

ORDINANCE NO. 5464

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 7.28 TO ESTABLISH REGULATIONS APPLICABLE TO THE ALBANY SKATEPARK.

WHEREAS, the Albany Skatepark located at 1375 SE Sixth Avenue, Albany, Oregon, opened in November 1999, and has, since opening, enjoyed substantial public popularity.

WHEREAS, the law enforcement experience with the Skatepark since its opening has indicated that a number of new regulations are appropriate in order to reduce public safety concerns and maximize lawful recreational enjoyment of the facility.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Amendment to AMC 7.28: AMC 7.28 is amended to read as follows:

7.28.010 Definitions -

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

- (1) **"City"** means the City of Albany.
- (2) **"Director"** means a person immediately in charge of all park areas and their activities, and to whom all park attendants of such areas are responsible.
- (3) **"Park"** means a park, playground, beach, recreation center or any other area in the City, owned or used by the City, and devoted to active or passive recreation.
- (4) **"Person"** means any person, firm, partnership, association, corporation, company or organization of any kind.
- (5) **"Skatepark"** means the Albany Skatepark, a facility for the use of skateboards, roller skates and inline roller skates located at 1375 Sixth Avenue SE, Albany, Oregon.
- (6) **"Vehicle"** means any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled. The term includes any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the City parks. (Ord. 4585 § 1, 1983; Ord. 3169 § 1, 1964).

Section 2: Amendment to AMC 7.28.040: Traffic

AMC 7.28.040 is amended to read as follows:

7.28.040 Traffic.

No person in a park shall:

- (1) **Speed of Vehicles.** Ride or drive a vehicle at a rate of speed exceeding 15 miles per hour except upon such roads as designated, by posted signs.
- (2) **Operation Confined.**
 - (a) Drive any vehicle on any area except paved park roads, parking areas or other such areas as may on occasion be specifically designated as temporary parking areas.
 - (b) Drive any vehicle, truck, trailer or combination thereof upon any paved road or parking area in a park when the gross weight of the vehicle, truck, trailer, or combination thereof shall exceed 10,000 pounds.
- (3) **Parking.**
 - (a) Park a vehicle in other than an established or designated parking area. Such use shall be in accordance with posted direction thereat and with the instructions of any attendant who may be present.
 - (b) Double park any vehicle on any road or parkway unless directed by a park official or traffic officer.
- (4) **Bicycles.**
 - (a) **Ride a bicycle in the Skatepark.**
 - ~~(a)~~(b) Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to push a bicycle by hand over any grassy area, wooden trail or on any paved area reserved for pedestrian use.
 - ~~(b)~~(c) Leave a bicycle lying on the ground or paving, set against trees, or in any place or position where other persons may trip over or be injured by it. (Ord. 4585 § 1, 1983; Ord. 3284 § 1, 1967; Ord. 3169 § 4, 1964).

(5) Roller Skates, Inline Skates and Skate Boards only in Skatepark.

- (a) Ride or stand upon within the boundaries of the Skatepark, any device or conveyance other than roller skates, inline roller skates or a skate board.**

Section 3: Amendment to AMC 7.28.102: Intoxicating Beverages

AMC 7.28.102 is amended to read as follows:

7.28.102 Intoxicating Beverage - Prohibition - Bryant Park, Eleanor Park, Bowman Park, Monteith Riverpark, and Skatepark.

It is unlawful for any person to possess an alcoholic beverage in Bryant Park, Bowman Park, Eleanor Park, Monteith Riverpark, and the **Skatepark** without a special permit. For the purpose of Sections 7.28.102 through 7.28.108 of the Albany Municipal Code, an alcoholic beverage is any beverage having an alcoholic content of more than one-half of one percent by volume. (Ord. 4925 § 1, 1990; Ord. 4721 § 1, 1986; Ord. 4604 § 1, 1983; Ord. 4585 § 1, 1983; Ord. 4512 § 1, 1982; Ord. 3860 § 1, 1975).

Section 4: Amendment to AMC 7.28.310: Enforcement of Chapter

AMC 7.28.310 Enforcement of Chapter is amended to read as follows:

7.28.310 Enforcement of chapter.

- (1) **Officials.** The Director and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.
- (2) **Ejectment Period.** The Director and any park attendant shall have the authority to eject from any park or Skatepark any person acting in violation of the Albany Municipal Code or State law. The Director or park attendant ordering the ejectment may prohibit return to the park or Skatepark for any period of time up to six (6) months and any person entering upon or remaining on the park or Skatepark in violation of such directive, shall be guilty of Criminal Trespass and subject to prosecution therefore.
- (3) **Seizure of Property.** The Director and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park which is used in violation of this chapter. (Ord. 4585 § 1, 1983; Ord. 3169 § 9, 1964).

Section 5: Emergency Clause.

In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, and an emergency is hereby declared to exist; and this ordinance shall take effect and be in full force and effect when signed by the Mayor.

Section 6: Effective Date: This ordinance shall take effect when signed by the Mayor.

Passed by the Council: September 13, 2000

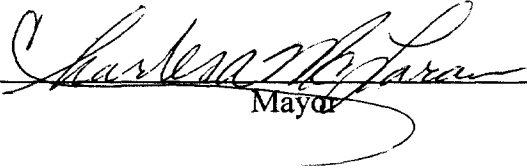
Approved by the Mayor: September 13, 2000

Effective Date: September 13, 2000

ATTEST:



City Recorder



Mayor