

**ADMINISTRATIVE ORDER NO. 58-25-01**  
**Public Works Department**  
**City of Eugene, Oregon**

**REGARDING THE OPPORTUNITY TO COMMENT ON A PROPOSAL  
TO AMEND THE CITY'S PARK AND OPEN SPACE RULES.**

**The Executive Director of the Public Works Department of the City of Eugene finds that:**

**A.** Section 2.019 of the Eugene Code authorizes the City Manager or designee to adopt rules for administration of any provisions of that Code. Pursuant to the authority of Administrative Order No. 21-03-12 issued by the City Manager, the Executive Director of the Public Works Department is authorized to regulate the City parks and open spaces. The Executive Director has done so through the adoption of the City's Park and Open Space Rules.

**B.** It is necessary to amend the City's Park and Open Space Rules in order to maintain park and open space standards that will allow for public safety and enjoyment of the City's parks and open space areas.

**THEREFORE**, I propose that Sections 1.010, 1.025, 1.040, and 1.050 of the City's Park and Open Space Rules be amended as set forth below, and I order that a notice substantially conforming to the Notice attached as Exhibit A to this Order shall be:

1. Made available to any person who has requested such notice; and
2. Published in the Register Guard Newspaper for at least five days.

**PROPOSED AMENDMENTS TO PARK AND OPEN SPACE RULES**

(Proposed additions to the current Rule are indicated in ***bold italic***; proposed deletions are indicated in ~~strikethrough~~.)

**1.010 PROHIBITED ACTIVITIES.**

In addition to any other prohibitions in these Rules, the following activities are prohibited within a park or open space area:

\* \* \*

- (6) Use of ~~a bicycle~~ *micromobility device* on ~~Pre's Trail, Adidas Trail, and Rexius Trail~~ *a wood chip trail or any other trail designated for pedestrian use only. For purposes of these Rules, "micromobility device" includes but is not limited to: bicycles, electric bicycles, scooters, e-scooters, skateboards, and e-skateboards. Human powered baby strollers and joggers are not "micromobility devices."*

\* \* \*

- (12) Wading, ~~or swimming or bathing~~ in any of the pools, ponds, or canals of Alton Baker Park.

\* \* \*

- (14) Engaging in any commercial ~~or special~~ use of a park, open space area, or park facility such as, but not limited to, commercial photography, and production of *commercial* videos or movies, *and fee-based classes, camps, experiences, or day care*, without first obtaining a license or permit therefore from the City.

\* \* \*

- (23) *Entering into a landscaped planting area or acting in a manner harmful to any plant life, including walking, lying or sitting in a landscaped planting area. A "landscaped planting area" is any area set aside for planting of trees, shrubs, flowers or other vegetation, except grass.*

- (24) *Pedestrian use of a trail that is posted for use only by mountain bikes.*

- (25) *Creating or maintaining an unsanctioned trail (a trail that is not identified as a public trail on a map produced by the City.)*

- (26) *Use of watercraft, including but not limited to canoes, kayaks, paddle boards, and fishing boats, in Delta Ponds or Golden Garden Ponds, except for City sponsored maintenance actions.*

- (27) *Bathing or washing in a water feature, including but not limited to a fountain, water play facility, pool, pond, stream, or canal.*

#### **1.025 FIRES AND FIREWORKS.**

- (1) ~~Fires are prohibited Spencer Butte Park and the Ridgeline Park System,~~ *Fires of any kind, including but not limited to campfires, bonfires, fire pits, fires using alternative fuels (such as peat, coal, or other materials), candles, matches, torches, grills, stoves, or any device used to generate a flame or spark, are prohibited except:*

(a) ~~p~~Prescribed vegetation management fires conducted by City staff or other authorized personnel;

(b) *Within the fireplace fixture located in the F.M. Wilkins Shelter at Hendricks Park subject to authorized use by the City pursuant to a written agreement, license, or park use permit.*

(c) *In a Neighborhood Park, Community Park, Metropolitan Park, or Urban Plaza as identified in Appendix D to the City's "Picture. Plan. Play." plan, a commercially manufactured portable grill, burner, or stove that uses only gas or charcoal as fuel may be used for purposes of heating food, provided that the portable gas or charcoal grill, burner, or stove:*

- 1. Is used only in a designated picnic area of the park;*
- 2. Is not placed on a flammable surface while in use;*
- 3. Is located at least 25 feet away from picnic shelters and other park structures including but not limited to playgrounds, restrooms, and sports courts while in use; and*
- 4. Is not left unattended.*

(d) *As authorized as part of a permit issued pursuant to Section 1.004.*

~~(2) Fires in all other park and open space areas shall be confined to:—~~

~~(a) Park camp stoves or fireplaces provided for that purpose when not near combustible material, such as dry brush or dry grass.—~~

~~(b) Portable stoves or grills in developed park/picnic areas when not near combustible material, such as dry brush or dry grass. Stoves, grills, and other appliances or equipment designed to generate heat shall not be placed on top of picnic tables and must be set at least 25 feet away from picnic shelters or other park structures.—~~

~~(c) Prescribed vegetation management fires, conducted by City staff or other authorized personnel.—~~

*(2) Notwithstanding the exceptions listed under subsection (1), the Fire Chief or designee may temporarily suspend the use of any open flames in parks and open space areas.*

~~(3) No fire in a park or open space area may be left unattended; every fire must be extinguished by the user before leaving the park or open space area.—~~

~~(4)(3)~~—Unless specifically authorized by the Executive Manager or designee, ~~t~~The use of fireworks of all types (including sparklers, cone fountains, snakes and model rockets) is prohibited in park and open space areas.

## **1.040 ENCROACHMENTS.**

**(1) Prohibition.** Unless specifically authorized by the City pursuant to a revocable permit, no person may cause or allow an encroachment upon any *City park or open space* property ~~owned by the City of Eugene.~~

**(a)** For purposes of these Rules, “encroachment” means an unlawful, unauthorized or unpermitted use of *a City park or open space* property including, but not limited to, placing on *a park or open space* property, either temporarily or permanently, a building, structure, garage, shed, fence, deck, driveway, playhouse, tree house, play equipment, lawn furniture, compost/garbage bin, yard waste pile, landscaping (such as trees, shrubs, grasses or forbs), *or* irrigation system, *discharging drainage onto a park or open space property in a location or quantity that is different from the natural drainage course* or using park *or open space* property as a parking space, patio, garden, or storage area. *Use of a park or open space property for a City authorized volunteer land management activity is not an “encroachment.”*

**(b) ~~Park~~ Encroachments** will be permitted by the City only in accordance with these Rules.

### **(2) Notification of Encroachment.**

**(a)** The City will send a Notice of Encroachment to the owner(s) of the property believed to be encroaching upon City park *or open space* property. The Notice of Encroachment will:

1. Describe the identified encroachment;
2. Describe what actions constitute a removal of the identified encroachment;
3. Set forth the five options, described in Section 1.040(2)(b) of these Rules, available to the property owner(s); and;
4. Include a copy of the ~~Park and Open Space Rule~~ **Section 1.040 of these rules** (“Encroachments”) and applicable forms.

**(b)** A person that is notified by the City that ~~he/she has~~ **they have** caused or allowed an encroachment ~~upon park property~~ must respond in writing to the City

within sixty (60) days from the date of the notification. The written response submitted to the City must do one of the following:

1. Inform the City that the identified encroachment has been removed;  
~~or~~
2. Inform the City that the identified encroachment will be removed and request that the City allow a specific amount of time for the removal of the identified encroachment to occur; ~~or~~
3. Dispute that the identified encroachment is an encroachment upon City-~~owned~~ park *or open space* property and include supporting documentation; ~~or~~
4. Request that the City issue a revocable permit for the ~~park~~ encroachment because the encroachment provides access to a residence; or
5. Request that the City issue a revocable permit to allow the gradual removal of a pre-August 3, 2009, encroachment.

**(3) Failure to Respond to Notification of Encroachment.** If, after forty-five (45) days from the date of the notification, the City has not yet received a response to its encroachment notification, the City will send a reminder to the responsible party requesting a response to the City's notification. If a person notified by the City that ~~he/she has~~ *they have* caused or allowed an encroachment ~~upon park property~~ fails to respond in accordance with these Rules, the City will proceed with enforcement action ~~to remove the identified encroachment.~~

**(4) Enforcement Action.** If the encroachment has not been voluntarily eliminated or a revocable permit for the encroachment has not been issued, the City may:

**(a)** Assess penalties against the responsible party in accordance with these ~~Park and Open Space~~ Rules.

1. Unless a later date is specified by the City, daily penalties of up to \$500 begin to accrue on the 61<sup>st</sup> day following the City's notification of the encroachment.
2. Each day that an encroachment exists constitutes a separate violation of these ~~Park and Open Space~~ Rules.

**(b)** Take action to eliminate the encroachment.

1. Action to eliminate the encroachment taken by the City includes, but is not limited to, the initiation of City-led work to remove the

encroachment and charging fees to *the responsible party to* defray associated costs for the City-led removal work.

2. If the responsible party does not comply with fee payment for the removal of the encroachment, the City may take additional enforcement action that includes placing a lien on the responsible party's property.

**(5) Revocable Permits.**

**(a)** The City is authorized to issue a revocable *encroachment* permit for a pedestrian access encroachment if all of the following conditions are met:

1. The ~~park~~-encroachment provides pedestrian access to ~~the~~ *a* residence; ~~and~~
2. The ~~park~~-encroachment does not interfere with the public's use and enjoyment of the park *or open space area*; ~~and~~
3. The ~~park~~-encroachment intrudes ~~on park property~~ only to the extent necessary to provide the pedestrian access *to the residence*; ~~and~~
4. The park encroachment existed prior to August 3, 2009; and
5. ~~The P~~permittee agrees to pay the annual encroachment *permit* fee established by Administrative Order of the City Manager pursuant to Section 2.020 of the Eugene Code, ~~for park property utilized for the pedestrian access.~~

**(b)** The City is authorized to issue a revocable *encroachment* permit for a vehicular access encroachment if all of the following conditions are met:

1. The ~~park~~-encroachment provides sole vehicular access to ~~the~~ *a* residence; ~~and~~
2. The ~~park~~-encroachment does not interfere with the public's use and enjoyment of the park *or open space area*; ~~and~~
3. The ~~park~~-encroachment intrudes ~~on park property~~ only to the extent necessary to provide the vehicular access; ~~and~~
4. The park encroachment existed prior to August 3, 2009; and
5. ~~The P~~permittee agrees to pay the annual encroachment fee established by Administrative Order of the City Manager pursuant

to Section 2.020 of the Eugene Code, ~~for park property utilized for the vehicular access.~~

(c) The City is authorized to issue a limited-duration revocable ***encroachment*** permit to allow for the transition of a non-access encroachment that existed prior to August 3, 2009, if all of the following conditions are met:

1. The ~~P~~permittee ~~agrees to~~ ***sets forth*** a specific period of time during which the Permittee will transition the encroached upon ~~parkland property~~ back to ~~park~~ ***City*** use; ~~and~~
2. The permit sets forth a plan that details how and when the Permittee will remove the encroachment; ~~and~~
3. The permit requires the Permittee to show steady and verifiable process towards transitioning the encroachment back to ~~park~~ ***City*** use; ~~and~~
4. The permit sets forth dates by which transition benchmarks must be achieved by the Permittee. Failure of a Permittee to meet a benchmark date may result in the revocation of the permit and require the Permittee to immediately remove any remaining encroachment; and
5. The Permittee agrees to pay the limited-duration encroachment fee established by Administrative Order of the City Manager pursuant to Section 2.020 of the Eugene Code, ~~for the encroached upon park property being transitioned back to park use.~~

(d) ***The City is authorized to issue a limited duration revocable encroachment permit to the owner of a property adjacent to a City park or open space property for water pump equipment if all of the following conditions are met:***

1. ***The applicant proposes to use the equipment to divert water from a waterway or City owned water source located within or bordering City park or open space property and presents proof of a water right to use the waterway or City owned water source;***
2. ***If the water source is Amazon Creek, the pump, water line, and intake pipe (equipment) are either permitted or exempted, in writing, by the US Army Corps of Engineers; and***
3. ***The applicant agrees, as a condition of the permit, to:***
  - a. ***Use no vehicles to service the equipment unless authorized by the City through a vehicle access permit;***

- b. *Protect the public from hazards associated with the equipment;*
- c. *Hold the City harmless from damage to their equipment caused by the public; and*
- d. *Acknowledge that the permit is secondary to and will not supersede the City's objectives to maintain the park or open space area, including levee banks, in accordance with goals that include recreation access, rare plant habitat, and flood control. Activities associated with these goals include but are not limited to mowing, bank repairs, hazard tree management, and weed control. Necessary management activities (for example: City bank repair or measures to protect rare plant populations) may temporarily or permanently affect the equipment's performance by causing disruptions to service or affecting seasonal access to the equipment.*

(e) ~~A request for a revocable *encroachment* permit to encroach upon park property for a vehicle or pedestrian access and a request for a limited duration revocable permit to allow for the transition of a pre-August 3, 2009, encroachment back to park use~~*pursuant to 1.040(5)(a)-(d)* must be submitted to the Public Works Department (1820 Roosevelt Blvd., Eugene, OR 97402) by completing an application form provided by the City. The application must be accompanied by an application fee as established by Administrative Order of the City Manager pursuant to Section 2.020 of the Eugene Code.

(ef) ~~*Encroachment*~~ *Permits* are revocable upon thirty (30) days' notice or immediately upon failure of the Permittee to comply with the terms and conditions of the Permit.

(fg) The terms of the revocable *encroachment* permit will be established by the City and will include a specific duration of time that the encroachment can remain, conditions to minimize damage to City property, fees to defray the cost of evaluating and processing the permit application and monitoring compliance with the permit requirements and any other criteria deemed necessary by the Executive Director or designee. Limited duration revocable permits, issued in accordance with 1.040(5)(c), are valid for one-year with the option to renew. *Limited duration revocable permits issued in accordance with 1.040(5)(d) are valid for ten years with the option to renew.*

(gh) ~~Permit holders~~ *Holders of limited duration revocable permits issued in accordance with 1.040(5)(c) or (d)* will be assessed an annual encroachment fee as



established by Administrative Order of the City Manager pursuant to Section 2.020 of the Eugene Code.

~~(hi)~~ If the City denies a request for a revocable *encroachment* permit, the responsible party will have sixty (60) days from the date of denial to remove the identified encroachment.

(6) **Appeal Rights.** A person aggrieved by a decision made pursuant to Section 1.040 of these Rules may appeal that decision to a hearings officer in the manner prescribed by Section 2.021 of the Eugene Code. The hearings officer's decision is final. A person may appeal the City's determination that there is an encroachment upon City property only if the person complied with Section 1.040(2)(b) of these Rules.

## **1.050        ~~PETS~~ ANIMALS.**

(1) No ~~pet~~ *animal* shall be left unattended and unsupervised in a City park or open space area.

(2) Except for ~~seeing-eye dogs and other assist dogs~~ *service animals trained to perform a task directly related to a person's disability*, dogs are prohibited in ~~park and open space~~ areas posted as no dog areas, picnic shelters and public restrooms.

(3) ~~A dog brought into or kept in all other park and open space areas shall be on a leash not more than 8 feet in length, or confined in a vehicle, and must be kept under control at all times~~ *Dogs shall be on leash not exceeding eight feet in length, that is at all times held in the hand of a person capable of controlling the animal to which it is attached unless in a dog off-leash area.*

(4) No ~~dog~~ *animal* may deposit solid waste matter on a park or open space property unless the ~~dog's owner~~ *person in charge of the animal* immediately removes the solid waste.

(5) ~~A dog's owner~~ *The person in charge of the animal* is responsible for the ~~dog's~~ *animal's* behavior at all times while the ~~dog~~ *animal* is in the park or open space area.

(6) Authorized City employees may require a person in charge of an animal to undertake any measure, including the removal of the animal from the park or open space area, necessary to prevent interference by the animal with the safety, comfort, or well-being of park or open space area visitors or resources.

(7) No person may ride, drive, lead, or keep a horse, livestock, or any other animal in a park or open space area except on roads, trails, or areas specifically designated for that purpose, except by special authorization from the City.

**(8)** No animal may be ~~hitched~~ *tied or secured* to a tree, or shrub, *fence, bench, or any park structure* in a manner that endangers the tree or shrub.

**(9)** Dogs may be allowed to run off leash if the City has explicitly given written authorization for the off-leash activity. Dogs may also be allowed to run off leash in officially designated and signed off-leash dog areas ~~at Candlelight Park, Wayne Morse Ranch, Alton Baker Park, and Amazon Parkway,~~ provided:

**(a)** The dog is properly licensed and has received required vaccinations (rabies);

**(b)** The dog's owner or caretaker:

1. Removes any solid waste deposited by the dog;
2. Keeps the dog within the designated area during all times it is off-leash;
3. Secures the dog by adequate leash when entering or leaving the designated area;
4. Does not take a female dog in estrus into a designated area when other dogs are present, or, if already within a designated area, removes such female dog in estrus when other dogs enter the area;
5. Is present in the designated area and has voice control of his or her dog; and,
6. Uses the "Small Dog" off-leash areas only if the dog weighs 25 pounds or less.

~~The authorization contained herein shall not extend to a dog classified as a potentially dangerous dog, which must remain secured by an adequate leash during any time it is present within a designated off-leash dog area.~~

**(c)** ~~No~~ *The dog's owner does not* shall be permitted *the dog* to fight, bite, or bark excessively while in a designated off-leash dog area, and the owner of a dog fighting, biting, or barking excessively may be cited therefor and/or required to remove his or her dog from the off-leash area.

**(d)** *No person is responsible for more than three dogs.*

**(10)** *At no time may a person bring any dog classified as a potentially dangerous dog under Sections 4.435 to 4.445 of the Eugene Code into a park or open space area.*

*(11) In addition to the general enforcement of these rules, a person that violates a provision of this Section 1.050 may be required to remove the dog from the park, open space area, or off-leash area.*

Dated and effective this <sup>06/16/2025</sup> \_\_\_\_\_ day of June, 2025.

CTC  
CTC

Richard T. Hoey  
Richard T. Hoey (Jun 16, 2025 09:55 PDT)

**Richard T. Hoey**  
**Public Works Department Executive Director**

**NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED  
AMENDMENT OF EUGENE'S PARK AND OPEN SPACE RULES.**

Pursuant to Section 2.019 of the Eugene Code, 1971, the Eugene Public Works Department Executive Director is proposing to amend Sections 1.010, 1.025, 1.040, and 1.050 of the City's Park and Open Space Rules. The Rule amendments are necessary to maintain park and open space standards that will allow for public safety and enjoyment of the City's parks and open space areas. The proposed Rules may be reviewed at Park and Open Space Division, 1820 Roosevelt Blvd., Eugene, Oregon, during normal business hours or on the City of Eugene's website at <https://www.eugene-or.gov/520/Administrative-Order>.

Comments on the proposed Rules should be submitted in writing to City of Eugene Parks and Open Space Division, Attn: Community Engagement Manager, 1820 Roosevelt Blvd., Eugene, Oregon, 97401, or via e-mail to [POS@eugene-or.gov](mailto:POS@eugene-or.gov). To be considered, written and e-mail comments must be received within 15 days of the first date of publication as indicated below. If the Director chooses to take action after considering the comments received, the proposed or modified rule will be adopted by administrative order.

**Dates of Publication:** July 7, 8, 9, 10, 11, 2025.