

AN ORDINANCE AMENDING AMC CHAPTER 7.28.010 AND 7.28.240, RELATING TO PARK HOURS

WHEREAS, the City has experienced frequent instances of litter, vandalism, theft, other crimes, and disruptive behavior in its parks, which occur predominately between dusk and dawn; and

WHEREAS, Albany's parks are presently open to the public without restriction, unless posted to be closed by the Director of Parks & Recreation; and

WHEREAS, the Director over the years has established park hours, closing certain parks during the night to address the concerns of park neighbors, law enforcement, and parks management; and

WHEREAS, this system of irregular park hours creates confusion and inconvenience for park users and law enforcement; and

WHEREAS, the Albany City Council has determined that the establishment of standard park hours will help law enforcement and park management efforts;

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

Section 1: Albany Municipal Code Section 7.28.010 is amended to read as follows: AMC 7.28.010 definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this

(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.~~ **the person appointed by the City Manager as the Director of Parks & Recreation for the City of Albany or designee.**

(3) "Park" means a park, playground, beach, recreation center, **trail, and multiuse path** 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, bicycles 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. 5724 § 1, 2009; Ord. 5464 § 1, 2000; Ord. 4585 § 1, 1983; Ord. 3169 § 1, 1964).

Section 4: Albany Municipal Code Section 7.28.240 is amended to read as follows: Park operating policy.

~~No person in a park shall:~~

(1) Hours. ~~Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information.~~

Unless otherwise posted by order of the Director as provided in Section 2 below, parks shall be closed to the public between 11:00 p.m. and 5:00 a.m. daily. During hours when parks are closed, no person shall enter or remain in a park except law enforcement personnel and others duly authorized by the City Manager or designee.

(2) ~~Closed Areas.~~ **Park closures.** Any ~~section or part of any park~~ park or portion thereof may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director finds reasonably necessary.

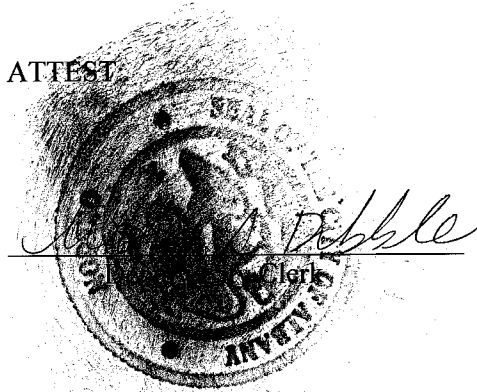
(3) **Lost and Found Articles.** The finding of lost articles by park attendants shall be reported to the Department who shall make every reasonable effort to locate the owners. Articles will be considered abandoned and disposed of by ordinance if no claim has been made for the article within 30 days. (Ord. 4585 § 1, 1983; Ord. 3169 § 8(1-3), 1964).

Passed by the Council: March 14, 2012

Approved by the Mayor: March 14, 2012

Effective Date: April 13, 2012

ATTEST

A circular seal of the City of San Diego, featuring a central figure and the words "CITY OF SAN DIEGO" around the perimeter. The seal is partially obscured by a signature and the word "Clerk".
M. Dibble
Clerk

S. Kang
Mayor