

## **Title 12**

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

#### **Chapters:**

- 12.04 Public Rights-of-Way**
- 12.08 Standard Specifications for Public Works Construction**
- 12.12 Standard Specifications for Street, Water, Storm Drain and Sanitary Sewer Improvements**
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## Chapter 12.04

### PUBLIC RIGHTS-OF-WAY

#### Sections:

12.04.010	Definitions.
12.04.020	Jurisdiction.
12.04.030	Scope of regulatory control.
12.04.040	City permission requirement.
12.04.050	Obligations of the city.

#### 12.04.010 Definitions.

For the purpose of this chapter:

“City” means the city of Sutherlin, Oregon.

“Person” means individual, corporation, association, firm, partnership, limited liability company, and similar entities.

“Public rights-of-way” include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas.

“Within the city” means territory over which the city now has or acquires jurisdiction for the exercise of its powers. (Ord. 878 § 1, 1997)

#### 12.04.020 Jurisdiction.

The city has jurisdiction and exercises regulatory control over all public rights-of-way within the city under the authority of the city charter and state law. (Ord. 878 § 2, 1997)

#### 12.04.030 Scope of regulatory control.

The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means. (Ord. 878 § 3, 1997)

#### 12.04.040 City permission requirement.

No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits. (Ord. 878 § 4, 1997)

#### 12.04.050 Obligations of the city.

The exercise of jurisdiction and regulatory control over a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way. (Ord. 878 § 5, 1997)

Chapter 12.08

## STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

**Sections:**

- 12.08.010 Adopted by reference.  
 12.08.020 Copy on file.  
 12.08.030 Conflict of provisions.  
 12.08.040 Violation—Penalty.

12.08.010 Adopted by reference.

The Standard Specifications for Public Works Construction prepared by Oregon Chapter of American Public Works Association are adopted and made applicable for all public works construction in the city of Sutherlin. (Ord. 426 § 1, 1972)

12.08.020 Copy on file.

A copy of the Standard Specifications for Public Works Construction prepared by the Oregon Chapter of American Public Works Association shall be kept in the office of the city manager for use and examination by the public. (Ord. 875 § 3(J), 1997: Ord. 426 § 2, 1972)

12.08.030 Conflict of provisions.

Where the conditions imposed by provisions of the Standard Specifications for Public Works Construction differ from those imposed by another ordinance or regulation having application to the city, the provisions which are more restrictive shall govern. (Ord. 426 § 3, 1972)

12.08.040 Violation—Penalty.

A person, firm or corporation who is convicted of violating this chapter shall be punished by imprisonment for a period of not to exceed six months or by fine not to exceed five hundred dollars (\$500.00), or by both. Each day a violation is committed or permitted to continue shall constitute a separate offense. (Ord. 426 § 4, 1972)

Chapter 12.12

## STANDARD SPECIFICATIONS FOR STREET, WATER, STORM DRAIN AND SANITARY SEWER IMPROVEMENTS

**Sections:**

12.12.010 City engineer's approval required.

12.12.010 City engineer's approval required.

No person shall make any water, sewer, street or sidewalk, or other public improvement or installation within the city without first having the city engineer inspect and approve all such plans and specifications for the improvement.

A violation of this section shall be punished as a misdemeanor, pursuant to the Charter of the city. (Ord. 453 §§ 1, 2, 1973)

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## Chapter 12.16

### STANDARDS FOR UNIMPROVED STREETS

#### Sections:

12.16.010 Standards for city acceptance and maintenance.

12.16.010 Standards for city acceptance and maintenance.

Unimproved streets within the city shall be brought up to the following standards before the same shall be accepted and maintained by the city:

A. The entire right-of-way shall be brought to proper grade and concrete curb and gutter installed. Distance between curbs shall be no less than thirty-six (36) feet.

B. Storm sewers of proper size shall be installed where required. The width of drive-ways shall not be less than twenty-one (21) feet with proper curb cuts as specified in Chapter 12.20.

C. Base rock shall be applied to the graded street to a depth of at least six inches. The base rock shall consist of bar run gravel or other materials approved by the street department. (Mine rock will not be approved.)

D. A wearing surface shall be applied on the base rock to a depth of two inches and full width of the street. Such wearing surface shall consist of one and one-half-inch crushed rock. A two-inch binder course of three-fourths minus will then be shaped and rolled over the street surface, giving a total rock base of ten inches. Each course will be completely rolled and shaped before the following course is applied.

E. The surface of the street shall be graded with a crown of six inches from the gutter line to the center of the street.

F. All sod and soft material shall be removed from the area and if extra base is deemed necessary, the city engineer may request more than the required amount to be used.

G. The street will not be accepted for maintenance until the street is constructed to the foregoing specifications and until the street has been deemed acceptable by the proper authorities. (Ord. 373 § 1, 1969)

Chapter 12.20

### SIDEWALK CONSTRUCTION AND REPAIR

#### Sections:

12.20.010	Person defined.
12.20.020	Permit required.
12.20.030	Permit application and issuance.
12.20.040	Certificate of acceptance.
12.20.050	Curbs, crosswalks and sidewalks.
12.20.060	Street center lines.
12.20.070	Curb lines.
12.20.080	Grades.
12.20.090	Sidewalk and curb pavement.

12.20.100	Cement walks and curbs—Construction.
12.20.110	Cement walks and curbs—Inspection.
12.20.120	Abutting property to bear cost of repairs.
12.20.130	Notice to repair.
12.20.140	City to make repairs when.
12.20.150	Cost of repair—Lien.
12.20.160	Parking strip.
12.20.170	Duty of property owners to fill.
12.20.180	Necessity for curb cut.
12.20.190	Condition of curbing.
12.20.200	Prohibited locations for driveway approach.
12.20.210	Driveway approach limits.
12.20.220	Driveway specifications.
12.20.230	Restoration of curb.
12.20.240	Concrete sidewalks required.
12.20.250	Storage of materials in street.
12.20.260	Shade and ornamental trees.
12.20.270	Violation—Penalty.

12.20.010 Person defined.

The term “person,” as used in this chapter, shall be deemed to include any natural person, firm, company, co-partnership, association or corporation. (Ord. 349 § 1, 1968)

12.20.020 Permit required.

It is unlawful for any person to make any excavation or fill, or to do or perform any construction work in or upon any public street, alley or way, or to construct, reconstruct, or repair any sidewalk, crosswalk, curb, or gutter without first having secured a permit therefor from the city manager. (Ord. 349 § 2, 1968)

12.20.030 Permit application and issuance.

Any person wishing to do or perform any of the things for which a permit is required by this chapter shall make written application to the city manager, which application shall specify the number of the lot and block adjacent to which the improvement is proposed to be made, the name of the street upon which the work is to be performed, and the name of the person desiring to perform the work, and a description of the proposed improvement and the time necessary for the completion thereof. Upon the approval of the application by the city manager the permit shall be granted to the applicant. (Ord. 349 § 3, 1968)

12.20.040 Certificate of acceptance.

All work performed under and done in pursuance of the permit mentioned herein shall be done and performed in accordance with the provisions of this chapter under the supervision of city manager and upon the completion thereof in a satisfactory manner in accordance with the specifications herein contained, the city manager shall issue a certificate therefor to the effect that the workmanship performed and the materials used in the improvements are in conformity with

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the provisions of this chapter. The city surveyor shall test the accuracy of the improvement and if he finds by actual survey that the work has been done upon the proper grade, he shall endorse such certificate, and when so issued and endorsed, the same shall constitute an official acceptance of such improvement, and shall be deemed the completion of that part of any improvement ordered by the city manager to be made upon the street. (Ord. 349 § 4, 1968)

12.20.050 Curbs, crosswalks and sidewalks.

All curbs, crosswalks and sidewalks shall be constructed to the established lines and grades approved by the city manager as shown by the official plats and specifications filed in the office of the city recorder and specifications herein contained. (Ord. 349 § 5, 1968)

12.20.060 Street center lines.

The center lines of streets shall be fixed by the street monuments set in the center of street intersections, as marked on the official plats of street and sidewalk grades. The monuments shall fix the location of the center lines of all streets and shall be used in locating all street improvements, but shall not purport to establish the location of property lines. (Ord. 349 § 6, 1968)

12.20.070 Curb lines.

The curb lines of all streets shall be parallel to and equidistant from the center lines of the streets. (Ord. 349 § 7, 1968)

12.20.080 Grades.

All sidewalk pavements shall have a fall toward the gutter of one-quarter of an inch to one foot. The curb grade shall be parallel to the property line grade, allowing for the incline of the sidewalk towards the curb for drainage. The grade of the gutter shall be parallel to and six inches below the curb grade. The grade of the center of the street shall be as shown on the profiles, and official plats on file in the office of the city recorder, and the crown of the street shall be 0.5 of a foot on all street widths. (Ord. 349 § 8, 1968)

12.20.090 Sidewalk and curb pavement.

A. On all business streets the sidewalks shall be paved the full width from property line to curb line. On residential streets the paved portion of the sidewalk shall in all instances be five feet wide.

B. On all streets in the city, the curbs and sidewalks shall be constructed of concrete, according to plans and specifications approved by the city council and along the following lines:

On all streets the sidewalk pavement shall be five feet wide and on lines and grades established by the city engineer.

C. All curbing and sidewalk pavements in the city shall be constructed to the established lines and grades, and in accordance with the following specifications in Section 12.20.100. (Ord. 349 §§ 9, 11, 12, 1968)

12.20.100 Cement walks and curbs—Construction.

Cement walks shall be constructed of a concrete meeting specifications set forth as Class A concrete by A.S.H.O.

A. Grading. The space over which the walk is to be laid shall be excavated or filled to the proper subgrade and thoroughly compacted by rolling or ramming. All objectionable or unsuitable material in the subgrade shall be removed by the contractor and the space filled with suitable material well rammed into place. The finished subgrade shall be parallel with the surface of the finished walk. The cost of trimming, tearing up and removing the old walk and curb, including concrete curb where street has been shall be included in the price of the new walk.

B. Forms. All forms shall be adequate to meet current standard methods for construction.

C. Expansion Joints. All concrete walks, curbs and gutters shall have an expansion joint clear through from top to subgrade at intervals of twenty (20) feet. In addition all curbs and gutters shall have dowels of one-half inch by sixteen inches dimensions installed in an approved manner.

D. Curb. The curb shall be standard monolithic curb constructed according to plans and specifications available at the city manager's office.

At intervals to be designated by the city engineer there shall be inserted through the curb one length of three-inch pipe of designated material. This pipe shall be well cemented into the curb. The cost of such pipe and the laying thereof shall be included in the price bid per lineal foot of the curb.

E. Corners at Intersecting Streets and Alleys. At the intersecting streets and alleys the corner will be quadrant with ten-foot radius or any other radius as shall be specified by the city engineer. Where there are catch basins the corner block must be made so as to connect with the iron grating and permit the unmolested flow of water into the basin.

F. Protection. When completed, sidewalks shall be kept moist and protected from traffic and the cements for a sufficient period of time as determined by the city engineer after finishing. The forms shall be removed with great care and upon their removal earth shall be banked against the edges of the walk and the back of the curb. Where sidewalks do not cover the whole width from the property line to the curb, the space not covered shall be filled in with earth or graded down to an even surface with the top of the walk. (Ord. 349 § 13, 1968)

#### 12.20.110 Cement walks and curbs—Inspection.

Whenever any cement or artificial stone sidewalk or curb is constructed upon any street under a permit, as provided for in this ordinance, the city manager, before issuing a certificate to the effect that the work and materials conform to the requirements of the specifications set forth in this chapter, shall make an examination or test of the same, as he may deem necessary and in so doing may break the artificial stone or cement work to an extent not exceeding two lineal feet of curb and nine square feet of sidewalk for every fifty (50) lineal feet of walk or curb, and the same shall be repaired by the contractor at his expense. (Ord. 349 § 14, 1968)

#### 12.20.120 Abutting property to bear cost of repairs.

The expense of maintaining a sidewalk in good repair shall be borne by and apportioned among the lots and premises abutting on or along the sidewalk which needs repair. (Ord. 349 § 15, 1968)

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12.20.130 Notice to repair.

A. When the city manager determines that a sidewalk needs repair, the city recorder shall issue a notice and prepare a certified copy of the notice. The notice shall require the owner to obtain a permit and begin repair of the defective sidewalk within thirty (30) days after the date of service of the notice, and to thereafter diligently complete the repairs; and that in the event of failure to comply with the notice, the city may repair the sidewalk and the costs and expenses of the repair will become a lien on the lot and premises of the owner.

B. The city recorder shall cause a certified copy of the notice to be served personally upon the owner of the lot or premises abutting or along the sidewalk needing repair, or the city recorder may serve the certified copy of the notice by registered or certified mail, return receipt requested and returned.

However, if the lot or premises is not occupied and if, after diligent search, the owner is not discovered, then the city recorder shall cause a certified copy of the notice to be posted in a conspicuous place on the property and such posting shall have the same effect as service of the notice by registered or certified mail or personal service upon the owner.

C. Immediately after making service of the notice the person making such service shall make a written return or certificate of service noting the time, place, and manner of service. The city recorder shall keep the original notice and the return or certificate of service on file in his office as a permanent record of the city. (Ord. 349 § 16, 1968)

12.20.140 City to make repairs when.

If the repair of the sidewalk is not started within thirty (30) days after the date of service of notice, or if the repair is not diligently completed, the city manager may have the repair completed at a reasonable cost. After determining the cost of the repair, the city manager shall notify the city recorder in writing, such notice stating the time and manner of making the repair and the cost of the repair. The city recorder shall attach the city manager's notice to the original service of notice, both of which are a part of the record of lien for the improvement. After receipt of the city manager's notice, the city recorder shall enter both records, together with the expenses, in the city lien docket, as a lien on the lot and premises abutting or along the repaired sidewalk. (Ord. 349 § 17, 1968)

12.20.150 Cost of repair—Lien.

After entry in the city lien docket by the city recorder, the city shall have a lien which is due and payable on the lot and premises abutting or along the sidewalk repaired by the city. The lien shall be for the full amount of the costs and expenses, including interest at the rate of six percent per annum on the unpaid balance from the date of entry in the lien docket. The city recorder shall notify the owner of the amount and nature of the lien and of the time by which it shall be paid. No interest shall be charged if the lien is paid within thirty (30) days of entry. The city may proceed to foreclose the lien in the manner provided by law, sixty (60) days after date of entry. (Ord. 349 § 18, 1968)

12.20.160 Parking strip.



If the curb and the outer edge of the sidewalk do not join, the owner or occupant of the property abutting or along the sidewalk shall fill the intervening space to a level with the slope of the sidewalk. (Ord. 349 § 19, 1968)

12.20.170 Duty of property owners to fill.

It shall be the duty of abutting property owners to fill in with earth, the space between the curb and sidewalk to a level grade with the curb and sidewalk. (Ord. 349 § 20, 1968)

12.20.180 Necessity for curb cut.

Curb cuts shall be limited to those necessary to provide ingress and egress to property, and the length of the cut shall be determined according to the frontage of the property in accordance with the standards applicable to driveway approaches. (Ord. 349 § 21, 1968)

12.20.190 Condition of curbing.

The permittee shall restore the curbing at the cut to a proper and smooth finish. (Ord. 349 § 22, 1968)

12.20.200 Prohibited locations for driveway approach.

A. No driveway approach shall be permitted to encompass any municipal facility. Under the permit provided for herein, the applicant may be authorized to relocate any municipal facility, including any within the limits of a curb return, which may be encroached upon.

B. At intersections, no portion of a driveway approach including end slopes shall be permitted within four feet of the crosswalk at the curb line. (Ord. 349 § 23, 1968)

12.20.210 Driveway approach limits.

In no event shall the driveway approach extend beyond the property line extended or rights of the owner requesting the curb cut. A driveway permit shall not be issued unless there is space entirely within the private property lines for vehicle parking. (Ord. 349 § 24, 1968)

12.20.220 Driveway specifications.

A. All driveway approaches between the curb line and the property line shall be constructed of Portland cement concrete. The driveway approach, including the sidewalk section, shall be constructed according to the standard specifications and plans of the city.

B. Where standard gutters and curbs have not been installed, the length of driveway approach set forth in this chapter shall be measured along the property line and there shall be not less than sixteen (16) feet of frontage between driveway approaches serving any one property.

C. Permits shall not be issued for any surface improvement or paving on the street right-of-way between driveway approaches unless a concrete curb or other physical obstruction designed to standard city specifications is constructed and maintained by the applicant so that the entrance and exits of vehicles to and from the applicant's property will be restricted to the established driveway approaches.

D. Pursuant to the permit provided for herein, the applicant may surface the driveway approaches or other areas within the right-of-way, extending the same type paving used on his premises so that it merges with the street pavement, provided that the applicant's paving is

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adequate and suitable for the traffic to be carried. Paving between the property line and the street pavement shall be to the established grade or other slope fixed by the city engineer to provide for proper runoff. Such paving may meet the street pavement at a point ahead of the curb opening in order to provide for safe deceleration of vehicles turning into the applicant's premises. If the applicant's paving is extended beyond the property line into a street right-of-way at an intersection the applicant shall construct a suitable traffic island or curb if the protection of municipal facilities is necessary. (Ord. 349 § 25, 1968)

12.20.230 Restoration of curb.

When a driveway approach is no longer in use, the city engineer by order of the council, shall notify the owner of the abutting property to restore the curb and sidewalk to conform to the adjacent curb and sidewalk. If the owner shall neglect to do so for a period of six months, then the city engineer shall proceed to restore the curb and the cost of the same shall be a lien upon the property until paid, and shall be assessed and entered in the lien docket of the city and shall be foreclosed in the same manner as other city street improvement liens. (Ord. 349 § 26, 1968)

12.20.240 Concrete sidewalks required.

Sidewalks shall be constructed of Portland cement concrete. (Ord. 349 § 27, 1968)

12.20.250 Storage of materials in street.

There may be included in a sidewalk permit permission to use the abutting street for the purpose of storing material to be used in the sidewalk project, but no more than one-fourth of the street shall be used for such purpose. (Ord. 349 § 28, 1968)

12.20.260 Shade and ornamental trees.

Shade and ornamental trees shall be located only at the discretion of and upon issuance of a permit by the city manager. (Ord. 349 § 10, 1968)

12.20.270 Violation—Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00), or by imprisonment in the city jail for a term of not less than five nor more than one hundred (100) days. Any person found guilty of a second violation of this chapter shall be sentenced to the maximum penalty provided herein. (Ord. 349 § 29, 1968)

**Chapter 12.24****STREET AND HOUSE NUMBERING SYSTEM****Sections:**

- 12.24.010 Avenues, streets and courts designated.**
- 12.24.020 Numbering of structures—Duty of owner.**
- 12.24.030 Assignment of numbers.**
- 12.24.040 Duty of building inspector.**
- 12.24.050 Maps and drawings to be kept on file.**
- 12.24.060 Violation—Penalty.**

**12.24.010****Avenues, streets and courts designated.**

All public roadways in the city which lie in an easterly-westerly direction shall hereafter be designated as avenues in place of their previous designation, be it street, terrace, or such other designation. All public roadways in the city which lie in a northerly-southerly direction shall hereafter be designated as streets in place of their previous designation, be it avenue, terrace or such other designation. Cul-de-sacs presently designated as courts shall retain their current names. All public ways shall retain their other given name. (Ord. 1052 § 1, 2016)

**12.24.020****Numbering of structures—Duty of owner.**

It shall be the duty of the owner, agent, lessor or occupant of every house or other building, except barns, garages and other buildings which are part of the same property with a numbered house or building, to place on every such building its proper street number, either by painting or by affixing such numbers in metal, glass or other form, so that the same shall be clearly visible from the sidewalk and contrasting with the background. The numbers shall be of the size of a minimum of three inches in height. If the building is so situated that numbers cannot be placed in a conspicuous place in plain view of the roadway, numbers shall be placed in a conspicuous place on the building and in view from the driveway servicing the building. In addition, numbers so assigned shall be displayed in a conspicuous place in plain view from the roadway. Numbers shall be placed on such houses and buildings within thirty (30) days from the time the owner, agent, lessor or occupant is notified either by mail, publication or telephone of the assignment of numbers to the houses as hereinafter provided. It is furthermore the responsibility of the affected owner, agent, lessor or occupant to notify the proper agencies, both governmental and private, of effective address change. (Ord. 582 § 2, 1978)

12.24.030

**12.24.030**

**Assignment of numbers.**

Numbers shall be assigned to houses and buildings from State Street and Central Avenue, as bases, and in the following manner:

All houses and buildings situated within the first block north of Central Avenue on all intersecting streets shall be given numbers between 100 and 199 inclusive; within the second block numbers between 200 and 299 inclusive shall be used, and so on in each succeeding block; and all numbers shall be indicated by adding the word "North" to the name of the "Street."

In like manner, the numbers between 100 and 199 inclusive shall be used in the first block south of Central Avenue on intersecting streets, and each succeeding hundred in each succeeding block; and the word "South" shall be added to the street name.

On streets intersecting State Street numbers between 100 and 199 inclusive shall be used within the first block from State Street on either side, and each succeeding hundred in each succeeding block, with the addition of the word "East" or "West" to the Avenue name as the case may be.

Odd numbers shall be used on the west and north sides of the roadways and even numbers on the east and south sides, respectively.

Within any block, the houses or buildings nearer the base street shall use the smaller numbers. In assigning numbers to houses and buildings, buildings between which more than twenty-five (25) feet lie unimproved, and deep lots more than one hundred (100) feet deep shall be allowed sufficient numbers for later assignment to such vacant areas.

When assigning numbers to houses and buildings below abutting street grades the address will be preceded by Sublevel "A," "B" or "C," respectively, as the levels move down from ground level floor which will be "Level 1." As the assignment of addresses move up from "Level 1" the respective addresses will be preceded by Level "2," "3," "4" respectively as you move upward away from ground level one. (Ord. 582 § 3, 1978)

**12.24.040**

**Duty of building inspector.**

It shall be the duty of the building inspector to assign numbers, as hereinbefore provided, to every house or other building in the city; if four or more numbers need to be reassigned to existing structures in a given area, a report on such change will be given to the next regular meeting of the council. The council shall at once consider such report, and accept and by motion approve the same with such revision and amendments as they may deem necessary. Such report will be made a part of the meeting minutes. It shall be the duty of the city recorder at once to notify the owners, agents, lessors or occupants of such houses or buildings, either by mail, publication or telephone, of the numbers so assigned. A notice of an address assignment or change will be sent to the local postmaster for his records. (Ord. 582 § 4, 1978)

**12.24.050**

**Address base map.**

A reproducible plat of the city bearing the addresses of houses and other buildings in the city shall be kept on file in the city building - planning department. It will be the responsibility of the building inspector to keep the map up to date monthly and distribute revisions semi-annually to the department heads of the city. (Ord. 582 § 5, 1978)

12.24.060

**12.24.060**

**Violation—Penalty.**

Whoever shall fail to comply with the provisions of this chapter, or whoever shall affix to or display upon any house or building any such numbers other than those assigned to it, shall be guilty of a misdemeanor; and upon conviction therefor shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), and each day of noncompliance may be counted as a separate offense. (Ord. 582 § 6, 1978)

## Chapter 12.28

## REALIGNMENT OR REINSTALLATION OF PUBLIC FACILITIES

**Sections:**

12.28.010	Responsible party.
12.28.020	Permit required.
12.28.030	Council requirements to be met.
12.28.040	Violation—Penalty.

## 12.28.010 Responsible party.

Where development or improvement of private property within the corporate limits of the city change, in any way, the existing natural contour of the land to such an extent that realignment or reinstallation of existing public facilities is necessitated, such realignment or reinstallation shall be the responsibility of the party or parties responsible for such development or improvement. (Ord. 372 § 1, 1969)

## 12.28.020 Permit required.

Such realignment or reinstallation shall be performed only after securing a permit from the city official in charge of such utilities and a detailed plan of the proposed realignment or reinstallation having been submitted and accepted by the common council of the city. (Ord. 372 § 2, 1969)

## 12.28.030 Council requirements to be met.

All such realignment or reinstallations shall meet the requirements as set forth by the council governing new installations of the facility involved and in general use at the time of such realignment or reinstallation. (Ord. 372 § 3, 1969)

## 12.28.040 Violation—Penalty.

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in the city jail for not more than ten days or both. (Ord. 372 § 4, 1969)

## Chapter 12.32

## UTILITY LINES

**Sections:**

12.32.010	Installation—Proximity to water or sewer line.
12.32.020	Installation—Depth.
12.32.030	Water lines.
12.32.040	Approval before installation required—Inspection.
12.32.050	Maps and drawings to be kept on file.

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12.32.010 Installation—Proximity to water or sewer line.

All electric, telephone, TV and gas lines, hereinafter sometimes referred to as utility, which are to be installed underground shall not be installed within two feet, horizontal and parallel to any sewer or water line. The electric, telephone, TV and gas lines do not necessarily have to be on the same horizontal plane with the sewer or water line, so long as horizontally there is at least two feet distance between the electric, telephone, TV and gas lines and the sewer or water line. Where the electric, TV, telephone and gas lines cross sewer and water lines, there shall be a minimum separation of twelve (12) inches, and all electric lines shall be placed in PVC conduit at the crossings. All electric, telephone, TV and gas lines, except as provided in Section 12.32.020, shall be installed a minimum of three feet below the surface. "Below the surface" shall be in reference to curb line of the public right-of-way or easement. If there is no curb line, the ground level shall control. (Ord. 560 § 1, 1977)

12.32.020 Installation—Depth.

All lines connecting electric, telephone, TV and gas lines to structures or dwellings shall be placed twenty-four (24) inches below the finish grade from the property line to the structure or dwelling; provided, however, with respect to the installation of telephone and TV lines, where the same have not been installed at the time of the initial construction of the structure or dwelling, they may be later installed at a depth of not less than eighteen (18) inches below finish grade from the property line to the structure or dwelling.

If the council finds there are unusual circumstances or hardship involved in the installation of telephone and TV lines, the requirement that they be placed the required depth set forth in subsection A of this section may be waived by the council, and the council may grant a variance as to the depth of the line of less than that required in subsection A of this section. (Ord. 573 § 1, 1978; Ord. 560 §§ 2, 2(a), 1977)

12.32.030 Water lines.

All water lines running from the property line to the structure or dwelling shall be installed no less than twenty-four (24) inches below finish grade or ground level of the premises. (Ord. 560 § 3, 1977)

12.32.040 Approval before installation required—Inspection.

Before any electric, telephone, TV or gas line, except telephone and TV lines from the property line to the structure or dwelling, is installed in the ground the person applying for the same must, before installing the utility, obtain the approval by the superintendent of public works of the city of the installation to



see that the same conforms to this chapter. Before covering any utility so installed there shall be an onsite inspection by the public works superintendent of the utility to insure that the same has been installed as provided under this chapter. Any applicant so installing and covering the utility without first obtaining the approval and onsite inspection from the public works superintendent may be required to remove and re-install the utility in conformity to this chapter at no cost to the city. (Ord. 560 § 4, 1977)

**12.32.050****Maps and drawings to be kept on file.**

When any electric, telephone, TV or gas line is laid underground in the city, except laterals from the property line to the structure or dwelling, the city superintendent of public works shall be supplied with a map or drawing showing the location of the utility line as the same is installed within the city. The same shall be filed and kept on record in the office of the city recorder. (Ord. 560 § 5, 1977)

**Chapter 12.36**

**PARK AND RECREATION AREA USE REGULATIONS**

**Sections:**

- 12.36.010 Policy.**
- 12.36.020 Short title.**
- 12.36.030 Definitions.**
- 12.36.040 General rules and regulations.**
- 12.36.050 Fires in park areas.**
- 12.36.060 Unlawful acts.**
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- 12.36.080 Peddling in parks.**
- 12.36.090 Motor vehicles.**
- 12.36.100 Animals.**
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- 12.36.120 Gatherings for special events.**
- 12.36.130 Waste or litter in streams, fountains and rivers.**
- 12.36.140 Camping out when park is closed.**
- 12.36.150 Certain activities restricted to specific areas.**
- 12.36.160 Presence in park between sunset and sunrise unlawful—Exceptions.**
- 12.36.170 Climbing, walking and sitting on park structures.**
- 12.36.180 Injuring or destroying park notices.**
- 12.36.190 Restroom regulations.**
- 12.36.200 Drinking fountains.**
- 12.36.210 Emergency situations—Persons to leave park at request of employee.**
- 12.36.220 Illegal activities prohibited.**
- 12.36.230 Violent conduct.**
- 12.36.240 Fishing restricted.**
- 12.36.250 Smoking restricted.**
- 12.36.260 Lost articles.**
- 12.36.270 Alcoholic beverages.**
- 12.36.280 Fees.**
- 12.36.290 Rules of conduct.**
- 12.36.300 Excluding a person from a park.**
- 12.36.310 Appeals.**
- 12.36.320 Violation—Penalty.**

**12.36.010****Policy.**

The city may develop, construct, improve, operate and maintain park and recreation facilities in a manner which will best afford the public with necessary conveniences and accommodations. In order to protect such areas, protect the health, safety and well-being of the public, and insure the greatest use and enjoyment for all park users of the benefits from such areas, it is necessary to make regulations and provisions the city council deems necessary. (Ord. 842 § 1, 1995)

**12.36.020****Short title.**

This chapter shall be known and may be cited as the city's park rules. (Ord. 842 § 2, 1995)

**12.36.030****Definitions.**

As used in this chapter:

“Park” or “park area” means the city's community parks, area parks and other park classifications, the buildings and other facilities located within such areas, public bike paths and pedestrian ways (but not sidewalks along city streets), recreation facilities, including those grounds and areas commonly referred to as the timber days grounds and greenway and riverbank areas, or portions thereof, which

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have been placed under city jurisdiction, either by deed or dedication, regardless of whether such areas have been opened up for public use. Park areas include any river or streams adjacent to park areas.

“Council” means the Sutherlin city council.

“Criminal negligence” means that a person fails to be aware of a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. Where the definition of an offense prescribes criminal negligence as the culpable mental state, it is also established if a person acts intentionally or knowingly.

“Park employee” means any regular employee of the city who has been assigned to the parks and recreation department.

“Parks and recreation director” or “director” means the individual designated by the city manager to be in charge of the parks and recreation department of the city or the person designated by the director to perform some or all of the functions of that position.

“Off-road vehicle” means every self-propelled motor vehicle designed or capable of traversing on or over natural terrain, including but not limited to snowmobiles, minibikes, motorcycles, four-wheel drive trucks, pickups, all-terrain vehicles, jeeps, motor vehicles, half track and helicopters.

“Special event” means the use of a park or park area which constitutes one or more of the following:

1. Large or special use of an area or facility;
2. Create a special demand for park services such as parking, cleaning, power or water;
3. Requires coordination so that other users can co-exist without disruption; and
4. Which constitutes a commercial use.

“Alcohol” or “alcoholic beverage” means any form of alcohol containing more than one-half of one percent alcohol by volume, including but not limited to malt and fermented beverages, whether licensed for sale in the state or not. (Ord. 842 § 3, 1995)

12.36.040 General rules and regulations.

The general rules and regulations for the city parks and park areas shall be as provided in this chapter. Unless otherwise provided, although an offense defined under this chapter requires no culpable mental state with respect to one or more of its material elements, the culpable commission of the offense may be alleged and proved, in which case criminal negligence constitutes sufficient culpability. The parent or parents of an unemancipated minor child, other than a parent who is not entitled to legal custody of such child, shall be liable for any damage to persons or property and responsible for the acts committed by such child. (Ord. 842 § 4 (part), 1995)

12.36.050 Fires in park areas.

- A. It is unlawful to build or permit to be built a fire in any park area unless the fire is confined to:
  1. Park camp stoves or fireplaces;

2. Portions of parks designated as permitting fires;
3. Portable stoves in established picnic areas and designated where fires are permitted.

B. No fire shall be left unattended, and every fire shall be extinguished before its user leaves the park area.

C. If, in the judgment of the parks and recreation director, there exists a danger that even confined fires may spread, such as in dry seasons or during times of high winds, all outdoor fires may be prohibited in parks. (Ord. 842 § 4(1), 1995)

#### 12.36.060 Unlawful acts.

It is unlawful to:

A. Use an animal or any weapon, stick, stone, missile or other device of any kind which causes or tends to result in the destruction, injury, disturbance or molestation of any wild or domestic animal, fowl or fish (except fishing in designated areas) or any habitat thereof within a park or park area;

B. Give, or offer, or attempt to give, any animal within a park, any tobacco or other known noxious article, or any thing the giving of which is prohibited by printed notices conspicuously posted therein;

C. Discharge any firearm, pellet gun, BB gun, slingshot, bow and arrow, or other weapon capable of injuring any person, bird or animal; provided, however, this paragraph shall not apply to the use of officially approved weapons by duly authorized peace officers so authorized under the laws of the state of Oregon or the federal government, or except under agreement or special regulations of the council, or by permission of the parks and recreation director;

D. Possess any firearm, pellet gun, or BB gun in park area except as provided by law or by peace officers authorized under the laws of the state of Oregon or the Federal Government, or except under agreement or special regulations of the council, or by permission of the parks and recreation director;

E. Use a beanshooter, javelin, shotput, discus, horseshoe, golf equipment or self-propelled, remote or noncontrolled devices, such as model airplanes, helicopters or vehicles in or upon any park area, except in those areas specifically designated or provided for the particular use. (Ord. 842 § 4(2), 1995)

#### 12.36.070 Additional unlawful acts.

For any person other than a person authorized by the parks and recreation director the following acts are declared to be unlawful;

A. The removal, destruction, breaking, injuring, mutilating or defacing in any way any structure, monument, statue, vase, fountain, faucet, barrier, wall, fence, gate, railing or other enclosure or part thereof or any vehicle, traffic recorder, sign, marker, bench, tree, shrub, fern, plant, flower, fixture or other property in any park;

B. The act of bringing upon any of the parks or having in such person's possession while therein, any tree, shrub or plant, or any newly plucked branch or leaf or tree, shrub or plant;

C. The movement or removal of any sign, marker, monument, fence, barrier, faucet, buoy, traffic recorder, or other structure or facility of any kind in a park;

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D. The digging, defacing or removal of any dirt, stones, rock or other substance whatever, make any excavation, quarry any stone, possess or discharge any explosive device, or lay or set off any blast, or roll any stones or other objects, or cause or assist in doing any such things within a park;

E. The possession, discharge or causing to be discharged of any firecracker, explosive, torpedo, rockets propelled by either water pressure or combustible materials, fireworks as defined by ORS 480.110, or other substance which could be harmful to park area visitors or resources;

F. The erection of any sign, marker, poster or inscription of any type within a park area. The posting of advertisements for any product or service will only be permitted at a designated resource board where appropriate;

G. The obstruction of the free use and enjoyment of any park, the placement of any straw, grass clippings, dirt, chips, paper, shavings, shells, ashes, swill, garbage, rubbish, refuse or debris, or the leaving or abandonment of any vehicle or part thereof in or upon any park; provided, however, the foregoing prohibition shall not apply to the landscaping and other maintenance activities of city employees and agents;

H. The entering of any park with straw, grass clippings, chips, paper, shavings, shells, ashes, swill, garbage, rubbish, refuse or debris that has originated from outside the park, for the purpose of disposing of any of the rubbish, refuse, or debris in the park; provided, however, the foregoing prohibition shall not apply to the disposal of garbage or refuse that results from the normal use of the park for recreational or other lawful purposes;

I. The operation or permission to operate any sound amplification system which is plainly audible at a distance of fifty (50) feet or more from the source of the sound, unless that system is being operated to request assistance or warn of a hazardous situation. This paragraph shall not apply to emergency vehicles as defined in ORS 801.260, vehicles operated by utilities as defined in ORS 757.005, 58.505 and 759.005, audio alarm systems installed in vehicles and Federal Communications Commission licensed two-way radio communications system. As used in this paragraph, "plainly audible" means any sound for which the information content of that sound is unambiguously communicated to the listener including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal or comprehensible musical rhythms or vocal sounds. (Ord. 842 § 4(3), 1995)

12.36.080 Peddling in parks.

It is unlawful for any person to sell, peddle or offer for sale any good, liquids, edibles for human consumption, or any goods, wares, services or merchandise or to solicit for a charitable contribution in a park unless that person has been granted a concession or a park permit by the parks and recreation director or by the city council and then only in conformance with applicable state and county regulations. (Ord. 842 § 4(4), 1995)

12.36.090 Motor vehicles.

Motor vehicles shall be operated and parked only on roads and in parking areas designated for motor vehicle use. Such roads and parking areas are intended for the use of the general public for vehicles and subject to all city, county and state ordinances and regulations. No operator shall park and no owner shall allow a vehicle to be parked within a park for the principal

purpose of repairing or servicing the vehicle, except repairs necessitated by an emergency. No motor vehicle, off-road vehicle, motorcycle, trailer, bicycle, skates, skateboards, or other vehicle shall be permitted on any trail or in any part of a park not designated for such use, or on any road or trail posted as closed to the public; provided, however, this section shall not apply to those motor vehicles used in connection with city maintenance, fire and emergency medical vehicles or police patrol, or as permitted by the parks and recreation director.

Except for fire and emergency medical response and police patrols, no person shall operate any motor vehicle within a park at a speed in excess of fifteen (15) miles per hour unless the roadway is posted otherwise. (Ord. 842 §§ 4(5) and (6), 1995)

#### 12.36.100 Animals.

Except for those animals which a significant number of park users have cooperatively adopted and cared for and which become attached to or associated with particular park buildings, no dog, cat or other animal of any kind shall be brought into or kept in a park area unless confined, or in a vehicle, or on a leash not longer than six feet without the express consent of the parks and recreation director. It is unlawful for any individual to leave an unattended animal in a poorly ventilated, confined area or a vehicle for a period of time which would be an act of cruel mistreatment. The authority of the parks and recreation director includes the authority to require the person keeping the animal to undertake any measures (including removal of the animal from the park) deemed by the parks and recreation director as necessary to prevent interference by the animal with the safety, comfort, and well-being of the park users, or the appearance or sanitary conditions of the park area. Persons in possession or control of an animal in a park shall be responsible for the removal and disposal of all waste material of such animal in waste receptacles. No animals, other than seeing-eye or hearing-ear dogs, shall be allowed in any building. (Ord. 842 § 4(7), 1995)

#### 12.36.110 Horses.

No person shall ride, drive, lead or keep a horse or other livestock in any park, except on such roads, trails, or areas designated for that purpose. No horse or other such animal shall be hitched or tied in such a manner that may cause damage to such tree, shrub, improvement or structure. (Ord. 842 § 4(8), 1995)

#### 12.36.120 Gatherings for special events.

Any form of gathering for special events or use of a park area at special times or for special uses or events shall be unlawful without specific authorization from the parks and recreation director and shall be in accord with state law, city and county ordinance and regulations as may now or hereafter exist. During any gathering for special events or use of a park area authorized under this section, no person shall use, possess or consume alcoholic beverages in any location other than a location designated by the parks and recreation director or the city council in the permit authorizing such gathering. (Ord. 842 § 4(9), 1995)

#### 12.36.130 Waste or litter in streams, fountains and rivers.

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No person shall wash any clothing or other materials, or deposit any material or other substance, or clean any fish, or introduce or place polluting substance, waste or litter in a stream, fountain or river in or along a park. (Ord. 842 § 4(10), 1995)

12.36.140                   Camping out when park is closed.

It is unlawful for any person to camp out or sleep in any park area at such time when the park is closed, except by specific permission of the parks and recreation director and only in areas designated for such purpose. (Ord. 842 § 4(11), 1995)

12.36.150                   Certain activities restricted to specific areas.

Certain activities, including but not limited to, group picnicking, camping, group camping, hiking and driving of vehicles, and riding of bicycles, skates, skateboards and horses may be restricted by the parks and recreation director to designated zones or areas, and such designations shall be observed. (Ord. 842 § 4(12), 1995)

12.36.160                   Presence in park between sunset and sunrise unlawful—Exceptions.

It is unlawful for any person to enter or remain in any park or part thereof from sunset to sunrise, except as provided below:

A.     A gathering for a special event or use of a park area at special times or for special uses or events which are authorized under Section 12.36.120;

B.     The following persons, when engaged in the course of their duties: the parks and recreation director, city employees, law enforcement officers, fire and emergency medical personnel, and those persons authorized by the parks and recreation director.

Persons attending activities and events sponsored by the parks and recreation department or authorized by the parks and recreation director, or the use of park facilities designed for night use such as lighted sports fields or tennis courts. (Ord. 842 § 4(13), 1995)

12.36.170                   Climbing, walking and sitting on park structures.

It is unlawful for any person to climb any tree, or walk, stand, climb or sit upon a monument, vase, railing or fence in any park. It is unlawful for any person to walk, stand or sit upon any fountain. (Ord. 842 § 4(14), 1995)

12.36.180                   Injuring or destroying park notices.

It is unlawful for any person to injure, deface or destroy any notice of the rules and regulations for the government of the parks, or other official notice which has been posted or permanently affixed by order or permission of the parks and recreation director. (Ord. 842 § 4(15), 1995)

12.36.190                   Restroom regulations.

A.     No male person, other than a child with its mother, or a park or law enforcement employee in the discharge of such employees regular duties, shall enter a public restroom or portable toilet, marked “women,” or loiter about the entrances of such restroom or portable toilet facility.



B. No female person, other than a child with its father, or a park or law enforcement employee in the discharge of such employees regular duties, shall enter a public restroom or portable toilet, marked “men,” or loiter about the entrances of such restroom or portable toilet facility.

C. It is unlawful for any person to blow, spread or place any nasal or other bodily discharge or waste or to spit, urinate or defecate on the floors, walls, partitions, furniture, fittings, or on any portion of any public restroom or portable toilet or in any place in such facility, excepting directly into the particular fixture provided for that purpose. Nor shall any person place any bottle, can, cloth, rag or metal, wood or stone substance in any of the plumbing fixtures in any such station.

D. It is unlawful for any person to stand or climb on any toilet fixture, toilet seat, basin, partition, or other furniture, fixture or fitting, or to push, crowd or otherwise act in a disorderly manner, or to interfere with any attendant in the discharge of his or her duties.

E. It is unlawful for any person to cut, deface, mar, destroy or break, or write on or scratch any wall, floor, ceiling, partition, fixture or furniture, or use towels in any improper manner, or waste soap, toilet paper, or any of the facilities provided in any public restroom or portable toilet facility. (Ord. 842 § 4(16)—(20), 1995)

#### 12.36.200 Drinking fountains.

It is unlawful for any person to wilfully mark, scratch, disfigure, deface, or in any manner injure any public drinking fountain in the city, or throw, place or deposit in any cup or basin of same any cigar or cigarette stub, or any other matter or refuse whatever, or obstruct the regular flow of water thereof in any manner whatever. (Ord. 842 § 4(21), 1995)

#### 12.36.210 Emergency situations—Persons to leave park at request of employee.

In case of an emergency, or in case where life or property are endangered, all persons, if requested to do so by the parks and recreation director, a peace officer or other park employee, shall depart from the portion of the grounds specified by such officer or employee, and shall remain off the same until permission is given to return. (Ord. 842 § 4(22), 1995)

#### 12.36.220 Illegal activities prohibited.

No person shall engage in activity prohibited by any state, county or municipal law of Oregon while in a park or while engaged in parks and recreation department activities. (Ord. 842 § 4(23), 1995)

#### 12.36.230 Violent conduct.

It is unlawful for any person to engage in, promote, instigate, encourage or cause fighting or similar violent conduct which would threaten the physical well-being of the public. (Ord. 842 § 4(24), 1995)

#### 12.36.240 Fishing restricted.

It is unlawful for any person to fish from the banks of the Sutherlin Creek in a park area except in those areas designated for such purpose. (Ord. 842 § 4(25), 1995)

#### 12.36.250 Smoking restricted.

In accordance with Oregon's Clean Air Act, ORS 433.835 to 433.875, no person shall smoke or carry any lighted smoking device in a park building except in designated smoking areas. (Ord. 842 § 4(26), 1995)

#### 12.36.260 Lost articles.

All articles found in park areas shall be turned over to a park employee and disposed of in accordance with ORS 98.005 and parks and recreation department administrative policies and procedures. (Ord. 842 § 4(27), 1995)

**12.36.270**

**Alcoholic beverages.**

It is unlawful for any person to consume alcohol, to possess an open container holding alcohol, or to open a container holding alcohol while in any park, except pursuant to a permit

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issued by the parks and recreation director under this section and in accordance with terms and conditions attached to such permit. In addition to any other penalties provided by this chapter, a person found to have violated this section shall forfeit for disposal the alcoholic beverage. The following conditions shall apply to permits concerning alcohol in the park:

A. Alcohol shall not be allowed in any children's playground, on any boat ramp or docking facility or in any vehicular parking lot.

B. An alcohol permit shall be kept and maintained at all times in the possession of the group to whom it is issued, shall not be transferable and shall be limited in duration.

C. A group shall not be issued an alcohol permit unless they can satisfactorily demonstrate the following:

1. That they are at least twenty-one (21) years of age;
2. That they have paid applicable fees associated with such permit;
3. That they have agreed in writing to be responsible for any injuries or damage arising from the consumption of alcohol;
4. That they have completed the appropriate application form for administrative purposes;
5. That, if required, they have submitted satisfactory insurance, a security deposit and other documentation to demonstrate compliance with applicable Oregon (OLCC) laws and other security measures which may be required by the parks and recreation director; and
6. That they are not otherwise disqualified from obtaining a permit under this section.

D. A group who within twelve (12) months immediately prior to submitting their application for an alcohol permit or prior to consuming alcohol or possessing an open alcohol container in a park under some other valid alcohol permit has been found by a court to have violated a park rule (civil infraction or state law violation) or has been officially excluded from any park for a period longer than one day (and the exclusion was upheld, if appealed) is prohibited from exercising any park alcohol privilege.

E. A group who is denied an alcohol permit or other park alcohol privilege under subsection C or D of this section may take the matter up with the parks and recreation director whose decision on the matter shall be final. Unless otherwise determined by the parks and recreation director, however, the denial of the permit or other such privilege shall take effect from the initial point of decision.

F. Except for a group whose alcohol permit or privileges are denied under subsection E of this section, in addition to any other penalties provided by this chapter or other law, a person who is found to have violated a park rule (civil infraction or state law violation) or any condition under which an alcohol permit has been issued, shall forfeit their alcohol permit and all park alcohol privileges for a period of one year.

The forfeiture shall commence on the date notice of violation is delivered to the person. A person who disputes such violation under this paragraph may contest such determination pursuant to Section 12.36.310, unless the violation has been litigated or finally determined in a separate proceeding.

G. The privilege of receiving an alcohol permit or exercising any park alcohol privilege shall include and carry the following consequences:

1. The group will be responsible for any damages, injuries and/or costs which result from the consumption of alcohol in a park pursuant to such permit;

2. The group shall indemnify and, if requested, defend the city from any action brought to recover for such damages, injuries and/or costs; and

3. The city or any other injured person shall have a cause of action and may seek recovery for such damages, injuries and/or costs incurred from such permittee or their insurer.

H. Nothing contained herein is intended to authorize the consumption, possession, distribution or use of alcohol in any manner which is prohibited under Oregon law, or to modify the provisions of the Oregon Tort Claims Act (ORS 30.260 to 30.400). (Ord. 842 § 4(28), 1995)

### **12.36.280**

#### **Fees.**

Fees, as established by the city council, may be charged for certain services and privileges, and for the use of designated areas, buildings or facilities. It is unlawful to enter or use such areas, buildings, services or facilities or to be granted those privileges unless the appropriate fee or fees have been paid. (Ord. 928 § 6, 2001; Ord. 842 § 5, 1995)

### **12.36.290**

#### **Rules of conduct.**

A. The parks and recreation department shall adopt administrative rules for the conduct of persons using parks and recreation facilities, for the administration of special events and for participation in city programs in park areas. All persons participating in city programs shall be registered. The rules of conduct shall be administered by the parks and recreation director, park employees or persons employed by the city. Except as otherwise provided in this chapter, appeals from the application of such rules shall be conducted in the manner provided by the general ordinances of the city.

B. Where authorized to issue permits for certain activities in a park, the parks and recreation director may establish special procedures, including general permitting rules, for the efficient administration of such permits.

C. The city council, city manager and the parks and recreation director shall have the authority to close a park or a portion of a park to the public at any time and without notice for any reasonable and necessary circumstance including but not limited to construction and maintenance, and for all fire hazards.

D. The parks and recreation director, park employees designated by the parks and recreation director and city police officers are authorized to obtain compliance by the public with these rules and to issue reasonable directions in furtherance thereof. If any individual fails to obey or disregards the provisions of this chapter or an order or instruction given to obtain compliance with the provisions of this chapter, that individual shall be subject to ejection and temporary suspension of park use privileges. An individual who fails to leave or remain off of park premises

### 12.36.300

or designated portions thereof after being so lawfully directed shall be subject to criminal trespass charges.

E. Notwithstanding the foregoing regulations, upon prior request the park director may allow temporary, minor deviations from the strict requirements of this chapter where the harm to park facilities and the risk to park users is negligible or nonexistent. (Ord. 842 § 6, 1995)

### 12.36.300

#### **Excluding a person from a park.**

A. In addition to other measures provided for violation of this chapter, or the laws of the state of Oregon, any peace officer, the parks and recreation director or any authorized park employee may exclude from all or any part of a park any person who violates any provision of this chapter or any law of the state of Oregon, for a period not to exceed ninety (90) days.

B. A person excluded under this section may not enter or remain upon any part of the park from which the person is excluded during the period of exclusion. An excluded person who enters or remains upon any part of a park 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).

C. Written notice signed by the issuing party shall be issued to a person excluded from all or part of a park, which notice shall specify the reason for exclusion, places and duration of exclusion, and the consequences for failure to comply with the notice. The notice shall be given either by personal delivery or by certified mail return receipt requested. Unless otherwise expressly set forth in the notice, the exclusion shall commence immediately upon delivery of the notice to the excluded person.

D. The parks and recreation director is authorized to prepare a form of notice to be used in connection with excluding a person from a park and to include therein such additional material as are considered necessary for administrative purposes. (Ord. 842 § 7, 1995)

### 12.36.310

#### **Appeals.**

A. The procedures contained in this section shall apply to orders of the parks and recreation director, police officers or authorized park employees excluding a person from a park and revoking a permit or authorization for use of a park. Failure to follow the procedures contained herein shall constitute a waiver of the person's right to bring an appeal of such order.

B. Not later than ten days after commencement of an order revoking a permit or excluding a person, the affected person may appeal in writing to the Sutherlin municipal court for de novo review of the order or may petition the Sutherlin municipal court to rescind or alter the order, or reduce the duration of exclusion. An appeal shall contain a copy of the order issued by the parks and recreation director, police officer or authorized park employee, a request for a hearing or request for written review without a hearing, and a statement setting forth the reason that the order is invalid, otherwise improper or why it should be changed. Failure to raise an issue with

sufficient specificity to afford the parks and recreation director, police officer or authorized park employee an opportunity to respond to the issue precludes appeal to the municipal court on that issue.

C. If, as part of the written appeal, the person requests a hearing, a public hearing will be conducted by the Sutherlin municipal court or designee, within ten days after receipt of the appeal, and the municipal court will render a decision within ten days after the hearing.

D. The procedure to be followed for such hearing shall be as provided in cases of civil infractions. The municipal court may question witnesses and review all documentation referred to by the witnesses. Unless the municipal court orders otherwise, there shall be no continuance or reopening of the hearing.

E. At any time during an exclusion, an excluded person may petition in writing to the city manager, or designee, for a temporary waiver of the exclusion for good reason. (Ord. 842 § 8, 1995)

**12.36.320****Violation—Penalty.**

A. Except as otherwise provided, a violation of this chapter is a civil infraction and shall be punishable by a fine not to exceed five hundred dollars (\$500.00). Each violation of a provision of this chapter shall constitute a separate offense, and each day that a violation of this chapter is committed or permitted to continue, shall constitute a separate offense. In addition to any other forfeiture, remedy, order or penalty provided by law or city ordinance, the court, upon a determination of a violation, may order the exclusion of a person from a park or any portion thereof for a period of up to one year.

B. In addition to other remedies provided by this chapter or other law, the parks and recreation director is authorized to revoke the permit or approval given or issued to a person who violates any rule or regulation set forth in this chapter or any condition under which the permit was issued. Such determination shall be in writing and delivered to the person to whom the permit was issued. Any person aggrieved by the revocation of such permit may appeal such determination in accordance with the procedures provided in Section 12.36.310.

C. The remedies provided by this chapter for violations thereof are cumulative and the pursuit of one remedy shall not preclude the use of another. In addition, where an offense defined under this chapter is also punishable under state law or Sutherlin ordinance, the use of a remedy or remedies provided by this chapter shall not be construed as an election of remedies or otherwise preclude the use of additional or alternative remedies or penalties provided by law.

D. Where a person has been refused a permit or authorization for use of a park by order of the parks and recreation director and such refusal is not in connection with an order otherwise appealable to the municipal court under Section 12.36.310, an aggrieved person may petition in writing to the city manager, or designee, for reconsideration of such refusal. (Ord. 842 § 9, 1995)



12.37.010

## Chapter 12.37

### SUTHERLIN COMMUNITY CENTER

#### Sections:

- 12.37.010 Purpose.
- 12.37.020 Short title.
- 12.37.030 Definitions.
- 12.37.040 Schedule for use of premises and personalty.
- 12.37.050 Rental agreement.
- 12.37.060 Use of the premises and personalty.
- 12.37.070 Compliance with laws.
- 12.37.080 Workers' compensation.
- 12.37.090 Damage to premises or personalty.
- 12.37.100 Security deposit.
- 12.37.110 Waiver of rental fees.
- 12.37.120 Waiver of indemnification and insurance.
- 12.37.130 Administration.

#### 12.37.010

##### **Purpose.**

The purpose of this chapter is to regulate the use of the Sutherlin Community Center. The Sutherlin Community Center and all equipment, furnishings, and other personal property kept at the Sutherlin Community Center will be operated, maintained, used and rented for use in accordance with this chapter. (Ord. 937 § 1 (part), 2002)

#### 12.37.020

##### **Short title.**

This chapter will be known as and may be cited as the Sutherlin Community Center ordinance. (Ord. 937 § 1 (part), 2002)

#### 12.37.030

##### **Definitions.**

The following definitions apply to words and phrases used in this chapter:

“Applicant” means any person or entity who submits an application for a waiver of rental fees or insurance under Section 12.37.110 or Section 12.37.120.

“Environmental laws” means laws relating to environmental health hazards, environmental pollution or preservation of natural resources.

“Premises” means all or part of the Sutherlin Community Center building, grounds, appurtenances and fixtures.

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“Hazardous substance” means any substance regulated by an environmental law which poses a hazard to human health or the environment, including “hazardous substances” as defined in ORS 465.200 and “hazardous chemicals” described in Section 12.37.070(C).

“Laws” means the all codes, statutes, regulations, rules, orders, ordinances, and other legal requirements of federal, state and local governmental bodies and agencies that affect use of the premises or personalty or activities that occur at the premises.

“Personalty” means materials, equipment, furnishings, supplies and other personal property kept at the Sutherlin Community Center by the city.

“User” means any person or entity who enters into a “rental agreement” with the city for use of the premises or personalty. (Ord. 937 § 1 (part), 2002)

**12.37.040****Schedule for use of premises and personalty.**

A. The city will maintain a schedule for use of the premises and personalty and will allow any person and entity to reserve the use of all or part of the premises or personalty subject to the following conditions:

1. Prospective users must request a rental agreement form for use of the premises or personalty from the city.

2. No person or entity will be allowed to enter into a rental agreement if the actual user will be a different person or entity.

3. A prospective user must have legal capacity to contract with the city.

4. The prospective user who submits a complete, signed rental agreement to use all or part of the premises or personalty at a particular time will have priority to use that part of the premises or personalty requested for the period requested, so long as the prospective user conforms to all conditions stated in this chapter and the rental agreement.

5. The city may maintain a waiting list of prospective users ranked by the time that each completed rental agreement submitted to the city is filed. The city may offer the premises or personalty to the next prospective user on the waiting list, if the rental agreement submitted by the prospective user with first priority under subsection (A)(4) of this section is rejected or cancelled by the city.

6. The city may require a prospective user to submit information to the city with the rental agreement to determine whether the rental agreement should be approved by the city. The city reserves complete discretion to approve or reject a proffered rental agreement or to require special conditions to be added to the rental agreement.

B. The city may refuse to enter into a rental agreement if:

1. The prospective user does not have a satisfactory record of performance under previous agreements to use the premises or personalty, other facilities of the city or facilities rented from other persons or entities;

2. The prospective user intends to use the premises or personalty for purposes that may violate laws;

3. The prospective user submits an application that is subject to conditions that have not been approved in advance by the city; or

4. The prospective user has not provided all information required by the application or requested by the city. (Ord. 945 § 1, 2003; Ord. 937 § 1 (part), 2002)

**12.37.050****Rental agreement.**

A. Except as provided in Section 12.37.120, the rental agreement must require the user to defend and indemnify the city for demands, claims, actions, arbitrations, and other adversarial proceedings that are asserted, filed, prosecuted, or appealed against the city by a person or entity other than the user and any resulting expenses and liabilities, including damages, penalties,

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attorney fees, mediation costs, arbitration costs, and litigation costs resulting in whole or in part from:

1. The negligence or other torts of the user or an invitee of the user;
2. Breach of the user's obligations under this chapter or the rental agreement;
3. Any breach of any contract between the user and any third party concerning goods and services provided to the user for use of the premises;
4. Any violation of law, including environmental laws, committed by the user or any officer, agent, employee, volunteer or contractor who provides services to the user at the premises; and

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5. Any other acts or omissions for which the user is at fault.

B. Except as provided in Section 12.37.120, the rental agreement will require the user to provide liability insurance coverage that is sufficient to cover third party claims under ORS 30.260 to 30.300.

C. The city manager may include any provisions in rental agreements that the city manager deems necessary to protect the property and interests of the city.

D. A user cannot assign the rental agreement or allow any other person or entity to use the premises or personalty without the approval of the city manager.

E. Except as provided in Section 12.37.110 below, the user must pay the rental fee and a security deposit at the time the rental agreement is executed. The amount of the rental fee and security deposit will be established by resolution of the city council. (Ord. 937 § 1 (part), 2002)

**12.37.060**

**Use of the premises and personalty.**

A. Activities at the premises are subject to observation by representatives of the city.

B. The user shall use only that part of the premises and personalty designated in the rental agreement. The user shall use the premises and personalty only for the purposes stated in the rental agreement.

C. No person who uses the premises or city's personalty, including the user and the user's members, agents, employees, contractors, or invitees, shall engage in any activity that violates laws, including the following:

1. Sale or service of alcoholic beverages at the premises without a permit issued by the city police department;

2. Possession, delivery or use of any controlled substance at the premises, except for drugs other than medical marijuana that are held and used by a person pursuant to a legal prescription and applicable law;

3. Possession, delivery or use of marijuana under any circumstances, regardless of whether the person is allowed to possess, deliver, or use medical marijuana pursuant to ORS 475.300 to 475.346;

4. Use of tobacco products in the Community Center building; and

5. Use of tobacco products anywhere on the premises by persons under the age of eighteen (18).

D. The user shall take necessary actions to prevent illegal activities at the premises and shall immediately call 911 to report such activities.

E. The user shall take necessary actions to prevent or mitigate injury to persons, damage to property; or environmental pollution at the premises without waiting for instructions from the city. The user will be compensated for actions that are not necessitated by the wrongful acts or omissions of the user.

F. Upon expiration or termination of the rental agreement, the user shall:

1. Remove the user's personal property from the premises;

2. Return personalty to the places designated in the rental agreement; and

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3. Leave the part of the premises and personalty used by the user clean and ready for use.

G. If the premises or equipment will be used primarily for activities for minors who are not accompanied by their parents or guardians, the user must be an adult and responsible adults must be present at all times to oversee the activities of the minors and to assure that such activities do not violate this chapter or the provisions of the rental agreement. (Ord. 937 § 1 (part), 2002)

**12.37.070****Compliance with laws.**

A. The user must comply with all laws, including environmental laws, regardless of whether the laws are cited or stated verbatim in this chapter or the rental agreement.

B. The user must obtain the city's consent prior to bringing any hazardous substances to the premises, and if such consent is granted the user shall undertake any preventive and remedial actions that are required by environmental laws for any hazardous substances.

C. The user shall implement precautions required for hazardous chemicals by ORS 654.750 or OAR Chapter 435, Division 155, that may be encountered or used at the premises. The city and the user will exchange material safety data sheets, label information and instructions for precautionary measures for any hazardous chemicals kept or used at the premises. (Ord. 937 § 1 (part), 2002)

**12.37.080****Workers' compensation.**

A. The user and any contractors engaged by the user shall comply with ORS 656.017. All "subject workers" employed by the user or a contractor at the premises must be covered by workers' compensation insurance.

B. Before engaging in any activities at the premises for which workers' compensation coverage is required, the user and any contractor engaged by the user shall provide to the city a certificate of insurance for workers' compensation coverage in a form acceptable to the city or a certificate of self insurance issued by Oregon Department of Consumer and Business Services pursuant to ORS 656.430. (Ord. 937 § 1 (part), 2002)

**12.37.090****Damage to premises or personalty.**

The user will be responsible for damage to the premises and personalty which results in whole or in part from:

A. The negligence or other torts of the user or an invitee of the user;

B. Breach of the user's obligations under this chapter or the rental agreement;

C. Any breach of any contract between the user and any third party concerning goods and services provided to the user for use of the premises;

D. Any violation of law, including environmental laws, committed by the user or any officer, agent, employee, volunteer or contractor who provides services to the user at the premises; and

E. Any other acts or omissions for which the user is at fault. (Ord. 937 § 1 (part), 2002)

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**12.37.100**

**Security deposit.**

A. A user must pay a security deposit in an amount set by the city council to cover any damage to the premises under Section 12.37.090 and other monetary obligations of the user to the city.

B. Any part of the security deposit that is not used for the purposes stated in subsection A of this section will be refunded to the user.

C. The user's liability to the city will not be limited to the amount of the security deposit.

D. The user and the city may agree in writing to have the city retain the security deposit paid under one rental agreement to cover future rental agreements. (Ord. 937 § 1 (part), 2002)

**12.37.110**

**Waiver of rental fees.**

A. A prospective user may submit, with the proposed rental agreement, a written application to have the city waive payment of all or part of the rental fee. The city, at its discretion, may waive the rental fee for the premises and personalty if:

1. The application conforms to all provisions of this chapter;

2. The applicant is private nonprofit association or corporation which is located in the city or which provides services within the city;

3. During the twelve (12) calendar months preceding the application, members of the applicant have performed more than forty (40) volunteer hours of services that benefit the city or the citizens of the city as documented on the application for waiver of fees; and

4. The applicant has not breached any prior rental agreement for use of the premises or personalty.

B. The city will notify an applicant when the application for a fee waiver is either approved or denied. If the city denies an application for waiver of the rental fee, the applicant shall pay the rental fee immediately after the city gives the applicant notice of denial. (Ord. 937 § 1 (part), 2002)

**12.37.120**

**Waiver of indemnification and insurance.**

A. A prospective user may submit, with the proposed rental agreement, a written application to have the city waive the requirement to provide indemnification and liability insurance under Section 12.37.050.

B. The city, at its discretion, may waive or modify the requirements for indemnification and liability insurance if:

1. The conditions stated in Section 12.37.110(A) exist; and

2. Waiving indemnification and insurance will not result in a serious risk of loss for the city. (Ord. 937 § 1 (part), 2002)



**12.37.130**

**Administration.**

Unless a specific provision of this chapter provides otherwise, wherever this chapter refers to an action and decision by the city, it will be taken or made by the city manager or a person to whom the city manager has delegated authority. (Ord. 937 § 1 (part), 2002)

## Chapter 12.40

### RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS

#### Sections:

12.40.010	Purpose.
12.40.020	Applicability.
12.40.030	Scope and jurisdiction.
12.40.040	Alternative materials, equipment and procedures.
12.40.050	Definitions.
12.40.060	Recreational vehicle park development standards—Purpose.
12.40.070	Length of stay.
12.40.080	State standards.
12.40.090	Local standards.
12.40.100	Upgrading required.
12.40.110	Review procedure.
12.40.120	Plans and specifications.
12.40.130	RV holding tank disposal system.
12.40.140	Development incentive.

#### 12.40.010 Purpose.

The purpose of this chapter shall be to provide rules, regulations, requirements and standards for development of RV parks and campgrounds in the city ensuring that the public health, safety and general welfare are protected; that orderly growth and development together with the conservation, protection and proper use of land shall be insured; that proper provisions for all public facilities shall be made, and that the city has appropriate control over the zoning and location of RV parks and campgrounds in the city. (Ord. 869 § 1.100, 1997)

#### 12.40.020 Applicability.

This chapter shall apply to all RV parks and campgrounds as defined below. No person or organization or government entity shall establish and maintain an RV park or campground within the city except in conformity with Oregon Administrative Rules Chapter 918, Division 650, its successors, and this chapter. Facilities provided in existing RV parks and campgrounds may be continued in use providing such facilities do not constitute a recognized health or safety hazard. (Ord. 869 § 1.200, 1997)

#### 12.40.030 Scope and jurisdiction.

A. This chapter is intended to be all-inclusive of elements relative to RV parks and campground development to be regulated by the city.

B. Where differences occur between state and local standards affecting building, electrical, plumbing and fire protection elements the state code shall govern.

C. Any decision to regulate elements of RV parks and campgrounds as they relate to zoning and location affecting offsite impacts shall be the sole determination of the city.

D. Upon construction of the RV park or campground, enforcement of the operational requirements of this chapter, shall be the responsibility of those agencies normally responsible for enforcing such provisions. Where disagreements arise over jurisdiction, the responsibility for enforcement shall vest with the city, county then state in that order.

E. Federal regulations under the National Highway Traffic Safety Administration may supersede all or part of this chapter as applied to any category of regulated motor vehicles. (Ord. 869 § 1.300, 1997)

#### 12.40.040 Alternative materials, equipment and procedures.

The provisions of this chapter are not intended to prevent the use of any material, method of construction, or installation procedure not specially prescribed by this chapter, provided any such alternate is of equal or greater quality and verified by the authority having jurisdiction. The authority having jurisdiction shall require that sufficient evidence be submitted to substantiate any claims made regarding the safety of such alternates. Evidence shall also be required to show, to the satisfaction of the authority having jurisdiction, that the alternate material, method of construction or installation procedure will meet or exceed the level of health and safety protection provided by the standards of this chapter. (Ord. 869 § 1.400, 1997)

#### 12.40.050 Definitions.

The following definitions are adopted for use in this chapter. In addition to those definitions contained in local ordinances adopted by the city, the following definitions shall apply to RV parks and campgrounds.

“Accessory/cabana” means a portable room enclosure.

“Accessory structure” means structures maintained within RV parks or campgrounds which serve the principal camping unit. Accessory structures are not attached to the camping unit (see “Add-on structures”) and contain no plumbing or electrical fixtures.

“Accessory facilities” means separate structures or uses which provide necessary services for the RV park or campground. These can include offices, service buildings, rest rooms, dumping stations, showers, laundry facilities, storage units, firewood storage area, barbecue pit or area; and other uses and structures customarily incidental to operation of a RV park or campground.

“Accessory/storage” means a structure located on a camping unit site which is designed and used solely for the storage and use of personal equipment and possessions of the RVer or camper and may include storage buildings and greenhouses not exceeding one hundred twenty (120) square feet of roof area.

“Accessory uses” means offices, employee or operator living units, recreational facilities, grocery stores, convenience stores, gift shops, service buildings, rest rooms, dumping stations, showers, laundry facilities, storage units; and other uses and structures customarily a part of the RV park or campground operation.

“Add-on structures” means structures attached to the principal camping unit which provide additional space or service.

“Approved” means acceptable to the authority having jurisdiction.

ARVC. “National Association of RV Parks and Campgrounds (ARVC)” means the national trade organization representing the outdoor hospitality industry.

“Authority having jurisdiction” means the organization, office or individual responsible for approving equipment, equipment installation, a permit or a procedure.

“Awning” means a shade structure supported by posts or columns and partially supported by the camping unit.

“Cabin/camping” means a hard-sided tent or shelter less than four hundred (400) square feet in area which is on skids designed to facilitate relocation from time to time.

“Cabin/housekeeping” means a rustic cabin providing guests with full service amenities as an alternative to other forms of rental lodging.

“Campers” means a person or persons participating in RVing or camping.

“Campground” means any parcel or tract of land under the control of any person, organization or governmental entity wherein two or more camping unit sites are offered for the use of the public or members of an organization for rent or lease. Campgrounds may or may not necessarily be designed to accommodate recreational vehicles.

1. Primitive: a campground where no facilities are provided for the comfort or convenience of campers.

2. Semi-primitive: a campground where rudimentary facilities (privies and/or fireplaces) may be provided for the comfort and convenience of campers.

3. Developed: a campground accessible by vehicular traffic where sites are substantially developed with two or more utilities, i.e., sewer, water or electricity etc., are provided and refuse disposal and restrooms are available.

“Camping unit” means a portable structure, shelter or vehicle designed and intended for occupancy by persons engaged in RVing or camping. The basic units are: recreational vehicle, camping cabin, housekeeping cabin, tent, tepee, yurt and other rental accommodations for enjoying the outdoor experience.

“Camping unit seal” means a camping unit meeting the criteria as set forth in ARVC guidelines.

“Camping unit separation” means the minimum distance between a camping unit including its add-on structures and an adjacent camping unit and its add-on structure.

“Camping unit site” means a specific area within an RV park or campground that is set aside for a camping unit.

“Carport” means a structure located upon a camping unit site used for parking of vehicles.

“City council” means the elected decision-making body of the city.

“Day use” means daytime activities within an RV park or campground for less than a twelve (12) hour period. (Generally eight a.m. to eight p.m.). (See also: “Site night.”)

“Density” means the number of camping unit sites on a unit of land area.

“Density/gross” means the total land area devoted to an RV park or campground use divided by the total number of camping unit sites contained within the RV park or campground.

“Greenbelt” means a strip of land, containing landscaping, or other aesthetic site obscuring features, intended to buffer potentially incompatible uses. Greenbelts may include utilities and other underground facilities but not camping units.

“Guest” means an invited visitor to an RV park or campground.

Holiday, Major. “Major holiday” means Labor Day, Memorial Day, the Fourth of July, Thanksgiving, Christmas, New Year’s Day and Easter.

“Liquefied petroleum gas, LP gas and LPG” means any material having a vapor pressure not exceeding that allowed from commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane (normal butane or iso-butane) and butylene (including isomers).

“Liquid waste (gray water)” means discharge from fixture, appliance or appurtenance in connection with a plumbing system which does not receive any fecal matter.

“Listed” means equipment or materials included in a list published by an organization acceptable to the authority having jurisdiction and concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

“Minimum parcel size” means the minimum land area required to accommodate an RV park or campground.

“Occupancy” means the presence of guest(s) in a camping unit for a site night where rent is received.

“Operator” means the owner of an RV park or campground or their designee.

“Overflow” means an area not used on a regular basis but available for camping unit placement during heavy use periods, mostly major holidays.

“Owner” means the owner of an RV park or campground or their designee.

“Person” means any individual, partnership, firm, company, corporation, trustee, association or any public or private entity.

“Planning commission” means the advisory body of a local jurisdiction which has authority to advise the elected decision-making body of a jurisdiction on land use permits for recreational vehicle parks or campgrounds.

“Public water supply” means a municipally or privately owned or community water supply system designed to distribute water to guests within a defined geographical area.

“Recreation area” means a specific area of the recreational park or campground, either of land or an area of water or a combination of land and water which are designed and intended for the use or enjoyment of guests of the RV park or campground.

“Recreational vehicle (RV)” means a vehicular-type camping unit certified by the manufacturer as complying with ANSI A1 19.2 or A1 19.5, Oregon Revised Statutes, and primarily designed to provide travel and destination RVing that either has its own motive power or is mounted on or towed by another vehicle. The basic units are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer and truck camper.

1. Camping trailer: a recreational vehicle that is mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold for use.

2. Fifth wheel trailer: a recreational vehicle designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle’s rear axle.

3. Motor home: a recreational vehicle built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

4. Park trailer: a recreational vehicle which meets the following criteria:

a. Built on a single chassis mounted on wheels;

b. Certified by the manufacturer as complying with ANSI A119.5.

5. Travel trailer: a recreational vehicle designed to be towed by a motorized vehicle containing towing mechanism that is mounted behind the tow vehicle's bumper.

6. Truck camper: a recreational vehicle consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

"Recreational vehicle/dependent" means a recreational vehicle not containing sanitary facilities and/or devices for connecting said facilities to a community waste disposal system.

"Recreational vehicle/gross trailer area" means the total plan area measured to the maximum horizontal projections of exterior wall in the set-up mode. Measurements shall be taken on the exterior floor plan. Square footage includes all siding, corner trims, moldings, storage spaces, areas enclosed by windows but not the roof overhangs (Ref. HUD Interpretive Bulletin A-1-88). Expandable room sections, regardless of height shall be included. Storage lofts contained within the basic unit which have ceiling heights less than five feet at the peak of the roof would not constitute additional square footage.

"Recreational vehicle/independent" means a recreational vehicle containing sanitary facilities and devices for connecting the facilities to a community waste disposal system. This type of RV is also referred to as a self-contained recreational vehicle.

"Recreational vehicle park" means any parcel or tract of land under the control of any person, organization or governmental entity wherein two or more camping unit sites are offered for the use of the public or members of an organization by rent or lease, including park-owned recreational vehicles held out for rent. RV parks are primarily designed to accommodate recreational vehicles (See also: "Campground.")

1. Ownership/membership and specialty: an RV park or campground that is either opened to members or owners only, or where the sites are individually owned. This category also includes RV parks or campgrounds that are owned or cater to specific audiences such as religious organizations, square dancers, clothing optional clubs, etc.

2. Destination: an RV park or campground containing facilities (e.g., swimming pools, restaurants, golf courses and formal recreational programs, etc.) and catering to RVers or campers who will typically travel extended distances to stay for extended periods (e.g., a weekend, a week or longer).

3. Extended stay: an RV park or campground which caters to extended stays, full-timers and seasonals rather than for short term accommodations. Extended stay facilities tend to occur in certain geographical areas.

4. Senior adult: an RV park or campground for the exclusive use of senior individuals fifty-five (55) years of age or older and which complies with the U.S. Department of Housing and Urban Development Fair Housing Act.

5. Traveler: an RV park or campground where RVers and campers stay for a day or a week as an alternative to other types of lodging while traveling or vacationing or to enjoy the local attractions within a given area.

"Rent" means compensation or other consideration given for a prescribed right, use, possession or occupancy of an RV park or campground as defined by the operator.

"Rental/on-site" means a camping unit placed within an RV park or campground which is available for rental to guests.

"RVers" means individuals who use a recreational vehicle for RVing and camping including, but not limited to the following categories:

1. Daily/overniter: typical are the many RVers and campers who stay for a day or a week as an alternative to other types of lodging; typically travelers, area visitors, or tourists enjoying local attractions of a given area.

2. Extended stay: those who stay in a given recreational vehicle park or campground for an extended period of time. The term “extended stay” is generally used in describing four groups as follows:

a. Individuals who have selected a recreationally-centered lifestyle and who list a specific location for a traditional season (“sunbirds” and “snowbirds”),

b. Individuals who have selected interim lodging during temporary transfer to a new locality or while waiting construction of conventional housing,

c. Individuals who frequently relocate for employment purposes,

d. Individuals who have selected a recreational vehicle as a housing alternative for extended periods.

3. Full timers: individuals who have opted, because of the benefits of a recreation-oriented RV lifestyle or for economic reasons, to use their RV as their only or primary residence. Individuals move from facility to facility and area to area, depending upon weather, attractions or activity. They normally spend extended periods at each location. These extended periods may be for a few days, weeks or months.

4. Seasonals: individuals who have chosen to leave their camping unit in special storage areas or on the site at a specific RV park or campground. Many seasonals leave their RVs on site for the season and will typically occupy their RVs from time to time to enjoy organized recreational programs.

5. Snowbirds: snowbirds are mostly comprised of RVers who own homes in the snow areas. Many of these individuals migrate from north to south in the winter months and from south to north in the spring. Areas of dry and warmer climate are sought by the snowbirds for varying periods during the north’s cold season.

6. Sunbirds: sunbirds are mostly comprised of retired RVers. They typically own homes in the warmer desert areas of the state where they spend the winter months, moving north toward cooler climate during the extremely hot desert summer months. They tend to have similar travel characteristics as snowbirds.

“RVing” means a lifestyle; traveling and/or living independently where one chooses; camping for the enjoyment of the outdoors; a way of life; to use a camping unit for recreation; to be associated with the fraternity of other like RVers and campers; to use a recreational vehicle for its intended use.

“Sanitary disposal station” means a facility provided for the emptying of the waste holding tanks of recreational vehicles.

“Service building” means a structure or portion thereof that is used to house sanitary facilities, such as water closets or lavatories. It may include other facilities for the convenience of the RV park or campground guests.

“Sewage” means any liquid waste containing animal or vegetable matter in suspension or solution or the water-carried wastes resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers or any other source of water-carried waste of human origin or containing putrescible material.

“Shall” indicates a mandatory requirement.

“Should/may” indicates a recommendation or that which is advised but not required.

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“Site” means that portion of an RV park or campground where the camping unit is situated.

“Site night” means the equivalent of one camping unit occupying one site for one overnight stay whether occupied or not.

“Site/rear” means a line designating the rear-most part of the site.

“Slideout” means an extended portion of a recreational vehicle which exceeds the allowable dimensions in the traveling mode.

“Stand” means that area within the camping unit site set aside for the placement of the camping unit. For all camping units without slideouts the stand shall be a minimum of eight feet wide. For camping units with slideouts the stand shall be a minimum of ten feet wide.

“Storage” means a structure located on a camping site which is designed and used solely for the storage and use of personal equipment and possessions of the RVer or camper, and may include storage buildings and greenhouses not exceeding eighty (80) square feet of roof area.

“Submetering” means a form of conservation whereby the guest pays for utilities used. Submetering can be for consumption of electricity, gas, water and sewer, etc.

“Teepee” means a cone-shaped tent.

“Tent” means a portable shelter, consisting of synthetic fabrics or natural skins stretched over a flexed or rigid frame.

Tent/hard shell: see “Cabin/camping.”

“Utility connection assembly” means a single hookup assembly located on the site and containing connections for potable water, sewer inlets, electrical power, phone and television.

“Water riser pipe” means that portion of the water connection serving the camping unit site, which extends from the water supply main through a lateral branch and terminates at a water connection.

“Watering station” means a facility for supplying potable water to RVers and campers.

“Yurt” means a portable structure for lodging especially designed for minimal environmental impact in difficult terrain. (Ord. 869 § 1.500, 1997)

12.40.060 Recreational vehicle park development standards—Purpose.

The purpose of the following sections is to provide development standards for parks serving recreational vehicles. (Ord. 869 § 2.110, 1997)

12.40.070 Length of stay.

There shall be a one hundred twenty (120) day limit to the length of stay for patrons of the park. Limits of up to twelve (12) months may be allowed by the director on application from park management for up to fifteen (15) percent of total park spaces provided the following requirements are met:

- A. All standards of this chapter are continuously met;
- B. All park rules are adhered to. (Ord. 869 § 2.120, 1997)

12.40.080 State standards.

RV parks shall conform to Oregon Administrative Rules, Chapter 918 Division 650 and as amended at a minimum. These OAR development standards shall apply except where other standards in this section are more restrictive. (Ord. 869 § 2.131, 1997)



**12.40.090****Local standards.**

1. An RV park shall embrace an area of not less than two acres.
2. The maximum density for RV parks shall be twenty-two (22) sites per acre, or twenty-five (25) sites per acre if density bonus is allowed by the approving authority.
3. Roadways shall be designed to accommodate all types of recreational vehicles, designed for a minimum of ten ton gross loads.
4. The minimum shall be twelve (12) feet per traffic lane and ten feet per parallel parking lane when provided by the operator. Two-way streets without parking shall be a minimum of twenty-four (24) feet in width.
5. Roadways shall be easily traversable and shall have a well drained surface.
6. Driveway curves shall have a minimum internal radius of forty (40) feet.
7. "T" or cul-de-sac turn-arounds are discouraged. However, when allowed they shall have prior approval of the fire marshal or fire chief.
8. Roadways and walkways shall have a surface material of gravel, crushed rock, asphaltic concrete, or concrete and shall be well drained.
9. The campground or RV park street system shall have a direct connection to public street.
10. A space provided for an RV shall be paved with gravel, crushed rock, asphaltic concrete, or concrete and be designed to provide runoff of surface water.
11. Generous landscaping of that part of the spaces not designed for occupancy, not intended as an access way to the recreational vehicle or part of an outdoor patio, will be encouraged.
12. Each RV space shall be provided with municipal piped water and municipal sanitary sewage disposal system service. All independent RV's staying in the park shall be connected to the water and sewage service. Ten percent of the total spaces may be without water and/or sewer if proposed and approved as such at time of application approval by the approving body.
13. Each RV space shall be provided with electrical service. Ten percent of the total spaces may be without electrical service if proposed and approved as such at time of application approval by the approving body.
14. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park, screened from open view and located within two hundred (200) feet of each RV parking space. Solid waste containers shall have tight-fitting lids, covers or closable tops, and shall be durable, rust-resistant, water-tight, rodent-proof and washable. There shall be a minimum of four cubic feet of solid waste receptacle per space. Solid waste shall be handled and disposed of in accordance with city Ordinance No. 854, and its successors.
15. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per RV space. Parking spaces shall be paved with crushed rock, gravel, asphaltic concrete, or concrete.
16. The park shall provide toilets, lavatories and showers for each sex in the following ratios: for each thirty (30) recreational vehicle spaces or any fraction thereof: one toilet, one urinal, one lavatory and one shower for men; and two toilets, one lavatory and one shower for

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women. Parks having more than thirty (30) spaces shall comply with requirements of OAR 918-650-050. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building shall be separated by a soundproof wall or utility

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room. Fixtures shall conform to the requirements in OAR 918-650-050.

17. Markings, signs and security measures for toilets and showers shall be in accordance with OAR 918-650-050, as a minimum.

18. The park shall provide one utility building or room containing a minimum of one clothes washing machine, one clothes drying machine for each thirty (30) spaces or any fraction thereof and shall include space for clothes sorting and folding.

19. Building spaces required by this chapter shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature no lower than sixty-five (65) degrees Fahrenheit, shall have floor of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with adequate floor drains to permit easy cleaning.

20. All openings on building required by this chapter, except doors with self-closing devices, into the outer air shall be effectively screened. Screens shall not be less than sixteen (16) mesh per inch, and all screen doors shall be equipped with a self-closing device.

21. The park shall be buffered from surrounding use and development by a fifteen (15) foot minimum setback from the side property line when adjoining a residential district; and twenty-five (25) foot setback from the rear property line when adjoining a residential district. The parks shall be buffered from a public street or highway by a twenty (20) foot minimum setback from the property line. A five-foot setback from side and rear property lines shall be required in all other instances.

22. Landscaping for required yards or "green ways" to constitute a buffer area to protect adjoining areas from undue intrusions of noise, light, odors and other deleterious influences shall consist of at least: (1) one row of deciduous or evergreen trees or a mixture of each; and/or (2) one row of evergreen shrubs spaced not more than five feet apart which shall grow to form a continuous hedge at least five feet in height within one year of planting; and (3) lawn, low growing evergreen shrubs, evergreen groundcover, bark mulch covering the balance of the required landscaped yard. Landscaping shall be continuously maintained in a neat and tidy manner.

23. The park and all buildings therein shall be maintained in a neat appearance at all times. There shall be no outdoor storage of materials or supplies except articles commonly used in travel, such as lawn chairs, table, hibachi and travel chest. Indoor storage shall be confined to one building at the rear or side of the lot, built according to the State of Oregon Structural Specialty Code.

24. The park shall provide each RV space with a patio slab of concrete or asphalt, measuring eight feet by twelve (12) feet at a minimum.

25. No manufactured housing or site built housing shall be permitted on the site, except one unit for manager of the RV park. Recreational vehicles or park model RVs shall not be allowed for this purpose.

26. Developer shall file with the city a copy of the park rules and regulations and each park owner/manager thereafter shall provide up-to-date copies of same whenever any changes are made.

#### 12.40.100

27. Each camping unit site shall be designed and constructed at an elevation, distance and angle with respect to its access to provide for safe and efficient placement and removal of units and automobiles.

28. Each occupied recreational vehicle unit site must have a vehicular access, but a site designed for the exclusive use of a tent, teepee, yurt, camping cabin or housekeeping cabin may be permitted to be accessible only by a walkway.

29. Each camping unit site shall be marked for identification both for the ease of guests, emergency response vehicles, and for safety and security reasons. Markers must be easily readable from the driveways in day or night conditions without the need for secondary lighting.

30. Development shall meet requirements of the Oregon Fire Code at a minimum. (Administratively corrected 5/4/05; Ord. 869 § 2.132, 1997)

#### 12.40.100

##### **Upgrading required.**

A. Due to the transient nature of RV park use, and notwithstanding Section 17.04.040 of this code, all RV parks existing at the time of adoption of the ordinance codified in this chapter shall be required to submit a plan for upgrading the RV park to the standards of this chapter when such upgrade is required due to changes in requirements of the Oregon Department of Environmental Quality, Oregon Department of Agriculture, Oregon State Fire Marshal, Oregon State Health Division, Environmental Protection Agency, or Oregon State Building Code, or a substantial alteration or expansion to an RV park or campground is proposed.

B. Upgrading plans shall be submitted and approved within twelve (12) months of receipt of the park owner/operator of such new requirement as set by that entity having authority, or prior to approval of alteration or expansion plans when required herein.

C. Review and approval for upgrading existing RV parks shall be the same as review and approval of proposed RV parks under this section.

D. Failure to submit such an upgrading plan shall result in initiation of proceedings to revoke the RV park development permit, subject to the provisions of Section 17.08.090 of this code, and Oregon Revised Statutes 446.324 and its successors. (Ord. 885 § 1, 1997; Ord. 869 § 2.140, 1997)

#### 12.40.110

##### **Review procedure.**

A. Development of an RV park shall be reviewed as provided in Section 17.100.110 of this code.

B. A complete submission shall be made as provided in Section 17.100.110, which submission shall include a site plan as provided in Chapter 17.100. (Ord. 885 § 2, 1997; Ord. 869 § 3.100, 1997)

**12.40.120****Plans and specifications.**

Plans and specifications shall include:

A. On the cover sheet:

1. The name and address of the recreation park or organizational camp;
2. The name of the person who prepared the plans;
3. An explanation of all symbols used on the plans;
4. Owner, operator, maximum occupancy.

B. On the plot plan:

1. Both proposed and existing construction;
2. A scale drawing of the general layout of the entire recreation park or camp;
3. The distances from park or camp boundaries to public utilities located outside the park or camp (indicated by arrows without reference to scale);
4. All permanent buildings;
5. The fixed facilities in each space (fire pits, fireplaces or cooking facilities);
6. The property line boundaries;
7. The location and designation of each space by number, letter or name;
  8. The location and source of domestic water supply;
  9. Disposal systems, such as septic tanks and drain fields, recreational vehicle dump stations, gray water waste disposal sumps, wash-down facilities, sand filters and sewer connections;
  10. Fire protection facilities;
  11. Solid waste disposal system and solid waste collection features. (i.e., four cubic feet for each space);
  12. The park topography when the existing area of work exceeds five percent grade or slope;
  13. The location and number of toilet facilities to be provided;
  14. The plans for combination parks shall show which portions of the park are dedicated to campground, organizational camp, mobilehome park, picnic park, recreational vehicle park and joint use.
- C. The park roads/streets cross-section should include:
  1. Typical street/road width;
  2. The street/road surface material proposed;
  3. The base material, depth of fill, compaction, etc.
- D. The typical space detail should include:
  1. The location of the space sewer/water connections and service electrical outlet;
  2. The dimensions of the space/site per OAR 918-650-055 and the Uniform Plumbing Code Appendix E;
  3. The type of surface material to be provided at the space/pad (i.e., gravel, crushed rock, asphaltic concrete, or concrete);
  4. Street layout;
  5. Fire protection facilities. (Ord. 869 §§ 3.200—3.500, 1997)

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12.40.130 RV holding tank disposal system.

Recreation vehicle park development shall be consistent and in compliance with requirements of Sutherlin sanitary sewer ordinances, including the possible requirement of an onsite sewage pretreatment program, and shall be subject to systems development charges as determined through said ordinances. (Ord. 869 § 3.600, 1997)

12.40.140 Development incentive.

A. The purpose of this section is to encourage developers of RV parks to preserve existing trees and vegetation during the development stages as well as to incorporate natural open-space areas into the development plan.

B. Developers may increase density to twenty-five (25) spaces per acre through dedication of open-space areas within the park, or through preservation of large trees growing on the proposed development site.

C. Density bonus must be requested by the developer at time of application for development approval. Plans shall indicate the specific area(s) to be dedicated as open-space, and/or those trees and/or area(s) to be preserved.

**FLOW CHART FOR DEVELOPMENT OF  
RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS  
SCHEDULE 22-5**

LOCAL PLANNING & ZONING APPROVAL	CITY OF SUTHERLIN
SEWER SYSTEM APPROVAL	CITY OF SUTHERLIN & ODEQ
WATER SUPPLY APPROVAL	CITY OF SUTHERLIN & OREGON STATE HEALTH DEPT
AREA DEVELOPMENT PERMIT	CITY OF SUTHERLIN
BUILDING PERMIT	CITY OF SUTHERLIN DOUGLAS COUNTY BUILDING DEPT
INSPECTIONS PERFORMED	CITY OF SUTHERLIN DOUGLAS COUNTY BUILDING DEPT
FINAL APPROVAL	CITY OF SUTHERLIN DOUGLAS COUNTY BUILDING DEPT
LICENSE ISSUED	DOUGLAS COUNTY HEALTH DEPT

Recreational vehicle parks and campgrounds are a conditional use in the community commercial (C-3) zone districts.

Recreational vehicle parks and campgrounds are a conditional use in the community commercial (C-3) zone districts.

Persons desiring to develop an RV park or campground shall apply for a conditional use permit through the director. The director shall review the application and preliminary plans submitted for such development. Review shall be of Type III procedure and shall be processed in accord with the Sutherlin development code.

Development must meet criteria of Chapter 918, Division 650, Oregon Administrative Rules, the Sutherlin Development Code, Oregon Building Code, Oregon Plumbing, Electrical and Mechanical Codes, and have approval of the fire marshal.

The city contracts with Douglas County building department for plan review, issuance of actual building permit, (pre-application must first be approved by the city) and all appropriate inspections, including but not limited to, structural, electrical and mechanical.

The Oregon State Health Division issues operational licenses for RV parks and campgrounds upon completion of approved development and upon payment of appropriate fees. (Ord. 869 § 3.700, 1997)

## Chapter 12.44

### SMOKING

#### Sections:

- 12.44.010**    **Definitions.**
- 12.44.020**    **Prohibition.**
- 12.44.030**    **Enforcement.**
- 12.44.040**    **Severability.**

#### 12.44.010

##### **Definitions.**

For the purpose of this Chapter, the following words, terms and phrases shall mean:

- (1) "School District" means the Sutherlin School District.
- (2) "School District's Property" means the property owned, leased by or otherwise under the control of the School District located adjacent to East Fourth Avenue within the City of Sutherlin containing the Sutherlin High School, Sutherlin Middle School, the athletic fields and track as well as other buildings and facilities.
- (3) "Smoking" means inhaling, exhaling, burning, or carrying a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed, plant, or combustible substance, including medical marijuana. (Ord. 1029 § 1 (part), 2013)

#### 12.44.020

##### **Prohibition.**

- (1) Smoking shall not be permitted and no person shall smoke on East Fourth Avenue within the city of Sutherlin between Umatilla Street to the west and the edge of the School District's Property to the east. The prohibition in this subsection precludes smoking on any portion of the public right-of-way including but not limited to the street, sidewalks, curbs, or gutters.
- (2) The prohibition in subsection (1) shall not apply unless: (a) the School District has posted conspicuously displayed signs at the boundaries of the area in which smoking is prohibited providing notice of the actions prohibited by this chapter; or (b) a representative of the school or a city employee, including but not limited to a city police officer, has provided oral notification to an individual regarding the actions prohibited by this chapter.
- (3) The prohibition in subsection (1) shall not apply to smoking within the real property boundary lines of private property or to smoking within a moving vehicle on a public right-of-way. (Ord. 1029 § 1 (part), 2013)



**12.44.030**

**Enforcement.**

Any person who violates section 12.44.020 shall, upon conviction, be punished by a fine of:

- (1) Not less than \$20, nor more than \$50 for the first violation;
- (2) Not less than \$50, nor more than \$100 for the second violation occurring within a period of 12 months from the first violation;
- (3) Not less than \$100, nor more than \$250 each for the third and subsequent violations occurring within a period of 12 months from the first violation. (Ord. 1029 § 1 (part), 2013)

**12.44.040**

**Severability.**

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. (Ord. 1029 § 1 (part), 2013)

12.48.010

## Chapter 12.48

### EXCLUSION FROM PUBLIC LAND

#### Sections:

- 12.48.010 Use regulations.**
- 12.48.020 Exclusion from public land.**
- 12.48.030 Appeal of exclusion notice.**
- 12.48.040 Appeal of temporary waiver decision.**

#### 12.48.010

##### Use regulations.

The provisions of this chapter apply to all public land. For the purposes of this chapter, the term “public land” includes publicly owned or leased land or buildings under city ownership, control or authority. (Ord. 1032 § 1 (part), 2013)

#### 12.48.020

##### Exclusion from public land.

(1) In addition to any other remedy or penalty provided by law, a peace officer or other person specifically authorized by the manager may exclude a person who violates a provision of the state or local law or rule from that public land for a period of up to 90 days.

(2) A person excluded pursuant to SMC 12.48.020(1) may not enter or remain upon that public land during the exclusion period except a person excluded from the City Hall building may enter upon or remain at the City Hall building to the extent necessary to file documents required to be filed with a city official or appear in a municipal court proceeding.

(3) A person will be given a warning and an opportunity to comply with the law or rule before an exclusion notice is issued unless the exclusion is based on:

- a. Conduct punishable as a felony;
- b. Controlled substances or alcoholic beverages;
- c. Actions actually or likely to result in personal injury or property damage; or
- d. The person having been previously warned or excluded for the same conduct in a separate situation.

(4) An exclusion notice will not be issued if the person promptly complies with the warning under SMC 12.48.020(3).

(5) An exclusion notice will be written and include:

- a. The signature of the issuing party and date of issuance;
- b. The effective dates of the exclusion period;
- c. The places from which the person is excluded;
- d. The provisions of law violated;
- e. A brief description of the offending conduct;

- f. A statement of the consequences for failure to comply; and
- g. The appropriate municipal court procedures.

(6) This chapter does not authorize exclusion of a person lawfully exercising free speech rights or other rights protected by state or federal law.

(7) At any time during an exclusion, a person receiving an exclusion notice may petition in writing to the city manager, or designee, for a temporary waiver of the exclusion for good reason. (Ord. 1032 § 1 (part), 2013)

### **12.48.030**

#### **Appeal of exclusion notice.**

(1) Any person receiving an exclusion notice may appeal to the municipal court and seek to have the exclusion reversed or the exclusion period shortened.

(2) An appeal of an exclusion notice must be filed with the city within 10 calendar days of receipt of the notice, unless extended by the municipal court.

(3) An appeal of an exclusion notice automatically stays the exclusion period until a decision on appeal is issued by the municipal court.

(4) The municipal court will conduct a de novo hearing and decide all appeals within 10 days of their filing unless the hearing date is extended by court order or the hearing requirement is waived by the petitioner. (Ord. 1032 § 1 (part), 2013)

### **12.48.040**

#### **Appeal of temporary waiver decision.**

(1) Any person who has requested a temporary waiver of an exclusion pursuant to subsection 12.48.020(7) may appeal to the municipal court and seek to have the decision of the city manager or the manager's designee reversed or modified.

(2) An appeal brought under this section must be filed with the city within 10 calendar days of receipt of the notice of the decision of the city manager or manager's designee, unless extended by the municipal court.

(3) The municipal court will conduct a de novo hearing and decide all appeals within 10 days of their filing unless the hearing date is extended by court order or the hearing requirement is waived by the petitioner. (Ord. 1032 § 1 (part), 2013)