITATION/SIGNS

- 11.1** Individuals may not erect signs, markers, or inscription of any type within a park area except by District permit.
- 11.2** Individuals may not distribute any notice, pamphlet, handbill, or printed information of any kind, except to a person willing to accept it and if it is distributed without charge.

12. VENDOR/CONCESSIONS

- 12.1** It is prohibited to operate a fixed or mobile concession, solicit, sell, offer for sale, peddle, hawk, or provide any goods or services; or advertise any goods or services on District property, except by District permit.

13. ASSEMBLIES/MEETINGS

- 13.1** Individuals or organizations may not hold any religious or political meeting or other assembly within a park without first obtaining a permit from the District. Such permit may be conditioned as to the time and place of holding such meeting so as not to unreasonably interfere with other activities within the park.

14. ENFORCEMENT OF RULES AND REGULATIONS

- 14.1** Peace officers and employees of the Wiard Memorial Park District are vested with the authority to enforce the rules and regulations herein. This authority may include the issuance of citations as provided by Oregon law to any person who violates any provision of the rules and regulations of this District, or, may refuse entrance or exclude a person from District property.
- 14.2** Individuals shall not interfere with any authorized person enforcing these rules and regulations.
- 14.3** Individuals shall not refuse to leave any District park after being directed to leave by a peace officer, District Manager, or any employee of the Wiard Memorial Park District.
- 14.4** A violation of these regulations is a misdemeanor punishable upon conviction by a fine not to exceed One Hundred Dollars (\$100.00) or imprisonment not to exceed 5 days or both.

15. GIGLER NATURE PARK - Park Specific Rules

The Wiard Memorial Park District received the Gigler Nature Park through a donation from the Estate of Audrey Gigler. This park has been set aside for and will be maintained to provide a natural habitat for wildlife residing within the park boundaries. The park is a serene and reflective park, providing a walking trail where nature and the local wildlife can be enjoyed.

- 15.1** It is not permissible to play any amplified sound or public address systems within the boundaries of Gigler Park.
- 15.2** It is not permissible to disturb the wildlife residing within the Gigler Park boundaries, including but not limited to feeding of the wildlife.
- 15.3** Bikes, scooters and skateboards are not permitted within Gigler Park boundaries.
- 15.4** Fires are not permitted within the Gigler Park boundaries.

16. EXCLUSION

- 16.1** In addition to other measures provided for violation of the rules and regulations of the Wiard Memorial Park District or the laws of the State of Oregon, any peace officer or District employee may exclude a person who fails to comply with the rules and regulations of the Wiard Memorial Park District or violates any law of the State of Oregon while on District property. The period of time of said exclusion shall not be less than 30 days or more than 180 days for each offense.
- 16.2** A person excluded under subsection 1 above may not enter or remain upon any part of the District facilities from which said person is excluded during the period of exclusions. An excluded person who enters or remains upon any part of the District facility from which the person has been excluded is a trespasser and may be arrested and prosecuted for the crime of criminal trespass in the second degree (ORS 164.245).
- 16.3** Written notice signed by the issuing party shall be given to a person excluded from all or part of the District facilities which notice shall specify the reason for the exclusion, the places and duration of exclusion, and the consequences for failure to comply with the notice, the exclusion shall commence immediately upon issuance of the notice to the excluded person.

- 16.4** An excluded person may, within 10 days after the commencement of the exclusion, appeal in writing to the District Manager or the Manager's designee for review of the exclusion. An appeal shall contain a copy of the exclusion notice, a request for hearing or request for written review without a hearing and a statement settling forth the reason that the exclusion is invalid or improper. The District Manager or designee shall render a decision not later than 10 days after receipt of the appeal unless the appellant requests a hearing.
- 16.5** If, as part of a written appeal, the excluded person requests a hearing, a hearing shall be conducted by the District Manager or designee within 10 days after receipt of the appeal and a decision shall be rendered within 10 days after the hearing.
- 16.6** At any time during the exclusion, an excluded person may petition in writing to the District Manager for a waiver of the exclusion.
- 16.7** Unless the excluded person requests the presence of the issuing person at the appeal hearing, the District Manager or designees may use the issuing person's affidavit as evidence at the hearing in lieu of the person's testimony.