



ORDINANCE NO. 6039

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) TITLE 7 TO CLARIFY THE ISSUANCE OF PARKS AND RECREATION PERMITS

WHEREAS, the parks and recreation department is reviewing Albany Municipal Code to make needed adjustments and updates; and

WHEREAS, the following sections require modifications to ensure transparency and improved process implementation;

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

AMC Title 7 is amended as follows:

7.28.010 Definitions.

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

(1) "Boat" is any watercraft in or upon or docked or moored at any place in any waterway within the boundaries of the City.

~~(2)~~ (1) "City" means the City of Albany.

~~(3)~~ (2) "Director" means the person appointed by the city manager as the director of parks and recreation for the City of Albany or designee.

~~(4)~~ (3) "Park" means a park, playground, beach, recreation center, trail, and multiuse path or any other area in the City, owned or used by the City, and devoted to active or passive "recreation."

~~(5)~~ (4) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

~~(6)~~ (5) "Skatepark" means the Albany Skatepark, a facility for the use of skateboards, roller skates, bicycles and inline roller skates located at 1375 Sixth Avenue SE, Albany, Oregon.

~~(7)~~ (6) "Vehicle" means any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled. The term includes any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the City parks. (Ord. 5775 § 1, 2012; Ord. 5724 § 1, 2009; Ord. 5464 § 1, 2000; Ord. 4585 § 1, 1983; Ord. 3169 § 1, 1964).

(8) "Waterway" means any water, waterway, lake, river, tributary, canal, lagoon, or connecting waters within the boundaries of the City.

7.28.065 Public docks – Prohibitions.

~~(1)~~ Definitions:

~~(a)~~ "Boat" is any watercraft in or upon or docked or moored at any place in any waterway within the boundaries of the City.

~~(b)~~ "City" is the City of Albany.

~~(c)~~ "Waterway" is any water, waterway, lake, river, tributary, canal, lagoon, or connecting waters within the boundaries of the City.

~~(1)~~ (2) Swimming. No person shall use a public dock for the purpose of ingress or egress while swimming in the Willamette River or any tributary of the Willamette River.

~~(2)~~ (3) Moorage. No boat shall be moored at a public dock or adjacent to a City park or parkway for a continuous moorage in excess of 24 hours.

~~(3)~~ (4) Violation – Penalty. Any violation of provision of this chapter shall be subject to the general penalty provisions as provided in Chapter 1.04 AMC and more particularly AMC 1.04.010. (Ord. 4585 § 1, 1983; Ord. 4540 §§ 1 – 4, 1982).

7.28.104 Intoxicating beverages – Special privilege permit – Issuance authority.

Notwithstanding prohibition against the use or possession of alcoholic beverages in City parks set forth in other ordinances of the City, the city manager **and the parks and recreation director** shall have the right to issue **authorization** ~~a special permit~~ for the use and possession of alcoholic beverages in the parks. (Ord. 3860 § 2, 1975).

7.28.108 Intoxicating beverages – Special privilege permit – Conditions.

The granting of authorization a permit referred to in AMC 7.28.104 shall be discretionary with the city manager and parks and recreation director and, if issued, such conditions may be attached thereto as will be in the best interests of peace, health and safety to all citizens. (Ord. 3860 § 4, 1975).

7.28.250 Reservation of park facilities – Obtaining a permit.

A person shall obtain a rental permit from the parks and recreation department Director before participating in a park activity requiring reservation of facilities. A person seeking issuance of a permit shall file an application with the department which will include:

- (1) The name and address of the applicant;
- (2) The name and address of the person(s), corporation or association sponsoring the activity, if any;
- (3) The day and hours for which the permit is desired;
- (4) The park or portion thereof for which such permit is desired;
- (5) An estimate of the anticipated attendance; and
- (6) Any other information which the director shall find reasonable to a fair determination as to whether a permit should be issued. (Ord. 4585 § 1, 1983; Ord. 3169 § 8(4)(a), 1964).

(7) Payment for permit due at the time of application.

7.28.260 Standards for issuance.

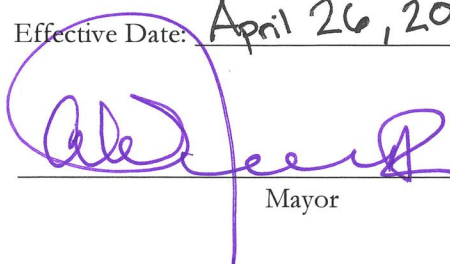
The director shall issue a permit when it is found:

- (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general enjoyment of the park, the promotion of public health, welfare, safety and recreation;
- (2) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- (3) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City;
- (4) That the facilities desired have not been previously reserved by another group at the day and hour requested in the application;
- (5) That the proposed activity or use does not include elements that are unlawful in federal court;**
- (6) (5) That all permit deposits and fees have been paid prior to the date of the requested park and park facility usage. (Ord. 4585 § 1, 1983; Ord. 3169 § 8(4)(b), 1964)

Passed by the Council: March 27, 2024


Approved by the Mayor: March 27, 2024

Effective Date: April 26, 2024



 Mayor

ATTEST:



 City Clerk

