

ORDINANCE NO. 4565

**AN ORDINANCE REGULATING THE USE OF  
CERTAIN CITY OWNED PROPERTIES.**

**WHEREAS**, the City owns certain properties to which it allows public access for various activities; and

**WHEREAS**, the City has grown and there are conflicts among users of certain City owned properties; and

**WHEREAS**, clarification is in order on the allowed use of certain City owned properties in order to help avoid conflicts between the users of certain City owned properties; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

Section 1. The Beaverton City Code is amended by adding Section 9.08, Use of City Property, as described in the attached Exhibit 1.

First reading this 3 day of May, 2011.


Passed by the Council this 17 day of May, 2011.

Approved by the Mayor this 18 day of May, 2011.

ATTEST:

  
CATHERINE JANSEN, City Recorder

APPROVED:

  
DENNY DOYLE, Mayor

## **Exhibit 1**

### **Use of City Property**

#### **9.08.020 Purpose**

The purpose of this ordinance is to preserve City Property as defined below for casual recreational, educational and cultural activities that will not interfere with the enjoyment of the property by other users or the peaceful enjoyment of adjoining uses. The properties covered by this ordinance are small, and may be damaged by intensive recreational activities, and generally are near or adjacent to uses that can be disrupted by undue noise or other distractions.

#### **9.08.040 Definitions**

(A) For purposes of this ordinance, City Property is defined as City Park (1S116AD09100), West Parking Lot and Greenspace (1S115BC09200) the Library and lawn in front of the Library (1S115BC09300), and the North and South Plaza (1S116AA0880 and 1S116AA08900) at The Round.

(B) Where the term "Mayor" is used in this ordinance, it means "Mayor or the Mayor's designee."

#### **9.08.080 Delegation**

(A) The Mayor is delegated the authority to add property that shall be considered City Property under this ordinance.

(B) The Mayor may adopt rules to further implement this ordinance, including rules for a reservation system for City Property.

#### **9.08.100 General Use of City Property**

No person present on City Property shall:

(A) Use abusive or threatening language or gestures.

(B) Remove, destroy, damage, alter or obstruct any vegetation, land, equipment, materials or supplies;

(C) Defecate or urinate, except in a restroom facility;

(D) Walk, stand, sit, or climb on any monument, artwork, vase, kiosk, awning, tent, tree, statue, fountain, railing, fence or other equipment or structure not intended for such purposes;

(E) Apply graffiti or possess graffiti implements with the intent of applying graffiti;

(F) Dump or leave any rubbish, yard debris or refuse of any type on the property, except in refuse receptacles provided for such purposes, if available;

(G) Excavate, erect, install, place or perform any action related to the placement of any property or structures on the property, except temporary placement of personal property, such as chairs, awnings, or tables;

(H) Leave personal property unattended;

(I) Camp, or stay overnight in any vehicle, on City Property or within a public parking lot adjacent to City Property without prior approval of the Mayor;

(J) Play any team sports involving more than six (6) people total, unless permitted by the Mayor;

(K) Disobey any reasonable direction or request of a City Employee or police officer based on this ordinance or implementing policy or during an emergency situation.

#### **9.08.120 City Property Hours**

The City Property is open from 7:00 a.m. until 10:00 p.m, except as allowed by the Mayor.

#### **9.08.130 Fires, Stoves and Barbecues**

No fires, stoves or barbecues are allowed except as allowed by the Mayor.

#### **9.08.140 Music / Amplification Systems**

No person on City Property shall:

- (A) Use an amplified public address system except as allowed by the Mayor.
- (B) Use amplified music at sound levels that offend other City Property users or extend beyond the boundaries of City Property except as allowed by the Mayor.

#### **9.08.150 Model Devices**

No person on City Property shall operate a motorized model; car, rocket, aircraft, boat or similar devices, except as allowed by the Mayor.

#### **9.08.160 Alcohol and Controlled Substances**

No person on City Property shall display, possess or consume any alcoholic beverages except as permitted by law and as allowed by the Mayor.

#### **9.08.170 Vehicles**

No person on City Property shall:

- (A) Ride a bicycle, skateboard, scooter or use roller skates or in-line skates or other self-propelled device while in an area posted to exclude such activity;
- (B) Travel on a bicycle, skateboard, scooter, roller skate, in-line skate or other self-propelled device at a rate of speed or in a manner that unreasonably endangers persons or property;
- (C) Travel on a bicycle, skateboard, scooter, roller skate, in-line skate or other self-propelled device while on any surface not intended for travel, such as a table, a tennis or sport court, a water fountain, railing, stairwell, doorway access, planter, sculpture, or other artwork.
- (D) Leave a bicycle, skateboard, scooter, roller skate, in-line skate, or other self-propelled device on a sidewalk, path, trail, disabled access ramp, or adjacent to a building entrance if the device obstructs or endangers pedestrian traffic.
- (E) Operate a motorized vehicle, except on a roadway or parking areas designated for use by motor vehicles; provided, however, this provision does not apply to (1) city maintenance vehicles, (2) vehicles driven by a police officer, or (3) motorized wheel chairs or scooters transporting a disabled person;
- (F) Operate a motorized vehicle carelessly or in a manner that endangers the rights or safety of others.

**9.08.180 Firearms and Projectiles**

No person on City Property shall:

- (A) Possess, use, discharge or cause to be discharged across, on or into the property any weapon or device harmful to the life or safety of persons, property, wildlife or their habitat; or
- (B) Possess, use, discharge or cause to be discharged any device capable of launching a projectile by means of compressed gas, air, fuel, or electricity.

**9.08.190 Animals**

No person on City Property shall:

- (A) Release animals, domestic, exotic or native, onto City Property.
- (B) Feed any waterfowl or other wildlife.
- (C) Mistreat, torment or molest domestic or wild animals.
- (F) Allow an animal to injure or intimidate another animal or person.
- (G) Allow an animal to cause damage to property.
- (H) Allow an animal to roam at large or on a leash more than eight feet in length.
- (I) Fail to keep an animal in the person's care or custody under control.
- (J) Fail to immediately remove from the property all solid waste left by an animal under the person's care or custody.
- (K) Tie an animal to any tree or work of art.

The City may exclude, by temporary posting, domestic animals from designated City Property sites during special events where it is determined that the overcrowding of persons, animals, or activities may limit the enjoyment or safety of others. Animal owners are responsible for damages caused by their animal(s).

**9.08.195 Solicitation / Signs**

- (A) Except in specifically designated areas and as allowed by the Mayor, no person shall erect signs, markers, or inscriptions of any type on City Property.
- (B) No person shall block or impede access to City facilities.

**9.08.200 Vendors / Concessions**

No person shall operate a fixed or mobile concession; solicit, sell, offer for sale, peddle, hawk or provide any goods or services for sale; or advertise any goods or services on City Property except as allowed by the Mayor.

**9.08.210 Assemblies / Meetings**

No person shall organize a meeting or assembly of more than 50 people (for example any religious or political or commercial meeting) without the approval of the Mayor. Such use may be conditioned as to the time and place of holding such meeting or assembly so as not to unreasonably interfere with City use or other activities and users. The review of any such request shall be made expeditiously. A denial of use or the imposition of conditions may be expeditiously appealed to the Mayor, as described below for appeals, if the applicant feels such conditions or denial are unreasonable.

**9.08.220 Reservations**

City Property, when not in use for City-sponsored or co-sponsored activities (such as the Farmers Market), will be made available for a fee to groups of over 50 people for events and activities consistent with these rules and any other regulations of the City. Reservations are on a first-paid, first-served basis. The City will limit regularly scheduled requests for use of City Property as follows:

- (A) Regular requests to use City Property are limited to no more than twice a year.
- (B) Requests may be made on a semi-annual basis. Applications for each half year will be taken beginning the first business day of the month preceding each half year.  
December 1 – for January, February, March, April, May and June  
June 1 – for July, August and September, October, November, and December

**9.08.230 Enforcement of Regulations**

- (A) City police officers and designated City employees are delegated authority to enforce these regulations. This authority includes the issuance of citations as provided by Oregon law to any person who violates any provision of these regulations, to refuse entrance and to exclude persons from City Property.
- (B) No person shall interfere with any authorized person enforcing these regulations.
- (C) No person shall refuse to leave City Property after being directed to leave by a police officer or designated City employee.
- (D) Violation of these regulations is punishable by exclusion or citation.
- (E) If any of these regulations is found unenforceable by any court, the remaining regulations remain valid, binding and enforceable.

**9.08.240 Appeal Procedures**

- A. Not later than 10 days after the postmark date of the notice of the denial of a use or the imposition of conditions on a use, a person may appeal in writing to the Mayor for review. Appeals must be addressed or delivered to the Mayor of the City. An appeal must contain a copy of the decision, a request for a hearing or request for written review without a hearing, a statement setting forth the reasons that the decision is considered invalid or otherwise improper, and a current address and telephone number. The Mayor will make a decision within 10 days after receipt of the appeal, unless a hearing is requested.
- B. If, as a part of a written appeal, a hearing is requested, a public hearing will be conducted by the Mayor within 21 days after receipt of the appeal and a decision will be made within 21 days after the hearing. A person may request an expedited hearing and decision.  
Deliver the appeal to:

Mayor  
City of Beaverton  
4755 SW Griffith Drive  
Beaverton, OR 97005

