

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

**AMENDING THE CITY'S PARK AND OPEN SPACE RULES AND
SUPERSEDING ADMINISTRATIVE ORDER NO. 58-24-04-F.**

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 ("the POS Rules"). The most recent changes to the POS Rules were adopted on May 1, 2024, by Administrative Order No. 58-24-04-F.

B. On June 16, 2025, Administrative Order No. 58-25-01 was issued ordering that notice be given of the opportunity to submit written comments on proposed amendments to the POS 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.

C. Notice of the proposed amendments to the POS Rules was given by publishing Notice in the Register Guard newspaper on July 7, 8, 9, 10, and 11, 2025, and by making copies of the Notice available to any person who had requested such notice. The Notice provided interested persons an opportunity to submit written comments on the proposed amendments until the end of the day on July 22, 2025. The written comments received during the public comment period are addressed in the Findings in Consideration of Written Submissions attached as Exhibit A to this Order.

On the basis of these findings, I order that:

1. The amendments to Sections 1.010 (Subsections (6), (12), (14), and (23) - (27)), 1.025, 1.040 and 1.050 included in the Park and Open Space Rules set out in this Order are hereby adopted and the unamended provisions of the City's Park and Open Space Rules adopted by Administrative Order No. 58-24-04-F are reaffirmed. The City's Park and Open Space Rules are set out in their entirety in this Order.

2. Administrative Order No. 58-24-04-F is superseded by this Order.

3. The Park and Open Space Rules are amended and adopted to provide as follows:

PARK AND OPEN SPACE RULES

1.000 PARK AND OPEN SPACE AREAS COVERED.

The following rules shall apply to all park property and facilities thereon belonging to the City of Eugene, including park property and facilities outside the corporate limits of the City, and to County parks within the corporate limits of the City, except park property and facilities for which other specific rules or regulations have been adopted. The following rules also apply to all “open space” areas. For purposes of these Rules, “open space” areas include all natural areas owned or leased by the City and managed for their natural resource value by the City’s Parks and Open Space Division of the Public Works Department. References herein to “park,” “park area,” or “open space” shall be deemed to include, where applicable, any facilities located thereon or recreational programs conducted therein or thereon.

1.002 RESPONSIBILITY FOR ADMINISTRATION OF RULES.

Responsibility for the acquisition, maintenance, use and operation of City parks, park lands, open space areas, park facilities, and recreation programs has been delegated by the City Manager as follows:

- (1)** To the Executive Director of the Public Works Department:
 - (a)** The authority under Section 2.019 of the Eugene Code, 1971 to promulgate park rules;
 - (b)** The responsibility for the acquisition, maintenance, use and operation of City parks, park lands, and open space areas.
- (2)** To the Executive Director of the Library, Recreational & Cultural Services Department (LRCS) the responsibility for the administration, use and operation of park facilities and recreation programs.

Therefore, references to “Executive Director,” “City,” and “authorized City personnel” in these Rules shall be deemed to include the Executive Director of Public Works and personnel from that department. It shall also be deemed to include the Executive Director of LRCS and personnel of that department when the use, conduct or authority involves recreation programs or activities, or park facilities directly associated with those recreation programs or activities.

1.003 HOURS PARKS AND OPEN SPACE AREAS ARE CLOSED.

- (1)** Unless a specific exemption has been granted by the City Council, between the hours of 11:00 p.m. of one day and 6:00 a.m. of the succeeding day, no person other than law enforcement or authorized personnel shall be in a park or open space

unless driving, bicycling, walking, or otherwise moving through the park or open space on lawful business within the public street right-of-way or officially-designated bicycle path or sidewalk, or authorized to be in the park or open space by the City Manager or the City Manager's designee. In addition to any closures or reductions in services dictated by budgetary constraints, the Director of Public Works may temporarily close all or any portion of a park, open space, or facility upon finding that conditions that threaten the welfare or safety of nearby residents exist, and the need to preserve their welfare and safety outweighs the public's right of access to the park, open space, and/or facility. The Director of Public Works' determination shall be by Administrative Order, shall contain the required findings, set forth the specific area that is closed to entry, the date of closure, and the date upon which it will be reopened. Clearly visible signs shall be posted at park or open space entry points and such other locations deemed appropriate by the Director of Public Works advising the public that entry is prohibited and the penalty for violation. No person other than law enforcement officers or authorized personnel may enter or remain within a park, open space, or facility during the closure period set forth in the Director of Public Works' order.

- (2) In addition to a closure ordered under Subsection (1) of this section, the Director of the Public Works Department may restrict vehicular access to City parks or open space during regular open hours upon finding that such restriction is necessary for the preservation of the health, welfare and safety of the citizens of the City of Eugene. Upon such a determination, the gates at park or open space entry points may be closed, and appropriate signs posted indicating the hours that vehicular access is prohibited. A closure under this Subsection shall not limit the public's right of non-vehicular access to a park or open space between 6:00 a.m. and 11:00 p.m.

1.004 USE PERMITS

- (1) **Permit Required.** Unless specifically authorized by the City pursuant to a written agreement, license, permit or other Administrative Rule, no person may conduct a public assembly, private gathering, parade, picnic, or other event involving more than 20 individuals in a City park, open space or park facility without first obtaining either a Standard Use Permit or a Special Event Permit.
 - (a) A request to use a City park, open space or park facility 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, 1971. The City will not accept an application for processing it if it is not accompanied by the required application fee. Application fees for Standard Use or Special Event permits are not refundable. If an event is canceled, facility rental fees are refundable in the manner prescribed by

Administrative Order of the City Manager. Applicants requesting to use a City park, open space or park facility multiple times for a reoccurring Standard Use Permit event need only submit one application form and fee per month.

- (b) Permit applications must be accompanied by a signed statement (on a form provided by the City) providing that the applicant will defend, indemnify and hold harmless the City, its officials, agents and employees, for all claims of injury to property or persons that may arise as a result of any activity occurring at the event for which the applicant seeks a City permit.
- (c) Except as provided in subsection (d) below, permit applications will be accepted only for the current calendar year and permit applications will be processed in the order of receipt, beginning on the first working day in January. The order of receipt of applications received prior to 9 a.m. on the first working day in January shall be determined by lottery.
- (d) The City will accept permit applications for the next calendar year if the applicant can demonstrate that the subject event has been permitted by the City for the last three consecutive years at a specific location on a specified weekend or specific date(s). The City will accept these applications no sooner than the December prior to the year of the event.
- (e) A person must obtain a Standard Use Permit to reserve a City park, open space or park facility for private gatherings of invited guests, such as weddings, bar mitzvahs, birthday parties, scheduled business gatherings, etc.
- (f) A person must obtain a Special Event Permit to hold an event in a City park, open space or facility if the event will:
 - 1. Have a controlled admission; or,
 - 2. Require the erection of canopies, tents, booths, or stages; or,
 - 3. Be advertised as a public event; or,
 - 4. Amplify sound; or,
 - 5. Use a park or open space facility as a staging site for a public event.
- (g) Use permits will be issued consistent with park classifications and in accordance with this subsection. Park classifications are shown on Map 1 of the City's Parks, Recreation and Open Space Project and Priority Plan, adopted by City Council Resolution No. 4863.

1. Neighborhood parks are intended to primarily serve residents living within a ½ mile radius of the park; on-site parking is not generally provided. Unless the event receives endorsement from the governing neighborhood association, the City will not issue a use permit for a neighborhood park if the anticipated attendance of the proposed event will exceed 250 people or if the event is being advertised as a community-wide event.
 2. Community parks are intended to serve the meeting and recreational needs of more than one neighborhood; on-site parking is generally provided. If a person applies for a neighborhood park use permit but the proposed attendance of the event will exceed 250 people or the event is being advertised as a community-wide event, unless the park permit application is denied pursuant to Section 1.004(8) of these Rules, the City shall offer to issue the park use permit for a community park if one is available.
- (h) Up to twenty-four (24) months prior to the date of an event, a person may obtain a “Date Hold” for the event.
1. Date Hold requests 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 a Date Hold application fee, as established by Administrative Order of the City Manager pursuant to Section 2.020 of the Eugene Code, 1971. The City will not accept a Date Hold application for processing it if is not accompanied by the required application fee. Date Hold application fees are not refundable, however, at the time of Special Event Permit application submission, a portion of the Date Hold application fee will be applied to the Special Event Application fee and facility fees in accordance with an Administrative Order of the City Manager adopted pursuant to Section 2.020 of the Eugene Code, 1971.
 2. If a date is held for an event in accordance with this sub-section, but the responsible person does not submit a Special Event Permit application in December prior to the year of the event, the held date will be released on January 1 of the year of the event.
 3. An event qualifies for a Date Hold if all of the following conditions are met:
 - i. A person has submitted a complete Date Hold application, including the required non-refundable Date Hold application fee; and,

- ii. The anticipated attendance of the event will exceed 500 people; and,
- iii. A person has submitted to the Eugene Special Events Team (ESET) an Event Notification Form and ESET has made a recommendation regarding the event; and,
- iv. The City has not permitted an event at the requested location and on the requested date for the last two consecutive years; and,
- v. The applicant has demonstrated that the proposed event complies with Section 1.004(1)(g) of these Rules.

(2) Special Event Permit Applications Must Include:

- (a) For events with an anticipated attendance exceeding 500 people, a certificate of insurance naming the City of Eugene as an additional insured. The certificate must demonstrate that the special event organizers maintain a commercial general liability insurance policy with coverage of at least \$2,000,000, combined single limit per occurrence. The policy must be a primary policy, not a policy that contributes to any coverage that the City may carry.
- (b) A site plan for the park or open space, if the permit holder intends to bring to the park or open space equipment, booths, garbage dump boxes, portable restrooms or a stage.
- (c) A schedule of entertainment, if the permit holder intends to use amplified sound.
- (d) A route map for the park and streets, if the permit holder intends to use the park to hold a race/walk/bike event. If the proposed event will impact public ways that are usually open to two-way traffic, the route map must address how the applicant intends to mitigate the impact on the two-way traffic by showing how two-way traffic will be maintained during the event or showing how and where two-way traffic will be controlled and diverted.
- (e) A traffic control and parking plan, if the permit holder anticipates that attendance at the event will exceed 500 people. The traffic control and parking plan must specify where parking will be provided for the anticipated number of event attendants, where vendor parking will be provided and where the applicant intends to provide overflow parking if event attendance exceeds the anticipated number of persons. If the proposed event will impact public ways that are usually open to two-way traffic, the traffic

control and parking plan must address how the applicant intends to mitigate the impact on the two-way traffic by showing how two-way traffic will be maintained during the event or showing how and where two-way traffic will be controlled and diverted.

- (f) For events with an anticipated attendance exceeding 500 people, a roster/schedule that identifies the contact person(s) that will be on-site at the event and provides the telephone number of the cell phone that the contact person(s) will be carrying while at the event site. The roster/schedule must cover every hour of the event and the identified contact persons(s) must have the authority to correct problems that arise at the event.
- (g) The applicant's consent to attend a pre-event conference and/or post-event conference with City staff, if a request for one or both of these conferences is made by the City.

(3) Alcoholic Beverages.

- (a) The consumption and/or sale of alcohol at an event for which the City has issued a permit must comply with Section 1.007 of these Rules and all rules established by the Oregon Liquor Control Commission (OLCC).
- (b) If an event involves the consumption or sale of alcoholic beverages, event organizers must maintain a commercial liquor liability insurance policy and submit a certificate of insurance with the permit application.
 - 1. Standard Event Permit holders must maintain liquor liability coverage of at least \$2,000,000, combined single limit per occurrence.
 - 2. Special Event Permit holders must maintain liquor liability coverage of at least \$2,000,000, combined single limit per occurrence.
- (c) If an event involves the consumption or sale of alcoholic beverages but no permit is required for the event, event organizers must maintain commercial liquor liability insurance with liability coverage of at least \$2,000,000, combined single limit per occurrence, and submit a certificate of insurance to the City prior to the event.
- (d) If an event involves the sale of alcoholic beverage, event organizers must obtain an OLCC license and provide the City with a copy of the license at least 20 days prior to the date of the event.
- (e) Even if an event organizer is not required to obtain insurance pursuant to another provision of these Rules, if alcoholic beverages will be consumed as part of an event, or by event attendees, the City will not issue a Standard Use Permit or a Special Event Permit, or enter into a rental agreement for a

community center or a senior center, unless the event organizer has provided the City with proof of insurance coverage for the event.

(4) Food.

- (a)** If food at the event is to be sold, catered, or given away for charitable purposes, event organizers must provide the City with a copy of the restaurant license and a certificate of insurance by the last business day of the week prior to the date of the event. If a vendor fails to provide the City with a copy of the license by the last business day of the week prior to the date of the event the vendor is prohibited from setting up at the event. For the purposes of this section, “business day” means Monday through Friday, 9 a.m. to 5 p.m., exclusive of holidays. This food licensing requirement does not extend to personal gatherings where food is exchanged among participants, such as potluck events.
- (b)** A Special Event Permit holder may restrict event attendants from bringing outside food and non-alcoholic beverages into the areas that are subject to a separate rental agreement with the City and that have a controlled admission. A Special Event Permit holder may not otherwise prohibit outside food and non-alcoholic beverages at special events.

(5) Signs and Concessions.

- (a)** A Special Event Permit holder is exempt from Section 1.060(1) of these Rules which prohibits anyone, except in specifically designated areas, from erecting a sign, marker or inscription of any type within a park or open space area.
- (b)** A Special Events Permit holder is exempt from Section 1.060(2) of these Rules which prohibits anyone from operating a fixed or mobile concession, soliciting, selling, offering for sale, peddling, hawking or vending any goods or services or advertising any goods or services.
 - 1. Event organizers are responsible for maintaining control over the vendors who sell goods or services at permitted events.
 - 2. Sales of goods and services must be confined to the boundaries of the event.
 - 3. If the City has an existing contract with a vendor for business in a City park or open space, that contract will supersede the event organizer’s permit allowing the organizer to contract with a vendor.

(6) Security/Traffic Control. For special events with an anticipated attendance exceeding 500 people, event organizers must provide security and traffic control

personnel for the event. An event organizer must hire enough security/traffic personnel to effectively manage the anticipated size of the event. Event organizers must provide documentation establishing that the personnel hired for traffic control have adequate experience in traffic control to effectively manage the anticipated size of the event. Personnel providing traffic control services must do so in accordance with both state and local law. If an event organizer uses City of Eugene police officers to provide security or traffic control services for the event, the event organizer will be charged for the services provided by the officers. Fees for event services provided by City of Eugene police officers are established by Administrative Order of the City Manager pursuant to Section 2.020 of the Eugene Code.

- (7) **Vehicle Access to Park Sidewalks, Pathways and Irrigated Turf.** Driving or parking motorized vehicles on irrigated turf, internal park sidewalks and pathways or upon the regional pedestrian/bicycle path system is prohibited without written permission from the City. Applicants for a Standard Use Permit or Special Event Use Permit may include with their permit application a request for City permission to have vehicle access to the event site via these prohibited areas. A request for such permission must specify the number of vehicles for which permission is sought, and must specify for what purpose permission is sought. The City will grant permission only for event-necessary activities such as equipment delivery and pick-up. If permission is granted, prior to issuance of the Vehicle Access placard(s) that must be placed on the dashboard of the authorized vehicle(s), the applicant must pay a Vehicle Access fee as established by Administrative Order of the City Manager pursuant to Section 2.020 of the Eugene Code, 1971.
- (8) **Vehicle Access to Non-Irrigated Grass, Landscaped Areas and Under Tree Canopies.**
- (a) Driving or parking vehicles on landscaped areas or under tree canopies is prohibited.
 - (b) Driving or parking vehicles on non-irrigated grass areas is prohibited unless explicitly approved as part of a Standard Use Permit or Special Event Use Permit. A request for such approval must be included with the permit application and must identify the requested parking zone(s). Requests for event participant parking on non-irrigated grass will be considered on a first-come, first-serve basis and will be granted or denied based on the existing condition of the turf one week prior to the scheduled event; if the turf shows discernable tire ruts from one-ton trucks or if the turf has a visible loss of vegetative cover from previous activities, the request may be denied. Requests may be denied based on forecasted wet weather. If approved, prior to the issuance of the event permit the applicant must pay a Vehicle Access fee (for event-necessary activities such as equipment delivery and pick-up) or an Overflow Event Parking fee as established by Administrative

Order of the City Manager pursuant to Section 2.020 of the Eugene Code, 1971.

- (9) **Permit Application Decision.** The Executive Director or designee must grant or deny an application for a park use permit within fourteen days of the application being deemed complete, unless the Executive Director or designee extends the processing period by an additional fourteen days by written notice to the applicant. An application is deemed complete upon submission if it contains all of the information required by these Rules. If City staff notifies the applicant of missing application materials, an application is deemed complete upon the applicant's submission of the missing application materials. Regardless of whether an applicant has submitted the missing application materials, the application will be deemed complete thirty (30) days prior to a special event or ten (10) days prior to a standard event. If, after submission of an application but before the Executive Director or designee renders a decision, the applicant submits revised or supplemental application materials, the Executive Director or designee must grant or deny the application within fourteen days of receipt of the revised or supplemental application materials. Any application not acted on by the deadline shall be deemed granted, conditional upon any of the requirements being satisfied.

(10) **Permit Denials.**

- (a) A denial of a permit application must be made in writing and sent by first class mail to the applicant at the address stated in the application. The notice of denial shall set forth the grounds upon which the permit was denied, and where feasible, shall contain a proposal by the Executive Director or designee for measures by which the applicant may cure any defects in the application or otherwise procure a permit.
- (b) An applicant may appeal the denial of a permit to a hearings officer in the manner prescribed by Section 2.021 of the Eugene Code. The hearings officer's decision is final. Pursuant to ORS 34.020, an applicant has the right to appeal the hearings officer's final order by filing a Writ of Review in Circuit Court.
- (c) To the extent permitted by law, the Executive Director or designee may deny an application for a permit on any of the following grounds:
 - 1. The applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant;
 - 2. The application for permit (including any required attachments and submissions) is incomplete or improperly executed;

3. The applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the Executive Director or designee;
4. The application for permit contains a material falsehood or misrepresentation;
5. The applicant is legally incompetent to contract or to sue and be sued;
6. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged City property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City;
7. A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;
8. The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place;
9. The proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park or part thereof designated pursuant to City code or Administrative Rule;
10. The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of City employees or of the public;
11. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City concerning the sale or offering for sale of any goods or services;
12. The use or activity intended by the applicant is prohibited by law, the City Code, or by the City's administrative rules.

(11) **Security Deposit.** When a permit application is approved, at the time of permit issuance, the applicant must submit to the City a security deposit and, if applicable, a key deposit, as established by Administrative Order of the City Manager pursuant to Section 2.020 of the Eugene Code, 1971. Refunded security deposits will be

mailed to the permit applicant two weeks following the event. Unless the City has a reason to withhold the security deposit, an applicant may pick up the security deposit at 1820 Roosevelt Blvd. in Eugene when keys are returned. Security deposits paid by cash must be picked up in person by the permit applicant. The security deposit is fully refundable unless:

- (a) The event extends beyond the permitted time;
- (b) The facility, structures, amenities or turf areas are damaged;
- (c) City property is missing or damaged;
- (d) Activities at the event required police assistance; or
- (e) The facility or park was not returned to its original condition, including but not limited to, failure to remove litter or other debris, failure to remove bagged garbage or recycling.

1.005 ENFORCEMENT.

(1) Enforcement by City of Eugene Police Officers.

- (a) In addition to any other existing authority for citation and/or arrest, if a violation of these Rules takes place in the presence of a police officer, the violator may be subject to arrest by the officer or the officer may issue a misdemeanor citation in lieu of arrest.
- (b) A police officer may also take a person into custody or issue a misdemeanor citation for trespass to a person if the officer is contacted and advised by authorized City personnel or other person in lawful charge of premises that the person:
 - 1. Has failed to comply with a request by authorized City personnel or other person in lawful charge of the premises to leave the park area, open space area, recreational facility, or activity; or
 - 2. Is in violation of a previously issued Notice of Restriction of Use issued pursuant to subsection (2) of this section which excludes the violator from park and open space areas, recreational facilities or activities.

(2) Notice of Restriction of Use.

- (a) A police officer may, in their discretion, also issue a Notice of Restriction of Use to any person being arrested or cited for any violation of Park and

Open Space Rules or for conduct that occurred in a park, open space, or facility therein that violates the Eugene Code or state or federal law. A Notice of Restriction of Use prohibits its recipient from future use of one or more City parks, open spaces, or facilities thereon, or from participation in City sponsored programs or activities thereon for a specific period of time. Violation of a Notice of Restriction of Use will constitute trespassing and further legal action will be taken accordingly.

1. Generally, the length of time that future use is restricted shall be based on the person's prior history, if any, of receiving Notice(s) of Restriction of Use. The following guidelines apply unless the police officer determines that the conduct giving rise to the Notice of Restriction of Use warrants a different restriction period: 14 days for a first Notice, 1 month for a second Notice, 3 months for a third Notice, or 6 months for four or more Notices, within a 12-month period.
 2. Generally, the scope of a restriction of use is limited to the specific park, open space, or facility where the conduct giving rise to the Notice of Restriction of Use has occurred. A Notice of Restriction of Use may, however, state that it applies to all City parks, open spaces, and facilities when the police officer determines that the prior history of the person being restricted or the conduct giving rise to the Notice of Restriction of Use warrants a broader restriction.
- (b)** Any person(s) using or renting a park area, open space area, or recreational facility pursuant to a license or permit issued by the City, or any person permitted to participate in City sponsored park, open space, or recreational activities may have that license, or permit or permission revoked and may be immediately removed from a park area, or open space area, recreational facility or activity by authorized City personnel or a police officer if the person is in violation of these Park and Open Space Rules or of any term or condition of the license or permit. This remedy is in addition to any other remedies available under these Rules or the license or permit.

The City may, in its discretion, notify any person who engages in conduct that results in the person having a license or permit revoked and being removed from a park area, open space area, recreational facility, or any person who engages in conduct that results in the person's permission to participate in City sponsored park, open space, or recreational activities being revoked and being removed from that activity that it may thereafter refuse to accept applications for use of park areas, open space areas, or recreational facilities or may refuse to allow participation in park, open space, or recreational activities by a person who violates these Rules, state statutes, the Eugene Code, 1971, or any term or condition of a license or permit issued by the City.

As used in this subsection, “person” includes, but is not limited to, a business, corporation, association or organization.

- (c) A Notice of Restriction of Use shall set forth the reason(s) therefore. The Notice shall state the specific time period to which the restriction applies and the scope of the restriction. If a person is restricted for a period exceeding the guidelines in subsection (2)(a)1 and / or from all City parks, open spaces, and facilities, the Notice shall set forth the basis for the broader restriction.
- (d) A Notice of Restriction of Use shall contain a statement advising of the right to request a hearing in the manner set forth in Section 1.074 or Section 1.075 of these Rules and explaining that the restriction is stayed upon filing a request for a hearing.
- (e) Nothing in this section shall be construed to authorize the issuance of a Notice of Restriction of Use to any person lawfully exercising free speech rights or other rights protected by the state or federal constitution. However, a person engaged in such protected activity who also commits acts that are not protected and that violate applicable provisions of law, may be issued a Notice of Restriction of Use for that unlawful conduct as provided in this section.

1.007 POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR.

- (1) **Definitions.** For purposes of this Rule, alcoholic liquor and hard liquor mean:

- (a) Alcoholic liquor. An alcoholic beverage containing more than one-half of one percent of alcohol by volume, including but not limited to beer, ale, porter, stout, and wine.
- (b) Hard liquor. An alcoholic beverage, including sweet wines and all spirituous liquors, containing 14 percent or more of alcohol by volume.

- (2) **Possession and Consumption.**

- (a) No person may consume hard liquor or possess a receptacle containing hard liquor that has been opened or had the seal broken or the contents partially removed in any park or open space.
- (b) No person may consume alcoholic liquor or possess a receptacle containing alcoholic liquor that has been opened or had the seal broken or the contents partially removed in the following parks and open spaces:

1. West Eugene Wetlands;
2. Spencer Butte;
3. Ridgeline Park System;
4. Charnel Mulligan Park;
5. Fairmount Park;
6. Hendricks Park (main garden section);
7. Monroe Park;
8. Scobert Park;
9. Sladden Park;
10. University Park;
11. Washburne Park;
12. Washington/Jefferson Park;
13. West University Park;
14. Maurie Jacobs Park (described as that contiguous park land west of Owen Rose Garden to a point on the west boundary where the improved area ends and the natural river front zone begins);
15. The Park Blocks (described as that area generally bounded by East 8th Avenue, West Park Street, and East Park Street);
16. Along the Willamette River between the water's edge and the adjacent pedestrian/bicycle path or, where there is no adjacent path, within 100 feet of the water's edge;
17. Martin Luther King Jr. Park;
18. Golden Gardens Park;
19. Along Amazon Creek between the water's edge and the adjacent pedestrian/bicycle path, whether hard or soft, or, where there is no adjacent path, on the adjacent City-owned natural area;
20. On any pedestrian/bicycle path, whether hard or soft, that is along Amazon Creek and within any City-owned natural area adjacent to a multi-use path that is along Amazon Creek;
21. Mangan Park;
22. Within Community Gardens; and
23. Gilbert Park.

(c) Unless the City has authorized the possession and consumption of alcoholic liquor therein as part of a Standard Use Permit or a Special Event Permit, no person may consume alcoholic liquor or possess a receptacle containing alcoholic liquor that has been opened or had the seal broken or the contents partially removed in the following parks and open spaces:

1. Alton Baker Park;
2. Owen Memorial Rose Garden; and
3. Westmoreland Park.

(d) If a park or open space is not identified in subsection (b) above, alcoholic liquor may be possessed and consumed within the park and open space. However, within such park and open space no person may consume

alcoholic liquor or possess a receptacle containing alcoholic liquor that has been opened or had the seal broken or the contents partially removed within 25 feet of the following:

1. Children's playground areas;
2. Athletic fields;
3. Wading pools;
4. Tennis courts;
5. Parking lots;
6. Skateboard facilities;
7. Rest rooms; and
8. Sheltered picnic areas, unless explicitly authorized by the City in writing in conjunction with the rental of a sheltered picnic area.

(e) No person may consume alcoholic liquor or possess a receptacle containing alcoholic liquor that has been opened or had the seal broken or the contents partially removed within the following facilities or within 200 feet of the following facilities, unless explicitly permitted by the facility supervisor or the person in charge of the facility (indicated in parenthesis):

1. Amazon Community Center;
2. Amazon Pool;
3. Celeste Campbell Senior Center;
4. Cuthbert Amphitheater;
5. Echo Hollow Pool;
6. Hilyard Community Center;
7. Petersen Park Barn;
8. Sheldon Community Center;
9. Sheldon Pool;
10. River House;
11. Washington Park Center;
12. Laurelwood Golf Course, Pro-Shop, Upstairs rental space (Golf course operator);
13. Shelton McMurphy Johnson House (Non-profit group);
14. Trude Kaufman Senior Center (Non-profit group);
15. Wayne Morse Ranch Park (Caretaker);
16. Westmoreland Community Center (Non-profit group);
17. The Science Factory (Lessee);
18. Lamb Cottage;
19. Disc Golf Course at Alton Baker Park (Contract course operator);
and
20. Alton Baker BMX Track (Emerald Valley BMX).

1.008 USE OF TOBACCO PRODUCTS AND SMOKING INSTRUMENTS.

The use of any smoking instrument or device is prohibited in all park and open space areas and facilities thereon. This prohibition also applies to the areas outside park and open space facilities that are within 25 feet of doors, entries, or pathways thereto, such as patios, walkways, and sidewalks. The oral use of tobacco products (i.e., chewing tobacco) is prohibited within all public restrooms, parking lots, pools, playgrounds, skate bowls and community centers.

As used herein, "smoking instrument or device" is defined as cigarettes, cigarillos, cigars, clove cigarettes, e-cigarettes, pipes, and other related products. This prohibition shall be incorporated in and made a part of all permits or licenses for use of City Park and Open Space facilities.

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:

- (1) Setting up or using an amplified sound system without the written permission of the City.
- (2) Setting up or constructing any temporary structures or enclosures, including, but not limited to canopies, artificial lighting generators, and tents, without written permission of the City.
- (3) Operating or using any battery or vehicle operated noise-producing device in a manner that disturbs other park visitors.
- (4) Participating in a disturbance or riotous behavior that interferes with the reasonable use by the general public of the park, open space, or facility.
- (5) Using a metal detector within a park or open space area without the written permission of the City.
- (6) Use of a recreational micromobility device on a bark or wood chip trail or any other trail designated for pedestrian use only. For purposes of these Rules, "recreational micromobility device" includes but is not limited to: bicycles, electric bicycles, scooters, e-scooters, skateboards, and e-skateboards. Human powered baby strollers, joggers, wheelchairs, motorized wheelchairs, and mobility scooters are not "recreational micromobility devices" for the purposes of these Rules and are therefore not prohibited on bark or wood chip trails or other trails designated for pedestrian use only.
- (7) Playing sports outside recreation areas set aside for that purpose if the activity is harmful to plant life or fixtures, or interferes with other uses of the park or open space.

- (8) Playing golf outside of the areas designated for golf.
- (9) Playing sports or engaging in other activities in areas set aside for organized sports activities during a time when such areas are scheduled by the City for use without the written permission of the City.
- (10) Organized non-City sponsored sports activities on athletic facilities without written permission from the City.
- (11) Organized group events such as picnics, weddings, etc. within the Hendricks Park Rhododendron Garden section, as such activities would disturb the tranquility of the area.
- (12) Wading or swimming in any of the pools, ponds, or canals of Alton Baker Park.
- (13) Unless necessary to assist a disabled person, as defined in ORS 174.407, or a child under the age of eight years old, with his or her use of a restroom, no more than one person at a time may occupy a restroom stall in any park or open space area.
- (14) Engaging in any commercial use of a park, open space area, or park facility such as, but not limited to, commercial photography, 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.
- (15) Engaging in any activity or conduct within a park, open space area, or park facility that is prohibited by these Rules, state statutes, the Eugene Code, 1971, or posted signs.
- (16) Using playground equipment, sports courts, picnic tables or picnic shelters for reasons other than their intended use.
- (17) Engaging in any activity or conduct which disturbs a City event or an event for which the City has issued a Use Permit pursuant to Section 1.004 of these Rules.
- (18) Engaging in any of the above activities, or other activities such as, but not limited to, demonstrations, vending, or still photo sessions in a manner that blocks a park or open space entrance or pathway, or interferes with the intended use of that portion of the park or open space.
- (19) Entering in or upon a park facility, open space, or park area during the period of time the facility or area is rented or reserved for use by others, and failing to leave the facility or area when requested to do so by the person renting or reserving the park facility, open space, or park area.

- (20) Entering in or upon a park facility, open space, or park area, or a portion of such an area, that is posted, delineated, fenced, or barricaded to close it to public use.
- (21) Assembling, disassembling, distributing or attempting to distribute bicycles or bicycle parts without the written permission of the City.
- (22) Possessing:

 - (a) Five or more bicycles, more than three bicycles if parts are missing, a bicycle frame with either gears or brake cables cut, or more than four bicycle parts.
 - (b) Household furniture (such as a couch, non-collapsible chair or table, mattress that cannot be folded or rolled for personal portability) without the written permission of the City.
 - (c) Automotive parts (such as a catalytic converter, car stereo, tire, wheel, rim, battery, tailgate, license plate, airbag, seat).
- (23) Engaging in any activity that harms or is likely to harm plant life in a landscaped planting area. This includes but is not limited to walking, sitting, lying, biking, or driving in a landscaped planting area. For purposes of this subsection, "landscaped planting area" is defined as an area where trees, shrubs, flowers, or other vegetation has clearly been planted and maintained or that is posted as such an area. It does not include grassy areas unless otherwise posted.
- (24) Pedestrian use of a trail that is posted for use only by mountain bikes.
- (25) Creating an unsanctioned trail (a trail that is not identified as a public trail on a map produced by the City) through excavation of soils, vegetation clearing, or addition of any imported surfacing, or maintaining an unsanctioned trail using any tools or equipment to modify soils or vegetation.
- (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 water fountain, water play facility, pool, pond, stream, or canal. For the purposes of these Rules, "bathing" and "washing" include but are not limited to personal hygiene activities such as washing the body, hair, or clothing, or shaving. Washing hands in a designated restroom sink is not considered "bathing or washing in a water feature."

1.015 HUNTING AND FIREARMS.

- (1)** In a park or open space area, no person may:
 - (a)** Hunt, pursue, trap, kill, injure, molest, or disturb any wildlife.
 - (b)** Discharge a firearm, pellet gun, bow and arrow, slingshot, or other weapon capable of injuring a person or wildlife.
- (2)** City staff or staff from other wildlife management agencies are exempt from subsection (1) of this section when performing authorized duties of their position.

1.020 UNCLAIMED ARTICLES.

No person shall leave personal property unattended. An article found in a park or open space area or facility shall be turned over to the City department responsible for the park area, open space area, or facility and disposed of in accordance with applicable City and state law.

1.025 FIRES AND FIREWORKS.

- (1)** 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)** 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) 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) The use of fireworks of all types (including sparklers, cone fountains, snakes and model rockets) is prohibited in park and open space areas.

1.030 VEHICLES.

- (1) No bicycles may be operated on trails designated as foot paths only.
- (2) Motor vehicles may be operated only on roads and in parking areas constructed or designated for motor vehicle use. Vehicles must be parked within designated parking lines and must occupy only one parking space without first obtaining written permission from the City.
- (3) No motor vehicle may be operated on a bicycle or foot path without first obtaining written permission from the City. Persons seeking permission to temporarily operate a motor vehicle on a bicycle or foot path can submit an application for a Vehicle Access permit to the Executive Director or designee. If permission to temporarily operate a motor vehicle on a bicycle or foot path is sought from a property owner for the purpose of accessing their abutting property, there is no fee for obtaining a Vehicle Access permit.
- (4) Motor vehicles and trailers may be parked only in designated parking areas. The parking area is clearly designated in each park or open space area.
- (5) Motor vehicles not parked in a “parking facility”, as that term is defined by EC 5.010, are subject to being cited for violation of these Rules and towed at the owner’s expense.
- (6) No person may park under the canopy of a tree, unless parking in a paved parking area.
- (7) No person may operate a vehicle within a park or open space area at a speed exceeding 20 miles per hour unless the roadway is posted with a greater speed limit.

- (8) No commercial vehicles, or vehicles with the combined weight greater than that of a passenger automobile and its load, shall be permitted to use the roads in any parks or open space areas of the City without first obtaining written permission from the City.
- (9) This section does not apply to maintenance vehicles, emergency vehicles, and wheelchairs (manual and electric).
- (10) Unauthorized motor vehicles and trailers remaining in a park after the park has closed are subject to being cited for violation of these Rules and towed at the owner's expense.

1.035 WASHINGTON JEFFERSON PARK ZONE 1

- (1) **Zone 1 Boundary.** Washington Jefferson Park Zone 1 is the area of Washington Jefferson Park located north of the railroad tracks, south of West 1st Avenue, between Washington and Jefferson Streets.
- (2) **Hours.** Notwithstanding Section 1.003(1) of these Rules, Washington Jefferson Park Zone 1 hours of operation are 6:00 a.m. until 1:00 a.m.
- (3) **Prohibited Activities.** In addition to all other prohibitions in these Rules, the following activities are prohibited within Washington Jefferson Park Zone 1:
 - (a) Using a bike with metal pegs or pedals;
 - (b) Operating or using any motorized device, including scooters, bikes, mopeds motorized skateboards and remote control vehicles.
 - (c) Possessing a dog, except a leashed dog traveling on a pathway or a dog assisting an individual with a disability.
 - (d) Using any cigarettes, e-cigarettes, cigars, pipes, or chewing tobacco.

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.
 - (a) For purposes of these Rules, “encroachment” means an adjacent property’s 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/garage 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) 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 Section 1.040 of these rules (“Encroachments”) and applicable forms.

- (b) A person that is notified by the City that they have caused or allowed an encroachment 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;
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;
3. Dispute that the identified encroachment is an encroachment upon City park or open space property and include supporting documentation;
4. Request that the City issue a revocable permit for the 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 they have caused or allowed an encroachment fails to respond in accordance with these Rules, the City will proceed with enforcement action.
- (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 Rules.
 1. Unless a later date is specified by the City, daily penalties of up to \$500 begin to accrue on the 61st day following the City's notification of the encroachment.
 2. Each day that an encroachment exists constitutes a separate violation of these 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 encroachment provides pedestrian access to a residence;
 2. The encroachment does not interfere with the public's use and enjoyment of the park or open space area;

3. The encroachment intrudes only to the extent necessary to provide the pedestrian access to the residence;
 4. The park encroachment existed prior to August 3, 2009; and
 5. The 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.
- (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 encroachment provides sole vehicular access to a residence;
 2. The encroachment does not interfere with the public's use and enjoyment of the park or open space area;
 3. The encroachment intrudes only to the extent necessary to provide the vehicular access;
 4. The park encroachment existed prior to August 3, 2009; and
 5. The 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.
- (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 permit sets forth a specific period of time during which the Permittee will transition the encroached upon property back to City use;
 2. The permit sets forth a plan that details how and when the Permittee will remove the encroachment;
 3. The permit requires the Permittee to show steady and verifiable process towards transitioning the encroachment back to City use;
 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.
- (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 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.

- (f) 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.
 - (g) 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.
 - (h) 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.
 - (i) 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.

1.045 COMMUNITY GARDENS.

- (1) **Plot Use Permit.** Unless specifically authorized by the City pursuant to a written agreement, license, permit or other Administrative Rule, no person may use a Community Garden plot without first obtaining a Plot Use Permit.
 - (a) A request to use a Community Garden plot must be submitted to the Public Works Department (1820 Roosevelt Blvd., Eugene, OR 97402) by completing an application form (or renewal form) provided by the City. All permit applications and renewal applications must be accompanied by the Plot Use Permit fee as established by Administrative Order of the City Manager pursuant to Section 2.020 of the Eugene Code, 1971 and a signed

statement (on a form provided by the City) that the applicant has read and agrees to the Plot Use Permit Terms and Conditions. If an applicant is not issued a Plot Use Permit the City will refund the permit fee.

- (b) Beginning the first Tuesday in October, gardeners who held Plot Use Permits the previous year may submit a permit renewal application. The City will accept permit renewal applications until 5:00 p.m. on the last Tuesday in October. A garden plot subject to the prior year's Plot Use Permit for which a permit renewal application and fee is not submitted by the October deadline may be made available to new Plot Use Permit applicants.
- (c) Beginning the second Tuesday in January, the City will post garden plot availability and will start accepting Plot Use Permit applications. Permit applications must be accompanied by the Plot Use Permit fee as established by Administrative Order of the City Manager pursuant to Section 2.020 of the Eugene Code, 1971. The City will accept Plot Use Permit applications until 5:00 p.m. on the second Tuesday in February. Except as provided in subsection (d), issuance of Plot Use Permits will be determined by lottery. The initial lottery will be drawn from a pool of City of Eugene residents. If plots are still available after the City-resident lottery is drawn, a second lottery will be drawn from a pool of non-City residents.
 - 1. Individuals chosen by lottery to receive a Plot Use Permit will be assigned a plot based on the preferences stated on the application forms. Individuals receiving a plot assignment will be contacted by telephone and may choose to accept the garden plot; when a plot is accepted the permit issuance process must be completed within 10 days of notification. The permit issuance process is not complete until the individual has paid the non-refundable Plot Use Permit fee as established by Administrative Order of the City Manager pursuant to Section 2.020 of the Eugene Code, 1971. If the permit issuance process for a new plot is not completed within 10 days of plot issuance notification, the plot may be reassigned.
 - 2. Individuals not chosen by lottery will be placed on a waiting list and will be contacted when a plot becomes available.
- (d) The Executive Director or designee may deny an application for a Plot Use Permit in accordance with Section 1.004(10) of these Rules.
- (e) The Executive Director or designee may revoke a Plot Use Permit in accordance with Section 1.005(2)(b) of these Rules. Prior to revoking a Plot Use Permit, the Executive Director or designee may, in the Executive Director or designee's sole discretion, choose to give a permit holder time to correct the violation.

- (2) **Conduct.** In addition to the other requirements of these Rules, Plot Use Permit holders shall:
- (a) Keep individual plots free from weeds and debris and in a planted, productive state or cover-cropped or mulched as detailed in the Plot Use Permit Terms and Conditions.
 - (b) Maintain plots in a working state by the spring deadline, and winterize by the winter deadline as specified in the Plot Use Terms and Conditions.
 - (c) Not take produce, flowers or other materials from another plot without permission.
 - (d) Drive vehicles in the garden only from May through September, and then only to transport gardening produce, materials or supplies. All vehicles are prohibited when soils are wet and soft.
 - (e) Not use registered pesticides within a Community Garden or within 25 feet of the outside perimeter of a Community Garden site.
 - (f) Not construct or erect permanent structures in the garden plots.

1.050 ANIMALS.

- (1) No animal shall be left unattended and unsupervised in a City park or open space area.
- (2) Except for service animals trained to perform a task directly related to a person's disability, dogs are prohibited in areas posted as no dog areas, picnic shelters and public restrooms.
- (3) Dogs shall be on a 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:
 - (a) The dog is in an off-leash area;
 - (b) The dog is a service dog engaged in trained work for a person with a disability that cannot be performed while leashed; or
 - (c) The dog is a service dog engaged in trained work for a person whose disability makes them physically unable to hold and manage a leash.

For purposes of 1.050, a “service dog” is a dog trained to perform specific tasks related to a disability; consistent with the Americans with Disabilities Act, it does not include an emotional support or therapy dog.

- (4) No animal may deposit solid waste matter on a park or open space property unless the person in charge of the animal immediately removes the solid waste.
- (5) The person in charge of the animal is responsible for the animal’s behavior at all times while the 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 tied or secured to a tree, shrub, fence, bench, or any park structure.
- (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 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.
- (c) The dog’s owner does not permit the dog to fight, bite, or bark excessively.
- (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.

1.060 SIGNS AND CONCESSIONS.

- (1) Except in a specifically designated area, no person may erect signs, markers, or inscriptions of any type within a park or open space area without permission from the City.
- (2) The following activities are prohibited in a park or open space area unless specifically authorized in writing by the Director of the Parks and Open Space Division or designee:
 - (a) Operating a fixed or mobile concession.
 - (b) Soliciting, selling, offering for sale, peddling, hawking, or vending any goods or services.
 - (c) Advertising any goods or services.
- (3) No person may distribute any circular, notice, leaflet, pamphlet, handbill, or written or printed information of any kind, except to a person willing to accept it and it is distributed without charge.

1.070 VANDALISM AND LITTER.

- (1) Wood, flowers, seeds, or other vegetation, may not be picked, cut, mutilated, or removed from any park or open space area without written permission from the City.
- (2) No person may mutilate, deface, damage, or remove a table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility, or other City property of any kind in a park or open space area.

Except for City staff and other authorized personnel, no person may use paint to mark pavement areas, such as roads, bicycle paths, sidewalks, and parking lots, or other traffic lanes such as bridge decks. No person may lie, sleep, urinate in, defecate in, or otherwise damage or deface any landscaped planting area in a City park or open space area. As used in this subsection, “landscaped planting area” means an area within a City park or open space area set aside for the planting of trees, shrubs, ground cover, flowers, or any combinations of the same.

- (3) No person may dig up, deface, or remove earth, stones, rock, or other substance, make an excavation, lay or set off any blast, roll any stones or other objects, or assist in doing so in a park or open space area except under authority of the City.
- (4) No refuse may be left in a park or open space area unless placed in the receptacles designated for that purpose.
- (5) No person may wash any clothing or other material in a park or open space area.
- (6) No person may clean fish in a lake or stream in a park or open space area, except at officially designated and signed fish-cleaning stations.
- (7) Dumping of yard debris and home garbage in park and open space areas is prohibited.

1.071 GLASS BEVERAGE CONTAINERS.

Except as authorized in writing by the Executive Director or as authorized by a valid park use permit, no person may possess a beverage container made of glass in any City park, open space area, or County park within the City limits, or bring, carry or transport any beverage container made of glass into any City park, open space area, or County park within the City limits.

1.072 WAIVER.

The Executive Director may, by administrative order, temporarily waive any of the requirements of these Rules upon finding that such waiver is in the public interest and will not seriously prejudice or infringe upon the use and enjoyment of a park, open space area, or park facility by others. The order shall specifically state the rule provision being waived, the time period to which the waiver is applicable, and the reason(s) for the waiver, which must support the required finding. Any waiver granted under this authorization shall be limited to the specific time and/or place set forth in each order, and shall not be construed to be a continuing waiver of that or any other provision of these Rules, or an agreement to waive such rule at any future time for that or any other person or entity.

1.074 PARKS AND OPEN SPACE DIVISION HEARING AND APPEAL PROCEDURE.

- (1) Any person who has received a Notice of Restriction of Use issued pursuant to Rule 1.005(2) that restricts their future use of park or open space areas may request an informal hearing to contest the Notice of Restriction of Use. Upon filing a request for an informal hearing, the Notice of Restriction of Use is stayed until:

 - (a) The person fails to appear at the informal hearing as described in subsection (3);
 - (b) Fourteen days from the date of the written decision of the Division Director has elapsed and no appeal to Municipal Court is filed; or
 - (c) A timely filed appeal of the Division Director's decision is resolved by Municipal Court.
- (2) The request for an informal hearing must be made within 48 hours (exclusive of weekends) of receipt of the Notice and must be made either: (1) in writing at the location indicated on the Notice or the email address on the Notice; or, (2) by calling the phone number provided on the Notice and either speaking to City staff or leaving a message with the case number and contact information.
- (3) The Division Director shall schedule a time and place for the informal hearing to be conducted, which shall be not more than seven days from the receipt of the request for hearing. If the person that requested the informal hearing fails to appear at the scheduled informal hearing, the Notice of Restriction of Use is final and in effect and cannot be appealed to Municipal Court pursuant to subsection (6).
- (4) At the informal hearing the Division Director shall consider testimony from the police officer and any other City personnel involved in the incident that resulted in the Notice, testimony from the person requesting the hearing, and testimony from any other witnesses to the incident. The Division Director may exclude anyone from the informal hearing, other than the person that requested the hearing, that is not presenting testimony to the Division Director.
- (5) Within five days of the informal hearing the Division Director will issue a written decision affirming, modifying, or canceling the Notice of Restriction of Use. The decision shall be delivered or mailed to the person that requested the hearing on the date issued.
- (6) The written decision of the Division Director shall be final unless the person that is subject to the decision appeals the decision to Municipal Court within fourteen days from the date of the written decision. The Municipal Judge may affirm, modify, or reverse the Division Director's written decision.

1.075 RECREATION DIVISION HEARING AND APPEAL PROCEDURE.

- (1) Any person who has received a Notice of Restriction of Use issued pursuant to Rule 1.005(2) that restricts, within a park or open space area, their future use of recreation facilities or participation in recreation activities may request an informal hearing to contest the Notice of Restriction of Use.
- (2) The request for an informal hearing must be in writing and filed with the Executive Director of the Library, Recreation & Cultural Services Department ("LRCS Executive Director") or designee at the location indicated on the notice within 48 hours (exclusive of weekends) of receipt of the notice.
- (3) LRCS Executive Director or designee shall schedule a time and place for the informal hearing to be conducted, which shall be not more than 72 hours (exclusive of weekends) after receipt of the request for hearing.
- (4) At the informal hearing the LRCS Executive Director or designee shall consider testimony from the police officer and any other City personnel involved in the incident that resulted in the Notice of Restriction of Use, testimony from the person requesting the hearing, and testimony from any other witnesses to the incident. The LRCS Executive Director or designee may exclude anyone from the informal hearing, other than the person that requested the hearing, that is not presenting testimony to the LRCS Executive Director or designee.
- (5) Within 72 hours of the informal hearing the LRCS Executive Director or designee will issue a written decision affirming, modifying, or canceling the Notice of Restriction of Use. The decision shall be delivered or mailed to the person that requested the hearing on the date issued. The written decision of the LRCS Executive Director or designee shall be final on the 16th day after it is issued unless prior to that time a notice of appeal is filed with the LRCS Executive Director or designee in accordance with Section 2.021 of the Eugene Code, 1971. The appeal shall be heard by a hearings official appointed by the City Manager and the hearings official's decision shall be the final decision.

1.076 PENALTIES.

Violation of these Park and Open Space Rules adopted under Section 2.019 of the Eugene Code, 1971, is punishable by a fine not to exceed \$500 or confinement in jail not to exceed 30 days, or both such fine and imprisonment. (Subsection 2.1990(2), Eugene Code, 1971.)

Dated and effective this 20th day of October, 2025.


CTC


Lacey Risdal (Oct 20, 2025 15:16:28 PDT)

Lacey Risdal
AIC Public Works Department Executive Director

Findings in Consideration of Written Submissions

Prepared by Parks and Open Space Division

During the 15-day comment period, the City received 56 written comments regarding the Park Rule changes proposed by Administrative Order 58-25-01. A summary of the comments received, along with findings addressing them, are set out below:

- Support: 26 comments expressed support for the proposed rule changes.
- Opposition: 20 comments that expressed opposition for specific sections or the entirety of the amendment.
- Neutral/Feedback: 8 comments provided feedback for consideration or questions asked.
- Request for Extensions: 2 comments requested an extension of the public comment period and the City to increase public awareness of proposed changes in the future.

In addition to the 56 comments, six comments were received that did not relate to the Park Rule changes proposed by Administrative Order 58-25-01, specify that they were submitted as part of the public comment process, refer to park rules, or propose administrative rule changes. These comments addressed topics including drone usage, license plate readers, trespassing on private property, public health and housing, public restrooms, and the use of public spaces beyond parks. To the extent these comments were intended to be considered as part of this rule amendment process, they address topics that fall outside the scope of the proposed amendments.

Statement of Purpose and Clarification Regarding Proposed Park Rule Revisions

In addition to comments on specific rule sections, the City received broader feedback concerning the overall package of proposed changes. Some of this feedback appears to have been influenced by media coverage that did not accurately convey the intent or substance of the proposed amendments, leading to confusion that was evident from some of the comments received. To promote clarity and transparency, the City offers the following clarifications in response to common themes expressed in public testimony.

As was explained in the materials provided for public review and comment, the City proposed specific changes to its long-standing Parks and Open Space Rules, with

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proposed additions to the existing Park and Open Space Rules shown in bold italic and proposed deletions shown with a ~~strike through~~. It appears that two media pieces published on July 21 and July 22, and most of the public comments received after their publication, were based on an incorrect reading of the City's proposed amendments; rather than amendments to the existing Park and Open Space Rules, the article and comments appear to be based on a misunderstanding that the City was proposing to adopt, for the first time, the entire set of Park and Open Space Rules. Therefore, many comments address parts of the Rules that were not part of the amendment package.

The Notice of Opportunity to Comment was published in The Register-Guard on July 7, 8, 9, 10, and 11, posted on two public bulletin boards at City Hall, and the proposed rule changes were available on the City's website for the entire comment period. The document was also available for review at 1820 Roosevelt Blvd during this time. This notification process complies with Eugene Code 2.019, which requires a 15-day public comment period for proposed rule amendments. You can view the code here: <https://eugene.municipal.codes/EC/2.019>

The changes were proposed as a result of a comprehensive review of the existing Rules to ensure our parks remain safe, accessible, and equitably managed public spaces. These administrative rule changes were introduced and presented to the City Manager by the City's Parks and Open Space Division, not the Eugene Police Department as some commenters assumed.

Our parks are day-use spaces for recreation, community enjoyment, and environmental preservation. The revisions were proposed to reinforce that purpose—helping ensure that public parks continue to serve their intended function and remain welcoming, safe, and well-maintained for all users.

The rules also serve as the governing framework for the use, protection, and management of park properties. They establish the legal basis for park operations, guide staff in their work with the public, protect public assets, and support administrative processes such as the means for addressing adjacent property owners' encroachments onto park land.

It has been several years since the last significant update to these rules. As part of a more responsive and transparent process, the City intends to conduct more regular reviews of the rules going forward.

The City remains committed to the goal of safe, inclusive, and functional public parks for all members of the community. The responses that follow address specific public comments and clarify the intent and scope of each proposed rule revision.

Comments and Response to Administrative Package

- One commenter's focus was solely on a request that the City adopt a new section to the park rules that prohibited food consumption to designated areas due to the rat problem in their neighborhood.

Response: Such an addition is beyond the scope of these amendments. The City does not intend to regulate where in the parks system people choose to eat. There are no proposed rules that restrict or limit public eating locations within park spaces.

- 2 comments requested an extension of the public comment period and the City to increase public awareness of proposed changes in the future.

Response: The Notice of Opportunity to Comment was published in The Register-Guard on July 7, 8, 9, 10, and 11, posted on two public bulletin boards at City Hall, and the proposed rule changes were available on the City's website for the full duration of the comment period. This notification process, consistent with the requirements outlined in Eugene Code 2.019, provided a 15-day public comment period for proposed rule amendments. Fifteen days is a sufficient period for review of the changes proposed.

- There were comments expressing question around the City's alleged expansion of the Rules' applicability to include "open spaces," (with an allegation that such an expansion is related to regulation of the unhoused).

Response: By their terms, the City's existing Park and Open Space Rules have applied to both parks and open spaces (as defined by the Rules) for many years. These amendments did not include any change to the areas subject to the Rules as the commenters claim.

- There were comments that alleged that most every change proposed was to stop camping.

Response: None of the administrative rule changes were intended to address camping.

- There were comments that people should be free to use our public park and open spaces in whatever way they choose as long as they are not doing harm.

Response: The City agrees that public spaces should be open for everyone to enjoy, provided no harm is being done. The proposed rules respond to real and ongoing harm that have affected park users, public safety, and the condition of park resources. These rules are intended to ensure that our parks remain safe, clean, and accessible to all members of the community.

Comments and Responses to Section by Section

1.010 Prohibited Activities

Comments to 1.010(6)

- Most of the public comments in opposition expressed concerns that the City's intention was to prohibit wheelchairs or scooters for mobility purposes from these trails.
- There was a question: What is micromobility and why is it an issue?
- There was a comment suggesting the City explicitly state wheelchairs, including motorized wheelchairs, are not prohibited.

Response: In response to these comments, the proposed amendment has been modified to make it clearer that wheelchairs, motorized wheelchairs, and mobility scooters are permitted on pedestrian-only trails. The amendment was not intended to, and did not, prohibit those uses. Section 1.010(6) will prohibit the use of recreational micromobility devices on bark or wood chip trails or any other trails designated for pedestrian use only, and it will state: "recreational micromobility device" includes but is not limited to: bicycles, electric bicycles, scooters, e-scooters, skateboards, and e-skateboards. Human powered baby strollers, joggers, wheelchairs, motorized wheelchairs, and mobility scooters are not "recreational micromobility devices" for the purpose of these Rules and are therefore not prohibited on bark or wood chip trails or other trails designated for pedestrian use only."

Response to Question: What is micromobility? The City included a definition in the proposed rule that was out for public comment. Prior to the proposed amendment the rule stated only that bikes were prohibited on certain types of pedestrian trails (where they are incompatible with pedestrian use or are damaging to the trails' surface). The City recognizes there are more recreational devices being used on

these trails in City parks and open spaces that create similar issues to bicycles, and so this section of the Rule was proposed to be expanded to also prohibit those other micromobility devices. The definition of “micromobility device” in the proposed amendments did not include wheelchairs or mobility scooters because the City’s intention was to allow, not to prohibit, them on trails designated for pedestrian use only. As a result of the comments concerning the use of wheelchairs on pedestrian paths, it appears that there is a need to be more explicit so this amendment will be revised as described above.

Response to Question: What is the Issue? The City has numerous trail systems throughout parks and open spaces, each intended to serve specific recreational activities. The rule addressing trail use is not new; it was necessary to update because the previous version referenced specific trail names that are no longer accurate and that list was incomplete. What the trails share in common is they are designed and constructed with materials that support recreational activity for trail running, and the use of recreational devices like bicycles can damage these trails and pose safety risk for runners.

Comments to 1.010(12)

- There was a comment wanting to see “bathing” remain in that rule.

Response: The City will adopt the rule as proposed.

The City removed “bathing” from this subsection (12) in light of the addition of subsection (27) that specifically addressed bathing in water features in all City parks and open spaces.

Comments to 1.010(14)

- There was a question asking if commercial photography included photography for a wedding, with the follow up that they were not convinced that should require a permit.
- There was a question about how Eugene will navigate pre-existing agreements with schools to share space. They had questions about whether schools need to apply for permits to use the playgrounds, fields that are open to public outside of school hours. Will the afternoon program at these schools with shared spaces also have to apply and pay for permits to use playground and fields on property after hours?

Response: The City will adopt the rule as proposed.

The proposed amendments do not include a change to the existing Rules' prohibition on commercial photography in parks and open spaces. Under the existing rules, commercial photography is prohibited without a permit from the City.

Public school use of a city park or open space is governed by the same Rules as any other use; however, public schools are not charged for events that are part of classroom instruction. The City has been working closely with both public and private schools, and other programs we are aware of to align their activities with park rules. The revisions to Rule 1.010(14) are intended to clarify that all commercial uses, whether by schools, businesses, organizations, or individuals, need a license or permit from the City.

The City has seen a wide range of after-school and youth programs, from casual park visits to businesses operating camps or childcare programs fully operated within parks. These uses differ significantly in scale and intensity, and they often overlap with times when the general public is also using the space.

City oversight is necessary not only to ensure fairness and safety, but also to manage operational maintenance demands. Oversight helps the City balance permitted use with the need to keep spaces clean, safe, and available for all park visitors, including those who rely on drop-in access.

Comments to 1.010(23)

- There were a few comments that expressed concern that the only reason this rule would be added is to target the unhoused.
- There were a few comments in opposition who believed the rule was prohibiting entrance into landscaped bed or resting near them.
- There were a few comments in opposition from the perspective that the City was banning the entry of landscaped areas and expressed their concern about its impact on navigating the system.
- There were multiple comments stating their support for the adoption of this rule.
- There was a comment from a neighborhood association who has a park adoption and one of their projects is to plant in the landscape beds. They commented in support of this new rule and stated from their personal experience it's been a major problem and caused a lot of damage to not have any rules around it.

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- There was a comment recommending the addition of vehicles and bicycles being included as prohibited in landscaped beds.
- Someone asked if laying under a tree counts as a violation.
- Someone asked if this refers to just “intentional” planting areas or also natural areas, such as along the Willamette River. The follow up comment to this question expressed concern this rule amendment is more likely to impact the unhoused.
- There was a comment stating this rule seemed broad.

Response: This rule is intended to protect areas where the City has made an investment in planting and maintaining vegetation for the enjoyment of the public and/or the health of the park or open space environment. It sets clear expectations for park users, but also event organizers who, as a part of their park use permit, have to adhere to all park rules. It does not apply to natural areas that the City has not landscaped, like most riverbank areas. City parks include extensive non-landscaped areas providing ample opportunities for walking and gathering without affecting maintained landscaping.

As a result of these comments, the City has revised the proposed amendment to be more clear; Section 1.010(23) will read:

“Engaging in any activity that harms or is likely to harm plant life in a landscaped planting area. This includes but is not limited to walking, sitting, lying, biking, or driving in a landscaped planting area. For purposes of this subsection, "landscaped planting area" is defined as an area where trees, shrubs, flowers, or other vegetation has clearly been planted and maintained or that is posted as such an area. It does not include grassy areas unless otherwise posted.”

Simply laying in the grass under a tree would not violate this rule unless the tree has clearly been planted and maintained or is in an area posted as a landscaped planting area and laying under it somehow harms or is likely to harm a landscaped area.

Comments to 1.010(25)

- There was a comment that this rule is vague enough to apply to almost any movement through tall grass or brush.
- There was a comment that expressed they believed this was connected to the unhoused.
- There was a comment expressing concern about banning, creating or maintaining an unsanctioned trail without defining what was is.

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- There was a comment that expressed opposition because many people use unsanctioned trails at Alton Baker to access the Willamette River.

Response: This rule is intended to address the habitat destruction, the creation of rogue trails, and the cutting down of vegetation on parkland without authorization. The City is seeing instances of the public creating unsanctioned trails for their individual recreational purposes.

As a result of these comments, the City has expanded on the rule to include what the creation or maintaining of a trail includes and references where the public can find what is a sanctioned trail. Section 1.010(25) will be updated to read:

“Creating an unsanctioned trail (a trail that is not identified as a public trail on a map produced by the City) through excavation of soils, vegetation clearing, or addition of any imported surfacing, or maintaining an unsanctioned trail using any tools or equipment to modify soils or vegetation.”

Comments to 1.010(27)

- Some comments expressed their support for the addition of prohibited bathing in the identified area for recreational and environmental purposes and see the addition of the rule as straightforward.
- Some comments expressed that the addition of this Rule targets the unhoused and that from their perspective there are limited resources for people to bathe, so they should be able to use the recreational water features.
- There was one comment that is supportive of people bathing in these spaces because of a lack of alternatives, but they referred to it as "rinsing" in their comment.
- There was a question asking what constitutes public bathing?
- There was a question asking why it should be prohibited and that the City should explain the problem more, otherwise it just seems like unnecessary rules targeted at the unhoused.

Response: This rule is established to support the safe, clean, and recreational use of park water features—such as spray play areas, water fountains, and ponds. These areas are designed for public enjoyment and relief from heat, and while the City encourages everyone, including unhoused individuals, to use them to cool off, they are not intended or maintained for bathing or personal hygiene.

Bathing or washing in sensitive environmental areas—such as the Delta and Golden Gardens—is also prohibited to protect the natural habitats these areas support. In

response to comments, the rule amendment is being clarified to define what constitutes bathing or washing.

In recent years, the City has observed individuals using drinking fountains to shave and bathe in spray play areas and ponds. These features are not equipped or maintained for hygiene-related activities, and such use is inconsistent with their intended purpose as public recreational spaces.

This rule is not intended to target any specific group. The City recognizes there are challenges faced by people experiencing homelessness and remains committed to working with community partners to support those in need. The goal of this rule is to ensure that parks remain safe, welcoming, and accessible for everyone.

As a result of these comments, the City has updated 1.010(27) so that it reads:

“Bathing or washing in a water feature, including but not limited to a water fountain, water play facility, pool, pond, stream, or canal. For the purposes of these Rules, “bathing” and “washing” include but are not limited to personal hygiene activities such as washing the body, hair, or clothing, or shaving. Washing hands in a designated restroom sink is not considered “bathing or washing in a water feature.”

1.025 Fire and Fireworks

- There were a few comments in support of a prohibition of fireworks in parks.
- There was a comment that stated that open fire and stoves should be illegal and spoke to personal experience with arson along the Fern Ridge path.
- There was a comment about an existing rule that questioned why the City would not allow a grill to be used within a shelter.

Response: The City will adopt the rules as proposed.

The rule that grills must be set at least 25 feet away from picnic shelters or other park structures is in the existing rule and was not proposed to be changed by these rule amendments. This requirement is intended to ensure that the fire from a grill does not catch a park structure on fire.

1.040 Encroachments

- There was a comment recommending replacing “Will” with “May” in Section (4) and that the City should not have discretion on when to apply enforcement. The commenter believes this rule was enforced by code compliance.
- There was a comment from someone who understood this section is related to the adjacent property to parks land and recommended removing “structures” from the list in Section (1) to reduce confusion related to camping.
- The majority of comments related to the opposition Encroachment section and some comments that were in support of the change were under the impression that section is based on enforcing camping.

Response: As a result of these comments, the City will update 1.040(1)(a) to read: “For purposes of these Rules, “encroachment” means an adjacent property’s 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/garage 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.”

Encroachment rules are not used to regulate camping. This section of the code specifically addresses issues involving properties that are adjacent to parkland.

Over the past several decades, the City has observed adjacent property use expanding onto parkland. This includes the removal of native vegetation, unauthorized landscaping, and the installation of various structures—effectively extending their property onto parks land.

The encroachment rules have remained largely unchanged for over 15 years. During that time, the City has identified additional unauthorized uses, such as irrigation systems and private wells along areas like Lower Amazon Creek. The proposed updates will help regulate these activities and explicitly prohibit the redirection of water or storm drainage from adjacent properties onto parkland.

The City will retain the term “structures” in the rule, as encroachments can take many forms. Listing each possible type would be impractical; however, the term “structure” serves as a common-sense way to describe the range of physical additions that may appear on parkland without authorization.

Subsection (4), pertaining to enforcement, uses “may” instead of “shall” in recognition that City staffing and budget makes it impossible for the City to identify and enforce every single instance of encroachment.

1.050 Animals

- There were some comments in opposition to this section with the perception that it is related to the unhoused.
- There were many comments that expressed support for dogs remaining leashed and in the hands of a person.
- There was a comment that expressed concern around how someone is supposed to sleep in a park if they have to have their dog’s leash in hand at all times.
- There was one comment in support of dogs not being tied to object even if that means there is more of an impact on the unhoused owners.
- There was a commenter who stated while they do not know what entails a dog being classified as potentially dangerous, they believe they should be allowed in parks to exercise.
- Some comments expressed concerns about ADA accessibility in parks if dogs must be leashed at all times; for example, someone in a wheelchair using a clip for the leash or voice control.
- There was a comment that expressed concerns with this stated that the City does not have existing animal code or enforcement.
- There was a comment that expressed concerns about accommodations for ADA and emergencies if dogs had to be leashed and held in someone's hands.
- There was a comment directed at a section of the Rules that was not proposed for amendment that said that dogs are allowed on restaurant patios and in some stores and suggested that they be allowed in picnic shelters.
- There was a comment that people tie their dog up to a bike rack to walk into a store and asked why friendly dogs couldn't be allowed to be tied up in a park.
- There was a comment that rule 1.050(8) should be removed with the follow up question why all the new rules.

Response: Parks are designated as day-use recreation areas, and it is important that the rules governing their use reflect safety standards and are in alignment with other City code.

- In addition to not wanting the public to tie dogs to structures or objects in a manner that could damage them, Parks and Open Spaces also recognize there is existing City code that finds a dog to be at large if they are tied to an object or structure of the property of the dog owner.

The following excerpt from City Code Section 4.430:

At large. A dog or other animal inside the corporate limits of the city, off the premises of the owner, and not under complete control by adequate leash. A dog in field training or a dog in an area designated as a dog-off-leash area within a city park, is exempted unless the dog causes personal injury or property damage off the premises of the owner. This exception does not apply to any dog identified as a potentially dangerous dog under section 4.435 to 4.445.

Leash. Any humane device constructed of rope, leather strap, chain or other sturdy material not exceeding eight feet in length, being held in the hand of a person capable of controlling the animal to which it is attached.

- The City of Eugene has an Animal Welfare Team through the Eugene Police Department that enforce animal welfare code, as well as sworn police officers. These rules allow us to shape our signage.
- Dogs that have been classified as Potentially Dangerous under Eugene Code Chapter 4.445 are subject to restrictions enforced by the Eugene Police Department. City parks are day-use areas intended for public recreation. The presence of a dog classified as Potentially Dangerous poses an increased risk to both the public and City staff who use and maintain these spaces.

As a result, the City's position is that dogs with a Potentially Dangerous classification should be prohibited from entering or recreating in City parks during the period of their classification.

This position is based on prior incidents in which dogs were classified as Potentially Dangerous due to violations of the code that occurred in parks or were brought into parks while already classified and not kept under proper

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control—resulting in safety risks to the public. Allowing such dogs to remain in park spaces, even while leashed, is inconsistent with the City’s responsibility to maintain a safe environment for recreation.

As part of the implementation of this rule, updates to the applicable rule will be communicated to the Animal Welfare Department. This will ensure that dog owners are notified at the time of classification that entry into City parks is prohibited for the duration of the classification period.

In response to the comment about the ADA, 1.050(3) will be revised to provide as follows: “Dogs shall be on a 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:

- (a) The dog is in an off-leash area;
- (b) The dog is a service dog engaged in trained work for a person with a disability that cannot be performed while leashed; or
- (c) The dog is a service dog engaged in trained work for a person whose disability makes them physically unable to hold and manage a leash.

For purposes of 1.050, a “service dog” is a dog trained to perform specific tasks related to a disability; consistent with the Americans with Disabilities Act, it does not include an emotional support or therapy dog.”