

## **Title 12**

### **STREETS, SIDEWALKS AND PUBLIC PLACES**

#### **Chapters:**

- 12.04 Sidewalk and Curb Construction and Repair**
- 12.06 Right-of-Way Encroachment Standards**
- 12.08 Park and Recreational Area Use Regulations**

## Chapter 12.04

### STREET, SIDEWALK AND CURB CONSTRUCTION AND REPAIR

#### Sections:

- 12.04.010 Sidewalk/Public Pathway defined.**
  - 12.04.020 Standards and specifications.**
  - 12.04.030 Limiting use and closure authority.**
  - 12.04.040 Maintaining sidewalks, street landscape areas and removing obstructions.**
  - 12.04.050 Construction, alteration or repair—Permit required.**
  - 12.04.060 Right to supervise.**
  - 12.04.070 Periodic survey of sidewalks and curbs.**
  - 12.04.080 Resolution adoption for sidewalk or curb repair.**
  - 12.04.090 Notice to repair.**
  - 12.04.100 Failure of owner to repair.**
  - 12.04.110 Costs of city repair assessed against owner when.**
  - 12.04.120 Conflict with Ordinance 2-1961.**
- 12.04.010 Sidewalk/Public Pathway defined**

A. A sidewalk within City right-of-way is defined as that part of the street or right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians. (Ord. 2-1969 § 1;§ Ord 7-2007)

B. A public pathway within the City right-of-way is defined as any right-of-way so designated for the use of pedestrians that does not meet the definition of a sidewalk.

#### **12.04.020 Standards and specifications**

A. All Streets, Sidewalks, Public Pathways and Curbs within City rights-of-way shall be constructed in accordance with the Wood Village Design and Construction Standards for Public Works Facilities as adopted by the City Council.

#### **12.04.030 Limiting use and closure authority**

A. Any street, sidewalk, or public pathway may be declared closed to the public by the City Administrator or designee at any time and for any interval of time, either entirely or merely to certain uses as the City Administrator finds reasonably necessary to ensure the health, welfare or safety of the public.

B. The City Administrator shall post notice of the closure of a City street, sidewalk, and/or pathway in a readily visible location at the entrances or along the path. The Notice shall state "Closed pursuant to Wood Village Municipal Code 12.04.030. No trespassing. Violators are subject to citation under Wood Village Municipal Code Chapter 1.06."

C. During the period of closure of a City street, sidewalk, and/or pathway in accordance with this section, it is unlawful for any person to enter the area that has been closed, or to remain in the area after having been notified of the

closure and having been requested to leave. Violations of this section are civil infractions under Wood Village Municipal Code Chapter 1.06

D. The Council may limit, or establish standards and criteria for administrative approval of requests to limit the use of any City street, sidewalk, pathway to a particular event or function for a specified time and interval of time as the City deems appropriate. (§ Ord. 7-2007)

**12.04.040 Maintaining sidewalks, street landscape areas and removing obstructions**

It is made the duty of each owner of land adjoining any street in the city to maintain in good condition and repair sidewalks on the street and curbs adjoining his land, and in the case of sidewalks, to remove obstructions therefrom which might impede the progress or endanger the safety of pedestrians. (Ord. 2-1969 § 4) It is also made the duty of each owner of land adjoining any street in the city to maintain in good condition and weed-free landscaped areas adjacent to streets and sidewalks (§ Ord. 7-2007).

**12.04.050 Construction, alteration or repair—Permit required**

No person shall construct, alter or repair a sidewalk pathway or curb within the city without first obtaining a permit therefor from the City and paying the applicable fee, if any. No permit for the construction, alteration or repair of a sidewalk or curb shall be granted by the City until the person making application therefor shall submit, in writing, the

plans and specifications for the proposed work to the City public works department and it be determined that the proposed work conforms to the applicable standards and specifications established by the City for such work. (Ord. 2-1969 § 5 :§ Ord. 7-2007)

**12.04.060 Right to supervise**

The City public works department, its agents and employees, shall at all times have the right to supervise the construction, repair or alteration of sidewalks or curbs within the city and to enforce the general plans and specifications covering the construction thereof. (Ord. 2-1969 § 6 :§Ord. 7-2007)

**12.04.070 Periodic survey of sidewalks and curbs**

It shall be the duty of the City public works department to make periodic survey of city sidewalks pathways and curbs and in the event that it is found that any sidewalk, pathway or curb is in need of repair, to bring the matter to the attention of the City Council. (Ord. 2-1969 § 7 :§ Ord. 7-2007)

**12.04.080 Resolution adoption for sidewalk, pathway or curb repair**

Whenever the Council shall deem it expedient or necessary that any existing sidewalk, pathway or curb shall be repaired, it shall adopt a resolution declaring the same to be expedient and necessary and describe in said resolution the work to be done and the location thereof, the name of the owner of the abutting property, together with the location and description thereof, setting

forth the time within which the same shall be completed and setting forth therein, if appropriate, that said construction or repair work shall be made at the expense of the adjacent and abutting property owner. (Ord. 2-1969 § 8)

#### **12.04.090 Notice to repair**

A. Whenever the Council shall by resolution, direct the repair of a sidewalk, pathway or curbing in the manner indicated in Section 12.04.080, notice containing the substance of the resolution entitled “Notice to repair (curb) (sidewalk) (pathway)” shall be posted by a City agent upon the adjoining property or street immediately in front thereof. The person posting the notice for the City shall file with the City Recorder an affidavit of posting, stating the date when and the place where the notice was posted.

B. The City Recorder shall, upon receiving the affidavit of the person posting such notice, send by mail post-paid, the notice to repair the sidewalk, pathway or curb to the owner or agent of the property, when such post office address is known to the City Recorder and if such post office address is unknown, a notice shall be directed to the owner at Wood Village, Oregon; personal service of notice upon the owner and the affidavit thereof filed with the City Recorder shall be the equivalent to posting notice upon the property and mailing such notice. (Ord. 2-1969 §§ 9, 10)

#### **12.04.100 Failure of owner to repair**

If the owner of any such lot or parcel of land shall fail, refuse or neglect to

repair such sidewalk, pathway or curbing within the time ordered by the Council resolution, the City public works department shall undertake to repair or cause the same to be built or repaired and keep an accurate account of the work and report the same as soon as completed, together with a description of the lot or parcel of land fronting or abutting upon said sidewalk, pathway or curb which has been built or repaired. (Ord. 2-1969 § 11 :§ Ord. 7-2007)

#### **12.04.110 Costs of City repair assessed against owner when**

The Council shall inspect such reports and if it deems them reasonable, it shall approve the same and by appropriate ordinance or resolution, assess against the property fronting and abutting upon said sidewalk, pathway or curb, the total cost thereof, or if more than one lot or parcel of land is subject to such improvement or repair, the proportionate share thereof shall be borne by each and declare an assessment therefor and a lien upon each lot or parcel of land so affected, and order the same to be entered in the docket of City liens. The ordinance or resolution fixing and determining assessments hereunder may combine several assessments and the same shall be entered on the docket of City liens and collected in the same manner as provided for the collection of assessments for street improvements. (Ord. 2-1969 § 12 :§ Ord. 7-2007)

#### **12.04.120 Conflict with Ordinance 2-1961**

The ordinance codified in this chapter shall in no way repeal, amend,

modify or affect Ordinance 2-1961, codified in Chapter 3.12, which shall, in case of conflict, be paramount and supercede any portion of the ordinance codified in this chapter. (Ord. 2-1969 § 13)

## Chapter 12.06

### Right-of-Way Encroachment Standards

#### Sections:

<b>12.06.010</b>	<b>Purpose</b>
<b>12.06.020</b>	<b>Definitions</b>
<b>12.06.030</b>	<b>Permit Required</b>
<b>12.06.040</b>	<b>Construction, Installation and Relocation</b>
<b>12.06.050</b>	<b>Liability and Control</b>
<b>12.06.060</b>	<b>Performance and Completion Bond; Warranty Bond</b>
<b>12.06.070</b>	<b>Applicant Insurance</b>
<b>12.06.080</b>	<b>Damage to Right-of-Way</b>
<b>12.06.090</b>	<b>Use by City</b>
<b>12.06.100</b>	<b>Safety</b>
<b>12.06.110</b>	<b>Moving of Structures and Equipment</b>
<b>12.06.120</b>	<b>Maintenance</b>
<b>12.06.130</b>	<b>Vacation</b>
<b>12.06.140</b>	<b>Discontinued Use</b>
<b>12.06.150</b>	<b>Conflict with Chapter 5.26 and Franchise Agreements</b>
<b>12.06.010</b>	<b>Purpose</b>

The purpose of this chapter is to provide for the management of the public rights-of-way in the interest of public safety and convenience and the protection of public infrastructure. (Ord. 12-2010)

#### **12.06.020 Definitions**

A. "City" means the City of Wood Village, an Oregon municipal corporation, and all of the territory within its corporate boundaries, as may change from time to time.

B. "City facilities" means city-owned structures or equipment located within the right-of-way.

C. "Equipment" means any tangible component, whether referred to singly or collectively, installed, maintained, or operated by user.

D. "Franchise" means an Ordinance approved by the City and accepted by the Franchisee granting a privilege to use public right-of-way within the City for a dedicated purpose and for specific compensation.

E. "Non-City facilities" means light poles, utility poles, pipes, cable, wire, conduit, vaults, ducts, fiber or similar equipment that is not owned or operated by the City and that is lawfully placed in the right-of-way.

F. "Person" means any individual, sole proprietorship, partnership, corporation, association or other organization authorized to do business in the state of Oregon, and includes any natural person.

G. "Right-of-way" means the space in, upon, above, along, across, over or under the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks, bicycle lanes, and places used or intended to be used by the general public for travel as the same now or may hereafter exist, that the City has the right to allow user to use.

H. "User" means a person that performs work within the rights-of-way, whether or not a permit is applied for or granted and any person that owns facilities in the right-of-way.

I. "Work" means excavation or fill, or the construction, demolition, installation, replacement, or relocation of equipment, within the right-of-way.

**12.06.030 Permit Required**

A. Permit Required. No person shall occupy or encroach on right-of-way, nor store materials in, or perform work in, right-of-way without obtaining a permit from the City, except for maintenance of aboveground equipment such as customer service connections/drops, repairs or maintenance that does not require cutting or breaking of the roadway, curb or sidewalk, and routine maintenance or repair of equipment, and the installation of new replacement cables or wires on existing aerial facilities, when the installation, maintenance or repair will not impact vehicular traffic by closing or blocking a lane of vehicular traffic for more than two (2) hours. The City Administrator or designee is authorized to establish application forms, procedures, terms, and conditions for such permits and to approve or deny permit applications. No newly overlaid street or newly constructed street shall be excavated for a period of five (5) years from the time of completion of the street overlay or the street construction unless specifically authorized in writing by the City or in response to an emergency. The City shall provide not less than one hundred twenty (120) days notice to utilities or other companies that currently utilize the right-of-way prior to any new overlay.

B. Permit Nonexclusive. The permit is not exclusive. The City expressly reserves the right to grant permits or rights to other persons, as well as the City's right to use the right-of-way for similar or different purposes, as allowed hereunder. The permit is subject to all recorded deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record that may affect the right-of-way. Nothing in the permit shall be deemed to grant, convey, create, or vest in user a real property interest in land, including any fee, leasehold interest, or easement.

C. Permit Fee. The application for a permit shall be accompanied by a permit fee in an amount to be established by resolution of the City council.

**12.06.040 Construction, Installation and Relocation**

A. Construction and Installation. Subject to the terms of the permit, user may enter upon the right-of-way to perform all work that is necessary to install, operate, maintain, remove, reinstall, relocate, and replace equipment in or on user's non-City facilities or in or on City facilities. Work must meet all standards applicable to the management of the right-of-way, and the City may determine the methods used to place equipment.

B. No Interference. User, in the performance and exercise of its rights and obligations under the permit, shall not interfere in any manner with the existence and operation of any rights-of-way, sanitary sewers, water mains, storm drains, gas mains, poles, aerial and

underground electrical and telephone wires, electroliers, cable television, and other telecommunications, utility, communication system or municipal property, without the express written approval of the owner or owners of the affected personal property or properties. Upon notification by the City, user may be required to review plans of others to determine if interference may occur.

C. **Undergrounding Required.** All new utility lines shall be placed below ground in a location acceptable to the City. Therefore, user is prohibited from installing any new aerial cables, wire, or conduit. For the purposes of this section, "installing any new aerial cables, wire, or conduit" means a user installing aerial cable, wire, or conduit in a location where that user currently has no aerial cable, wire, or conduit.

D. **Obtaining Required Permits.** If the excavation, installation, operation, maintenance, removal, reinstallation, relocation or replacement of the equipment in the right-of-way requires any additional permits, user shall obtain the permits and pay any standard and customary permit fees.

E. **Relocation.** The City shall have the right to require user to change the location of its equipment or to remove its equipment from the right-of-way. Nothing shall be construed to prevent the City from constructing sewers, grading, paving, repairing and/or altering any right-of-way, laying down, repairing or removing water mains or constructing or establishing any other public work, utility or improvement, including repairs, replacement or removal of City facilities. Costs for relocation or

removal necessitated for anything other than City-funded projects shall be borne by the person requesting relocation or removal. User shall pay the costs for relocation of user's equipment for City-funded projects. When a project is funded with both private and City funds, user shall pay the percentage of the costs that is equal to the percentage of City funds that were spent on the project. Prior to relocation, the City shall make a reasonable effort to find an alternative location within a public right-of-way for relocated facilities.

Should user fail to remove, adjust or relocate its equipment by the date established by the City, the City may cause and/or effect such removal, adjustment or relocation, and the expense thereof shall be paid by user, including all costs and expenses incurred by the City due to user's delay. Upon receipt of a demand for payment from the City, user shall reimburse the City for the costs the City incurred within sixty days.

#### **12.06.050 Liability and Control**

A. The applicant shall be responsible and liable for all accidents, environmental clean-up, damages or injuries to any person or property resulting from the construction, maintenance, repair, operation, or use of a facility for which the applicant may be legally liable. The applicant shall indemnify and hold harmless the City of Wood Village, its City Councilors, and all officers, employees, or agents against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which they or any of them may sustain by reasons of the acts, conduct or operation

of the applicant, agents or employees in connection with the construction, maintenance, repair, operation or use of said facility.

B. Except for the gross negligence of the City, the City and its Council, City Administrator, officers or employees shall not be held responsible or liable for injury or damage that may occur to facilities or any connection or connections thereto resulting from motorists or otherwise.

C. The applicant shall employ any and all methods in performing the operations that the City Administrator or Designee may require in order to properly protect the public from injury and the public right-of-way from damage.

D. During the initial installation or construction of a facility, during any future repair, removal, or relocation thereof, or during operations, the applicant shall at all times maintain such flaggers, signs, lights, flares, barricades and other safety devices as required or recommended by the *Manual of Uniform Traffic Control Devices* with Oregon Supplements, as amended. A traffic control plan or additional traffic control measures may be required if deemed to be necessary to properly protect traffic upon the street, and to warn and safeguard the public against injury or damage.

E. In the event of an emergency repair the applicant shall so conduct their operations that there will be a minimum of interference with or interruption of the traffic upon and along the street until the City Administrator or Designee has approved a plan for the satisfactory handling of traffic. In emergencies, the

applicant shall notify the City Administrator or designee as soon as practicable.

F. All traffic control and safety devices used for protection of the work areas shall conform to the current provisions of the *Manual of Uniform Traffic Control Devices*, with Oregon Supplements, as amended.

G. To ensure compliance with applicable standards, the City Administrator or Designee reserves the right to inspect the job during such periods as the City Administrator or Designee deems necessary, to check compliance by the applicant and to require the applicant to correct all deviations from those standards.

H. Any supervision and/or control exercised by the City Administrator or Designee shall in no way relieve the applicant of any duty or responsibility to the general public nor shall such supervision and/or control relieve the applicant from any liability for loss, damage or injury to persons or property.

I. The decision of the City Administrator or Designee shall be final with respect to any of the standards and the conditions, terms, stipulations or provisions of a permit.

**12.06.060 Performance and Completion Bond; Warranty Bond**

A. Unless otherwise provided in a permit, a financial assurance acceptable to the City Administrator or Designee equal to at least 110% of the estimated cost of reconstructing the impacted

public facilities within the public rights-of-way shall be approved by the City before construction is commenced.

B. The financial assurance shall remain in force until sixty (60) days after substantial completion of the work including restoration of public rights-of-way and other property affected by the construction or for the period stated in the special conditions on a permit.

C. The financial assurance shall guarantee, to the satisfaction of the City Administrator or Designee:

- 1) Timely completion of construction;
- 2) Construction in compliance with applicable plans, permits, technical codes, Public Works Standards and other applicable standards;
- 3) Proper location of the facilities as specified by the City Administrator or designee;
- 4) Restoration of the public rights-of-way and other property affected by the construction; and
- 5) Timely payment and satisfaction of all fees and charges due to the city.

D. Additional financial assurance acceptable to the City Administrator or Designee for the greater of \$500 or 10% of the estimated cost of reconstructing the impacted public facilities within the public rights-of-way shall be secured prior to acceptance of the work by the City. This warranty assurance shall be in effect for a period of two years from the date of acceptance. Repairs required within the warranty period shall be guaranteed by a separate warranty bond for two years from the date of completion of such repair. The City

Administrator or Designee may require an additional financial assurance for any repairs done pursuant to the warranty obligation.

E. Any financial assurance as required by the City may be applicable to multiple projects in an amount and form satisfactory to the City Administrator or designee.

F. The City Administrator or Designee may waive any financial assurance required if the applicant has demonstrated a history of quality restoration of the public right-of-way.

#### **12.06.070 Applicant Insurance**

Unless otherwise provided in a permit, each applicant shall, while working in the public right-of-way, secure and maintain the following insurance coverage. The City and the City's elected and appointed officers, officials, agents and employees shall be named as additional insureds on liability policies by endorsement on the certificate of insurance.

The applicant's insurance providers and coverage amounts will be subject to approval by the City Administrator or designee at the time of the permit based upon the types of insurance and coverage amounts required of construction contractors on city projects. The applicant shall furnish certificates of insurance acceptable to the City prior to commencing work. The applicant may provide proof of self-insurance, satisfactory to the City, as an alternative means of meeting the insurance requirement.

At a minimum, the following insurance coverage may be required by the City with limits as determined by the City Administrator or designee:

- A. Commercial comprehensive general liability covering:
  - 1) bodily injury or death to each person;
  - 2) property damage resulting from any one accident; and
  - 3) all other types of liability.
- B. Commercial automobile liability for owned, non-owned and hired vehicles for each person and for each accident.
- C. Worker's compensation within statutory limits and employer's liability insurance.
- D. Comprehensive form premises-operations, explosions and collapse hazard and underground hazard which may be included in the general liability policy.

**12.06.080      Damage to Right-of-Way**

Whenever the user's installation, operation, maintenance, removal, reinstallation, replacement or relocation of equipment damages or disturbs the right-of-way, user, at its sole cost and expense, shall promptly repair and return the right-of-way to the condition it was in before it was damaged or disturbed, as approved by the City Administrator or designee. If user does not repair the right-of-way to at least the condition that existed prior to construction within the time frame given in the permit or as otherwise agreed to by the City, then the

City may, upon fifteen days' (or less if public safety requires) prior written notice to user, repair the right-of-way at user's sole expense. Upon the receipt of a demand for payment from the City, user shall reimburse the City for the costs the City incurred within sixty days.

**12.06.090      Use by City**

The City, at its cost, may install pipes or conduit in any trench or excavation created by user, to the extent that such space therein is reasonably available without compromising the safe operation of the user's asset. The City may also require user to excavate trenches larger than needed by user, with the excess capacity to be utilized by the City and with the City responsible for the incremental cost thereof.

**12.06.100      Safety**

User shall perform all work in a manner that ensures safety of workers and the public. As a minimum, user shall provide signs, signals, and flaggers as necessary to control traffic.

**12.06.110      Moving of Structures and Equipment**

Whenever it becomes necessary to allow for the passage of buildings, machinery or other objects, user shall temporarily rearrange, remove, lower or raise its wires, cables or other plant as necessary, at no cost to the City. However, any person or persons, other than the City, desiring to move any such buildings, machinery or other objects, shall pay the entire actual cost incurred by user for changing, altering, moving, removing or

replacing its wires, cables, or other plant so as to permit such passage, and shall deposit in advance with user a sum equal to such cost as estimated by user. The person or persons that requested the move shall pay all direct damages caused directly by the changing, altering, moving, removing or replacing of such wires, cables or other plant, except for damages and claims that are the direct result of user's negligent acts. Except in an emergency, user shall be given not less than thirty days' written notice by the party desiring to move such building or other objects. Such notice shall detail the route of movement of such buildings or other objects over and along the streets, alleys, avenues, thoroughfares and public highways of the City. Upon receiving required notice, user shall complete such moves as soon as practicable, and without undue delay. Furthermore, the passage of buildings, machinery or other objects shall be with as much haste as possible and shall not be necessarily delayed or cause user unnecessary expense or waste of time.

**12.06.120 Maintenance**

User shall install and maintain all equipment in a manner that prevents injury to the right-of-way, the City's property or the property belonging to another person. User shall, at its own expense, repair, and maintain equipment from time to time as may be necessary to accomplish this purpose.

**12.06.130 Vacation**

If the City vacates any right-of-way, or portion thereof, each user shall abandon, or if deemed necessary by the City

remove its equipment from the right-of-way at its own expense unless the City reserves a public utility easement, which the City shall make a reasonable effort to do. Users shall be notified at least ninety days before being required to relocate or remove equipment. If user fails to remove its equipment within thirty (30) days, or within a time set by the City in recognition of an exceptional circumstance after a right-of-way is vacated, the City may remove the equipment at user's sole expense. Upon receipt of a demand for payment from the City, user shall reimburse the City for the costs the City incurred within sixty days.

**12.06.140 Discontinued Use**

Whenever user discontinues use of any equipment and does not intend to use the equipment within six months, user shall remove the equipment from the right-of-way unless the City agrees, in writing, that the equipment may remain in the right-of-way and the user conveys title or ownership of the equipment to the City. The City shall not unreasonably withhold such agreement. If user fails to remove equipment that is no longer going to be used, and the City has not agreed to allow user to abandon such equipment in place, the City may remove the equipment at user's sole expense. Upon receipt of a demand for payment from the City, user shall pay the City for the costs the City incurred within sixty days.

**12.06.150 Conflict with Franchise Agreements**

In the event of a conflict between the provisions of this Chapter 12.06 and any approved and effective Franchise, the terms of the Franchise shall control.

## Chapter 12.08

### PARK AND RECREATIONAL AREA USE REGULATIONS

#### Sections:

- 12.08.010 Park hours.
- 12.08.020 Posting of park rules.
- 12.08.030 Lost and found articles.
- 12.08.040 Limiting use and closure authority.
- 12.08.050 Sports field reservations—Permit required.
- 12.08.060 Vending and peddling—Permit required.
- 12.08.070 Exhibiting permits to authorities.
- 12.08.080 Interference with permittees prohibited.
- 12.08.090 Permit revocation.
- 12.08.100 Areas of limited activities—Sign posting.
- 12.08.110 Camping prohibited.
- 12.08.120 Swings and hammocks.
- 12.08.130 Domestic animals.
- 12.08.140 Killing or disturbing animals prohibited.
- 12.08.150 Alcoholic beverages prohibited.
- 12.08.160 Bicycles.
- 12.08.170 Conduct—Fighting, obscenity, noise.
- 12.08.180 Fires.
- 12.08.190 Firearms.
- 12.08.200 Fireworks and explosives.
- 12.08.210 Games and other prohibited activities.
- 12.08.220 Motor vehicles—Traffic prohibitions.
- 12.08.230 Motor vehicles—Parking prohibitions.

- 12.08.240 Park buildings and other property restrictions.
- 12.08.250 Refuse and trash.
- 12.08.260 Sign restrictions.
- 12.08.270 Swimming and wading prohibitions.
- 12.08.280 Trees, shrubbery, lawns and other park property.
- 12.08.290 Water pollution prohibited.
- 12.08.300 Enforcement—Agents designated—Interference.
- 12.08.310 Trespass.
- 12.08.320 Violation—Penalty.

#### 12.08.010 Park hours

Except for unusual and unforeseen circumstances and emergencies, park hours shall be as established by the City Council. (Ord. 3-1995 § 1)

#### 12.08.020 Posting of park rules

The rules and provisions for use and administration of parks, notice of those rules or summaries of those rules shall be posted at suitable locations within each park. (Ord. 3-1995 § 2)

#### 12.08.030 Lost and found articles

The finding of lost articles by park attendants shall be reported to the park superintendent and every reasonable effort to find and return lost articles shall be made and unclaimed articles shall be disposed of as prescribed by law or City regulation. (Ord. 3-1995 § 3)

#### 12.08.040 Limiting use and closure authority

A. Any park or portion of any park may be declared closed to the public by the park superintendent at any time and for any interval of time, either entirely or merely to certain uses as the park superintendent shall find reasonably necessary to ensure the health, welfare or safety of the public.

B. The City Administrator shall post notice of the closure of a City park in a readily visible location. The Notice shall state "Closed pursuant to Wood Village Municipal Code 12.08.040. No trespassing. Violators are subject to citation under Wood Village Municipal Code Chapter 1.06."

C. During the period of closure of a park or portion thereof in accordance with this section, it is unlawful for any person to enter such park or any part thereof that has been closed, or to remain in such park, or part thereof, after having been notified of the closure and having been requested to leave. Violations of this section are civil infractions under Wood Village Municipal Code Chapter 1.06

D. The Council may limit, or establish standards and criteria for administrative approval of requests to limit, the use of any park or portion of any park to a particular event or function for a specified time and interval of time as the city deems appropriate. (Ord. 3-1995 § 4 :§ Ord. 7-2007))

**12.08.050 Sports field reservations—Permit required**

Organized sports groups may make application for a permit, in such form as prescribed by the City, to reserve specific times for use of sports playing

fields for practice and tournament play. Such application shall be considered under direction of the Council, and the applicant will be notified as to the acceptance or rejection of the application. Appropriate conditions may be attached to any permit issued. (Ord. 3-1995 § 5)

**12.08.060 Vending and peddling—Permit required**

No person shall display, advertise or offer for sale any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing, unless the person obtains a concessionaire permit issued by the City. An application, in such form as prescribed, may be submitted to the City for a concessionaire permit. Such application shall be considered by the park superintendent as directed by the Council, and the applicant will be notified as to the acceptance or rejection of the application. Appropriate conditions may be attached to any permit issued. (Ord. 3-1995 § 6)

**12.08.070 Exhibiting permits to authorities**

No person shall refuse to produce any permit the person claims to have upon request of any City employee or law enforcement officer. (Ord. 3-1995 § 7)

**12.08.080 Interference with permittees prohibited**

No person shall disturb or interfere unreasonably with any person or group occupying any area, or participating in

any activity under the authority of a permit. (Ord. 3-1995 § 8)

**12.08.090 Permit revocation**

The park superintendent shall have the authority to revoke a permit upon his finding that any rule or ordinance has been violated. (Ord. 3-1995 § 9)

**12.08.100 Areas of limited activities—Sign posting**

No person shall participate in any prohibited activity in areas so specified and posted. The park superintendent may designate areas of limited activity. Such areas shall be designated by posted notices which clearly define the activities prohibited. Such notices shall be posted in one or more places which are conspicuous to any person in the near vicinity of the designated area. (Ord. 3-1995 § 10)

**12.08.110 Camping prohibited**

No person shall camp in any park at any time of day or night. (Ord. 3-1995 § 11)

**12.08.120 Swings and hammocks**

No swings or hammocks shall be hung or swung in any park, except on posts erected by the City for this purpose. (Ord. 3-1995 § 12)

**12.08.130 Domestic animals**

No person shall bring a dog or other domestic animal into a park unless it is controlled on a leash. Any person in physical possession and control of any animal in a public park shall remove

excrement or other solid waste deposited by the animal. (Ord. 3-1995 § 13)

**12.08.140 Killing or disturbing animals prohibited**

No person shall hunt, molest, harm, frighten, kill, trap, chase, shoot or throw missiles at any animals, bird, fish or other living creature or remove or have in possession the young of any wild animal, or the eggs or nest or young of any reptile or bird. (Ord. 3-1995 § 14)

**12.08.150 Alcoholic beverages prohibited**

No person shall bring into, possess or consume alcoholic beverages in any park. Notwithstanding the previous sentence, the City Council may allow alcoholic beverages to be consumed in the park during City-sponsored events provided that any and all alcoholic beverages are purchased from a City-approved vendor in the park. (Ord. 3-1995 § 15; Ord. 10-2010)

**12.08.160 Bicycles**

No person shall:

A. Ride a bicycle on other than a vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use;

B. Ride a bicycle other than on the right-hand side of the road pavement as close as conditions permit. Bicyclists shall at all times operate their bicycles with reasonable regard to the safety of others. (Ord. 3-1995 § 16)

**12.08.170 Conduct—Fighting, obscenity, noise**

No person shall engage in, promote, instigate, encourage, aid or abet fighting or similar violent conduct which would threaten the physical well-being of the public, use obscene language, make obscene gestures or cause excessive amplified or nonverbal noise. (Ord. 3-1995 § 17)

**12.08.180 Fires**

No person shall:

A. Build or attempt to build a fire except within a barbecue grill for cooking purposes only;

B. Drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material, within any park or on any highway, road or street abutting and contiguous to any park;

C. Leave a fire unattended or fail to completely extinguish a fire after use. (Ord. 3-1995 § 18)

**12.08.190 Firearms**

No person shall discharge a firearm, air rifle, spring gun, bow and arrow or other weapon in or over any park. (Ord. 3-1995 § 19)

**12.08.200 Fireworks and explosives**

No person shall bring, or have in his possession, or set off or otherwise cause to explode, discharge or burn, any fireworks, explosive or flammable material in any park, or discharge them or throw them into any park from adjacent land or highway. This prohibition includes any substance,

compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. (Ord. 3-1995 § 20)

**12.08.210 Games and other prohibited activities**

No person shall participate or assist others in the playing of any game or activity within which any object such as a stone, arrow, javelin, model airplane, golf ball, baseball or any other sharp or hard object or projectile is thrown or otherwise propelled except in areas specifically designed and designated for that use. (Ord. 3-1995 § 21)

**12.08.220 Motor vehicles—Traffic prohibitions**

No person shall:

A. Fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in the city's park rules, or other ordinances;

B. Fail to obey all traffic officers and park attendants authorized to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent to the parks in accordance with the provisions of this chapter, supplementary rules issued by the park superintendent or appropriate state law. (Ord. 3-1995 § 22)

**12.08.230 Motor vehicles—Parking prohibitions**

No person shall:

A. Park a vehicle in other than an established or designated parking area or not comply with the posted directions

and instructions of any attendant who may be present at an established or designated parking area;

B. Double park any vehicle on a road or parkway unless directed by a park attendant. (Ord. 3-1995 § 23)

#### **12.08.240 Park buildings and other property restrictions**

No person shall:

A. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, restroom, bridges, tables, benches, fireplaces, railings, fences, paving or paving material, water lines, light poles or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, recreation facilities or park property or appurtenances whatsoever, either real or personal;

B. Dig or remove any soil, rock, stones, trees, shrubs or plants, cut timber, other wood, plants or materials or make any excavation by tool, equipment, blasting or other means or agency except as authorized by the City Council. (Ord. 3-1995 § 24)

#### **12.08.250 Refuse and trash**

No person shall deposit, dump, place or leave rubbish, bottles, cans, garbage or refuse of any type regardless of its source in a city park or recreation area, except refuse, garbage or litter occasioned through use of a city park or recreation area which shall be deposited in refuse receptacles provided for that purpose. (Ord. 3-1995 § 25)

#### **12.08.260 Sign restrictions**

No person shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatsoever in a park or erect any sign whatever on any public lands or highways or road adjacent to a park except upon permission of the park superintendent, or as provided by a valid concessionaire permit or other authority issued by the city. (Ord. 3-1995 § 26)

#### **12.08.270 Swimming and wading prohibitions**

No person shall swim, bathe or wade in any waters or waterways in or adjacent to a city park. (Ord. 3-1995 § 27)

#### **12.08.280 Trees, shrubbery, lawns and other park property**

No person shall: A. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant;

B. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or upon any other park property not designated or customarily used for those purposes. (Ord. 3-1995 § 28)

#### **12.08.290 Water pollution prohibited**

No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, stream or other body of water in or adjacent to any park, any matter or thing, liquid or solid, which will or may result in the pollution of those waters or disturb the

natural appearance thereof. (Ord. 3-1995 § 29)

Any person convicted of a violation of this chapter commits a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 4-2006 § 18; Ord. 2-2006 § 1)

**12.08.300 Enforcement—Agents designated—Interference**

A. The provisions of this chapter shall be diligently enforced by any peace officer, as defined by ORS 133.005(3), as amended, and the park superintendent and his authorized representatives.

B. No person shall interfere with any authorized person in carrying out the enforcement of this chapter or rules adopted under this chapter. (Ord. 3-1995 § 30)

**12.08.310 Trespass**

In addition to other measures provided for violation of this chapter, or any of the laws of the state of Oregon, authorized enforcement agents may exclude any person who violates any provision of this or any other city ordinance or any of the laws of the state of Oregon, from any city park for a period of not more than thirty (30) days.

A. Written notice shall be given to any person excluded from any city park. Such notice shall specify the dates and places of exclusion and reason therefor. It shall be signed by the issuing party. Warning of consequences for failure to comply shall be prominently displayed on the notice.

B. A person receiving such notice may, for good cause, file written appeal therefrom with the City Council within ten days of receipt of the exclusion notice. (Ord. 3-1995 § 31)

**12.08.320 Violation—Penalty**