

- 5.920** Camping equipment may be seized as evidence of the violation, and this property shall be held by the Astoria Police Department until further order of the Municipal Court.
- 5.925** Violation of this ordinance shall be a Class B infraction as defined by ORS 153.310. In addition to the penalties described in ORS 153.310, the judge of the Municipal Court, after a hearing, may order any camping gear seized, pursuant to Section 5.920 above, to be sold by city auction, and the proceeds of said sale to be placed in the city general fund. *[Sections 5.900 to 5.925 added by Ordinance 90-37, passed November 5, 1990.]*

PARKS RULES AND REGULATIONS

5.926 **Definitions.** As used in this chapter, unless the context requires otherwise:

- (A) "Council" means the city council of the city.
- (B) "Director" means the director of the Parks and Community Services Department for the city and the director's authorized representatives.
- (C) "Park" means any area listed as follows and any other area designated as a park by Council:

11th Street Walkway	12th Street Viewing Dock
14th & Grand Playground	14th Street Viewing Dock
15th Street Triangle	6th Street Viewing Dock
Alderbrook Park	Alameda Park
Astor Park & Astoria Column Site	Astoria Aquatic Center
Astoria River Walk/Trail	Birch Field
Cathedral Trail	Children's Park
Customs House	Doughboy Monument
Evergreen Park	Fort Astoria
Fred Lindstrom Park	Historic Post Office Site
LaPlante Park	Maritime Memorial Park
McClure Park	People Place
Pioneer Cemetery	Portal Park
Shively Park	Smith Point
Tapiola Park	Uniontown Park
Youngs Bay Marine Park	

- (D) "Person" means an individual, partnership, company, association, corporation or any other legal entity.
- (E) "Vehicle" means any motor-powered conveyance that travels on land but does not include vehicles operated by the City and emergency service agencies.

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- (F) "Watercraft" means any conveyance designed to travel upon water, but does not include watercraft operated by the City and emergency service agencies.

In Section 5.931 of this Code the following terms mean:

- (a) Smoking. Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or other device containing marijuana, tobacco or a tobacco product. This includes the use of any electronic cigarettes, and other vaping or inhalant devices which create smoke, aerosol, vapor from a liquid containing nicotine or other substances.
- (b) Tobacco Product. Any substance that contains tobacco or is derived from tobacco and is intended to be put in the human body. "Tobacco product" includes any liquid intended for use in an electronic smoking device or nicotine delivery device, but does not mean tobacco use cessation products approved by the United States Food and Drug Administration.
- (c) Tobacco Use. Smoking, chewing, inhaling, exhaling, vaping, and any other ingestion or consumption of tobacco or a tobacco product.
- (d) Marijuana. All parts of the plant Cannabis family Moraceae, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. *[Section 5.926 (a) to (d) added by Ordinance No. 15-07, passed September 21, 2015.]*

5.927 Park Hours.

- (A) Parks will be open for public use from dawn until 10:00 p.m. unless otherwise posted.
- (B) No person between the ages of 7 and 18 years who has not completed the twelfth grade shall be in or upon any City of Astoria park during regular school hours unless:
- a. The person is accompanied by a parent, guardian or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the person;
 - b. The person is then engaged in a lawful pursuit or activity which requires the presence of the person in such park during regular school hours and is authorized by the person's parent, guardian, or other person having the legal care and custody of such person;

- c. The person is authorized and approved to be away from the school and is not suspended or expelled from school.
- d. For purpose of this section, regular school hours are those hours for the school which the person would attend in the school district in which the person resides, on any day for which school is in session.
[Section 5.927 amended by Ordinance No. 05-17, passed December 5, 2005.]

5.928 Limiting Use and Closure Authority.

- (A) Any park or portion of any park may be declared closed to the public by the director at any time and for any interval of time, either entirely or merely to certain uses as the director shall find reasonably necessary;
- (B) The director may 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 director deems appropriate.

5.929 Use of Community Buildings and Parks.

- (A) A permit must be obtained from the director before any person may use a park or any part of a park on a reserved or exclusive-use basis;
- (B) No person shall refuse to produce any permit upon request of the director or a police officer;
- (C) The director shall have the authority to revoke a permit upon determining that any rule or ordinance has been violated;
- (D) A fee may be charged for permission to exclusively use a park or any part of a park.

5.930 Vending and Peddling – Conditions. 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 in any park without the written permission of the director.

5.931 Activities Limited or Prohibited.

- (A) Horseback Riding. No person shall ride a horse in a park unless permitted in writing by the director.

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- (B) 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 in a park.
- (C) Alcoholic Beverage Consumption. No person shall bring into, possess or consume alcoholic beverages in any park; provided, however, that the director may, from time to time, designate in writing certain parks or parks areas where alcoholic beverages may be brought for use. When the approval of the Oregon Liquor Control Commission or other authority is required, such approval must also be obtained. Alcoholic beverages found in City Parks in violation of this section may be seized and destroyed by Park employees or police officers.
- (D) Bicycles, Skateboards, Roller-Blades, Scooters. Bicycles, skateboards, roller-blades and scooters are permitted only on a park road or path designated for that purpose. Any Person operating a skateboard, in-line skates, or other such device to control speed or movement while at the skate park shall use at the minimum protective headgear of a type approved under ORS 815.052 for bicycle helmets. *[Section 5.931(D) amended by Ordinance No. 01-14, passed December 17, 2001.]*
- (E) Conduct – Fighting, Obscenity, and Noise. No person shall engage in, promote, instigate, encourage, aid or abet fighting or similar violent conduct, use obscene language, make obscene gestures or cause excessive amplified or nonverbal noise in a park.
- (F) Fires. No person shall:
- a. Build or attempt to build a fire in a Park except in such areas and under such rules as may be designated by the director;
 - b. Drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park;
 - c. Leave a fire of any type unattended or fail to completely extinguish any fire after use in a Park.
- (G) Firearms. No person shall discharge a firearm, air rifle, spring gun, bow and arrow, sling shot, blow gun, spear gun or other weapon in or over any park.
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- (H) 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 inflammable 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. Professional firework displays in park sites may be allowed with written permission from director.
- (I) 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, golf ball, or any other sharp or hard object or projectile is thrown or otherwise propelled except in areas specifically designed and designated for that use unless written permission therefor has been issued by the director.
- (J) Vehicles – Traffic Prohibitions. No person shall:
- a. Operate a vehicle in a park except where allowed by posted notice;
 - b. Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances when operating a vehicle in a park;
 - c. Fail to obey all traffic officers and park attendants, which persons are authorized and instructed 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 and such supplementary rules as may be issued by the director.
- (K) Motor Vehicles – Parking Prohibitions. No person shall:
- a. Park a motor vehicle in other than a designated parking area or fail to comply with posted directions or failure to comply with instructions of any attendant;
 - b. When a motor vehicle is placed in any manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer or Park employee may order the owner or operator of the vehicle to remove it. If the motor vehicle is unattended, the officer or park employee may cause the vehicle to be towed and stored at the owner's expense.
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- (L) Water Craft — Mooring Prohibitions. No person shall moor or leave a watercraft unattended in a place where posted notice prohibits mooring. A watercraft moored in a place where mooring is prohibited may be caused to be removed and stored by a Park employee or police officer at the owner's expense.
- (M) Park Buildings and Other Property Restrictions. No person shall:
- a. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, restroom, bridge, table, bench, fireplace, railing, paving or paving material, water line or other public utility or part or appurtenance thereof, sign, notice or placard whether temporary or permanent, monument, stake post or other boundary marker, or other structure or equipment, recreation facility or park property or appurtenance whatsoever, either real or personal without the permission of the director;
 - b. Dig or remove any soil, rock, stone, tree, shrub or plant, down-timber or other wood or material or make any excavation by tool, equipment, blasting or other means or agency without the permission of the director.
- (N) 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 except refuse, garbage or litter occasioned through use of those areas which shall be deposited in refuse receptacles provided for that purpose.
- (O) 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 director.
- (P) Swimming and Wading Prohibitions. No person shall swim, bathe or wade in any waters or waterways in or adjacent to a city park, except in such waters and at such times and places as are designated.
- (Q) Trees, Shrubby, 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 in a Park;
 - b. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or gun carriages or upon any other property not designated or customarily used for those purposes in a Park.
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- (R) Water Pollution Prohibited. No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay 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.
- (S) Certain Items Prohibited. Tobacco products, glass containers and animals are not allowed in the Skate Park at Tapiola Park. *[Section 5.931(S) added by Ordinance No. 01-14, passed December 17, 2001.]*
- (T) Smoking and Consumption of Tobacco or Marijuana. Smoking and any other use of tobacco or Marijuana is prohibited in all areas of Astoria City Parks. *[Section 5.931(T) added by Ordinance No. 15-07, passed September 21, 2015.]*

5.932 Additional Rules and Regulations. The director may adopt additional rules and regulations when necessary for park administration. Such rules are effective upon adoption and must be ratified by the Council within 90 days.

5.933 Enforcement. In addition to the penalties provided in Section 1.010 of this Code and penalties provided by State Law, these Park Rules and Regulations, general city ordinances and State Law may be enforced in parks by the following:

1. Ejectment: The director, the director's authorized representatives and police officers shall have the authority to eject from a park any person acting in violation of the Park's Rules and Regulations or violating general ordinances of the Code or laws of the State;
2. Seizure of Property: The director and police officers shall have the authority to seize, confiscate and destroy any property, thing or device in the park which is in violation of the Park's Rules and Regulations

[Sections 5.926 to 5.933 added by Ordinance No. 01-08, passed August 6, 2001.]