**CHAPTER 95: CITY PARK(S)**

Section

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**95.01   DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**Community Park:**  Includes areas which are or may later be developed for family or group uses.

**City of Weston:** The Staff, Council Members, Mayor and any authorized Personnel of the City of Weston.

**Limited-Use Park:**Includes areas that are designated and/or designed for special or permitted uses.

**Neighborhood Park:** Includes school grounds of a public school within the City when the school grounds are being used by the City as provided in an agreement between the City and the Athena-Weston School District, and similar areas used for public recreation.

**Park:**  An area of land owned or controlled by the City, set aside and maintained for the recreation and relaxation of the public, including Neighborhood Parks, Community Parks, and Limited-Use Parks.

**Person:**  Any firm, corporation or industry as well as a natural person.

(Ord. 4-180(1), passed - - )

 May include, but is not limited to, an area allowing horse or pony riding, junior Olympics, bicycle riding, camping activities, motorcycle riding, or any other activity otherwise prohibited under this ordinance.

**95.02   MOTORIZED VEHICLES**

 Motorized vehicles, such as autos, trucks, motorcycles, motor scooters, go-carts, etc., shall operate, stop, or park only upon designated roadways or within designated parking areas within any Park. Exceptions include:

1. Maintenance equipment when operated by authorized Personnel.
2. Vehicles temporarily parked to permit the loading or unloading of materials, supplies, or equipment as authorized by Public Works.
3. A motorized wheelchair or scooter used by a disabled person.

 Penalty, see 95.99

**‘ 95.03  HORSES and PONIES**

No Person shall ride or lead any horse or pony in a Park unless specifically authorized by the City of Weston.

Penalty, see 95.99

**95.04   DOGS; DAMAGE CAUSED BY ANIMALS**

 Dogs are permitted in any Park provided they are leashed at all times. Owners of dogs or other animals damaging or destroying Park property shall be liable for the full value of the property damaged or destroyed, in addition to impound fees and the penalty imposed for violation of this ordinance.

**95.05   FIRES**

Fires are prohibited in any a Park, except in a stove or barbecue unit in designated picnic areas. No Person shall take firewood from any park for their own Personal use unless authorized by Public Works.

Penalty, see 95.99

**95.06   COMMERCIAL ACTIVITY**

1. No Person shall sell or attempt to sell any merchandise or service, or operate any concession, in a Park without permission of the City of Weston. The City of Weston may issue a permit authorizing such activities if the City of Weston determines, in his or her reasonable discretion, that doing so is in the best interests of the City.
2. The City of Weston may impose reasonable conditions on a permit issued under this subsection. The City of Weston, City law enforcement, or the Council may revoke a permit if the terms of the permit are violated, or may deny a permit to anyone who has violated the terms of a permit within the previous 12-month period.

Penalty, see 95.99

**95.07 GARBAGE and OTHER REFUSE**

 No Person shall discard or dispose of any garbage or other refuse in a Park, except in a receptacle provided for this purpose.

 Penalty, see 95.99

**95.08 DANGEROUS EQUIPMENT and ACTIVITIES**

No Person shall use equipment or engage in any activity that the City of Weston or member of Law Enforcement determines, in his or her reasonable discretion, creates an unreasonable interference or danger to any Person. Such activity shall include, but is not limited to, the use of golf clubs, archery equipment, a discus, javelin or shot; any aircraft, rocket or missile powered by fuel or mechanical means; or any firearm. Such activities will be allowed only as provided in subsection [95.09](http://www.ci.junction-city.or.us/ord/title5/5_7.main.html#specialuse) of this ordinance.

Penalty, see 95.99

* 1. **SPECIAL-USE AREAS**

(A) The City of Weston may set aside, establish, alter, and/or discontinue Special-Use Areas in any Park. Before establishing, altering, or discontinuing a Special-Use Area, the City of Weston shall determine, in his or her reasonable discretion, the need for such an area and whether the activity may be carried on without unreasonable interference or danger to other Persons.

(B) If the City of Weston establishes a Special-Use Area, the City of Weston may designate specific hours or days of use and the particular activity or activities permitted, and may impose such conditions as he or she determines to be reasonably required for the safety and convenience of Persons and property.

(C) The City of Weston shall mark the boundaries of the Special-Use Area and post such signs and warnings as he or she deems reasonably appropriate.

(D) No Person shall use any Special-Use Area except for the purposes specified and according to the conditions for such use.

Penalty, see 95.99

**95.10  SOUND**

1. No Person shall disturb the peace in any Park between the hours of dusk and dawn. For purposes of this subsection, “disturbing the peace” includes, but is not limited to, the following:
	1. Playing a musical instrument;
	2. Playing a radio, tape recorder, or television;
	3. Shouting;
	4. Engaging in any organized game;

(B) No device to amplify sound may be used in any Park unless a valid permit has been issued by the City of Weston under [Subsection (C)](http://www.ci.junction-city.or.us/ord/title5/5_7.main.html#11%283%29) of this section.

(C) The City of Weston may issue a permit authorizing the use of one or more devices to amplify sound in a designated area of a Park during specific date(s) or time(s), if in his or her discretion, the amplification of sound is reasonably necessary for the proposed use.

(D) The City of Weston may impose reasonable conditions on the permit. The City of Weston may revoke the permit if the terms of the permit are violated, or may deny a permit to a Person or group of Persons who have violated the terms of a permit within the previous 12-month period.

Penalty, see 95.99

**95.11 HOURS OF USE**

(A) No Person shall sleep in any Park between the hours of dusk and dawn, except as provided in [Subsection (C)](http://www.ci.junction-city.or.us/ord/title5/5_7.main.html#12%283%29) of this section.

(B) No Person shall use any tent, shelter-half, vehicle, camper, or trailer as a shelter for housing or sleeping in any Park area, except as provided in [Subsection (C)](http://www.ci.junction-city.or.us/ord/title5/5_7.main.html#12%283%29) of this section.

(C) No Person shall enter or use any Park during posted hours of closure except as provided in Subsection (C) of this section.

(D) The City of Weston may issue a permit for the use of a tent, shelter-half, vehicle, camper, or trailer as a shelter for housing or sleeping in a Park; for overnight sleeping in a Park between the hours of dusk and dawn; or for entry into a Park during posted hours of closure.

Penalty, see 95.99

**95.12   LIABILITY**

Any Person who is granted a permit under this Ordinance (the “Permittee”) shall hold the City harmless and indemnify the City from any and all liability for injury to Persons or property occurring as a result of the Permittee’s use of the Park. The Permittee shall be liable to the City for any and all damages to parks, facilities, and buildings owned by the City resulting from the Permittee’s use of the Park, whether or not such activity or activities is within the scope of the permit so granted.

**95.13 FLORA**

No Person other than a duly authorized City employee in the performance of his or her duties or a Person participating in a City-approved activity, shall dig, remove, destroy, injure, mutilate, or cut any trees, plants, shrubs, blooms, or flowers, or any portion thereof growing in any Park.

Penalty, see 95.99

**95.14 MARKING, INJURING, or DISTURBING ANY STRUCTURE**

No Person other than a duly authorized City employee in the performance of his or her duties shall:

(A) Cut, break, injure, deface, or disturb any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment, or property in a Park;

(B) Mark, or place thereon any mark, writing or printing;

(C) Attach thereto any sign, card, display, or other similar device, except as authorized by the City of Weston.

Penalty, see 95.99

**95.15****DISCRETION of the CITY OF WESTON**

When exercising his or her reasonable discretion in the implementation of this ordinance, the City of Weston shall consider the general purpose of this ordinance, and the use and enjoyment of the Parks for the maximum number of people.

**95.99   PENALTY**

Violation of this ordinance shall be considered a “D” violation as defined by the ORS Chapter 153.