

TO: Salem Parks and Recreation Advisory Board

FROM: Parks Usage and Permitting Subcommittee
Salem Parks and Recreation Advisory Board

DATE: September 9, 2021

SUBJECT: **Report from the Park Usage and Permitting Subcommittee's Review of Park Policies and Practices**

Background

On May 10, 2021, the Salem City Council approved a motion directing the Salem Parks and Recreation Advisory Board (SPRAB) to “develop recommendations for usage and permitting of events at City parks.” At its regular May 13 meeting, SPRAB appointed four members to serve on a Park Usage and Permitting Subcommittee. This group was tasked with developing the recommendations per the Council motion. This memorandum summarizes the work of the subcommittee and is submitted for consideration by the full membership of SPRAB.

Methodology

For over two months following the May 13 SPRAB meeting, members of the Park Usage and Permitting Subcommittee worked independently, reviewing the City of Salem’s permits, webpages, policies, and ordinances related to park usage, policies, and permitting. The subcommittee members also reviewed various policies and practices of other jurisdictions, including City of Bend, City of Corvallis, City of Eugene, City of Grove City (Ohio), City of Hillsboro, City of Keizer, City of Portland, and Marion County. Attachment 1 contains a full list of the references provided by Public Works staff to the members of the subcommittee for their review. To consider issues related to equity, diversity, and inclusion, the subcommittee met with the LGBTQIA+ Intersectional Task Force of the Salem Human Rights Commission (HRC) in June and met with the entire HRC in July. These two meetings were open to the public.

The subcommittee held two public meetings. The first meeting was on August 9 during which members met for the first time to review and discuss their research and preliminary findings. The second meeting of the subcommittee was on August 24 and resulted in approval of this memorandum. The City of Salem Public Works staff supported the subcommittee throughout the process, providing documents, links, and references for review and comment, compiling the results, and preparing an early draft of this memorandum.

Summary of Results

The Park Usage and Permitting Subcommittee developed a broad set of recommendations for the City to consider. Members suggested, for example, that permit applicants should be required to acknowledge having read and understood the City’s expectations for proper conduct in parks. Additionally, permit applications should clearly require event organizers to meet the accessibility requirements of the Americans with Disabilities Act (ADA) at public events. Members suggested that permittees who fail to

follow park rules, do not obtain required permits, or who fail to repay the City for damages caused by their event should be prohibited from obtaining future permits. Additionally, a reporting hotline is recommended for park users who feel they have been harassed or subjected to discrimination. Subcommittee members also provided recommendations specific to permitting, public notification, and enforcement of park-related provisions in City codes, rules, and policies. The recommendations contained in this section are a selection of the broader set of comments from the subcommittee. The recommendations below have been modified for formatting and clarity purposes but are otherwise based on the original feedback from the members. The recommendations are not listed in order of importance or priority of implementation. Attachment 2 is an unabridged compilation of all the comments and recommendations received by Public Works staff from the subcommittee members. Beginning with the August 9 public meeting and continuing to the date of this memorandum, comments and recommendations made by subcommittee members have been incorporated into the Key Recommendations section below.

Key Recommendations

1. Statement of Expectations on permits. The City should develop a statement of principles or expectations regarding appropriate behavior in City parks. The statement should be posted at prominent locations in the parks. The statement should be designed to be applicable to all park users. The statement should unequivocally declare that park users should not be subjected to harassment, intimidation, or verbal abuse by other park users. The statement should be incorporated into permit applications with a signature of the event organizer acknowledging having read and understood it.
2. Reporting acts of discrimination. It is not clear what options park users have in instances in which they feel threatened or discriminated against. The City should at least be able to track such occurrences and should set up a hotline with language similar to the below that is posted at key locations in City parks.

Discrimination: *The City of Salem values all persons without regard to race, color, religion, national origin, sex, age, marital status, domestic partnership, disability, familial status, sexual orientation, gender identity, or source of income. If you believe that you have been discriminated against by another park user or by a City program, activity, or facility, or if you desire further information, please contact the Public Works Department at 503-588-XXXX.*

If you believe there is a serious or health-threatening emergency situation in progress

DIAL 911.

3. Accessibility at events. Event organizers should be required to ensure their public events are accessible per the Americans with Disabilities Act (ADA). In addition to the physical aspects of a venue, event organizers may also be required to provide signage and other indicators of reserved seating, reserved parking, and accessible routes to and from an event. A statement to this effect should be incorporated into all facility reservation agreements.

4. Summary of rules and potential consequences on permits. The City should clearly state on permit applications that park rules and regulations must be followed and required permits must be obtained. Language should be included indicating that if the rules are violated or permits not obtained, the event organizer or the organization itself may not be allowed to reserve a facility in the future. Event organizers must be required to sign the permit application acknowledging they have read and understood.
5. Enforcing violations of park rules. Violators of park rules—dogs not on leash, smoking, using facilities without permits, driving on turf, etc.—should have an expectation of enforcement actions being taken against them. Enforcement is a matter of policy and resources and should be evaluated by City staff. The addition of more Park Rangers or Compliance Officers should be assessed.
6. Tiered fines for repeat violations. It might be possible that the fine for using a park facility without a reservation is lower than the fee charged for using that facility. Therefore, there should be a tiered system of fines so repeat violators of park rules pay higher penalties.
7. Notification of event impacting other park users. The City should consider posting information regarding upcoming events that will be using walkways, bridges, or amplified sound notifying other park users that an event will be conducted that may have an impact on their use of the park.
8. Posting approved permits. The City should consider posting approved permits at the reservable locations where an activity will be taking place so that others are aware of the approved times and to reduce the risks of an opportunity user inadvertently taking a space in advance of the arrival of the party that has reserved the facility.
9. Exclude individuals or organizations from permits based on unpaid damage. The Director should have the authority to exclude an individual or a group from reserving a park facility if the individual or group has caused damage to park property and not reimbursed the City for the cost. Similarly, permits should not be issued to individuals or organizations that have not paid permit fees from previous events.
10. Limit multiple reservations. The City should establish a policy that limits the ability for one group to make multiple reservations at the same location on the same day(s) over an extended period of time. The concern is the potential for a single entity to block the same reservable area on the most popular days of a season over many weeks or months. Policies should be developed specifically for Riverfront Park, with special attention to grass fields and other multi-use areas.
11. Sound Permit – Maximum allowed dB. Enforcement of sound permit violations should be clarified in SRC 51 and on the permit application itself regarding permissible hours, maximum allowable dB levels, and how levels are determined.
12. Sound Permit – Notification requirements. Applicants for sound permits are required to notify residents and business owners within a certain distance of sound source. From a

practical aspect, this is a challenge for most applicants. Consider, for example, all the apartments and condominiums located near Riverfront Park. The City should review the notice requirements for residents and business owners and determine if there is a way the City can facilitate the notification requirement and charge an appropriate fee for cost-recovery.

13. Prohibit bad behavior. Section 1.010 (Prohibited Activities) of the City of *Eugene's Parks and Open Space Rules* includes a provision prohibiting "participating in a disturbance or riotous behavior that interferes with the reasonable use by the general public of the park, open space, or facility." The City should consider incorporating similar language in its codes, rules, permits, or policies.
14. Develop protocols for state-issued restrictions on outdoor gatherings. In the summer of 2020, the Oregon Health Authority (OHA) issued restrictions on gatherings in public spaces that made it the responsibility of the City to ensure certain COVID-19 safety procedures were followed in our parks. The City did not have the resources necessary to meet the state-mandated requirements and, in response, stopped issuing new permits and canceled all active permits. While reducing the City's risks and liabilities, this action also resulted in unregulated use of the City's park facilities. The City should review lessons learned from this period and develop procedures to follow in the event of future health emergencies. Among the options to consider: (1) Implementing enforcement against those who use amplified sound or who set up tents/canopies without a permit; (2) Identifying means by which event organizers assume responsibility for following OHA guidelines while indemnifying the City; or (3) Establishing contractual arrangements with third parties who can monitor events and ensure compliance on behalf of the City, with the event organizer bearing responsibility for the costs.

Next Steps

The work of the Park Usage and Permitting Subcommittee has been completed with the submittal of this memorandum to the Salem Parks and Recreation Advisory Board. After review and discussion by all board members, and subject to legal review by the City's Attorney's Office, we recommend SPRAB send an approved set of recommendations to City Council for its consideration, thereby fulfilling its charge under the adopted Council motion of May 10, 2021.

Respectfully Submitted by the Park Usage and Permitting Subcommittee,

Dylan McDowell, Chair
Alan Alexander
Woodrow "Woody" Dukes
Keith Norris

Attachments:

1. List of references made available for review by the Park Usage and Permitting Subcommittee
2. Compilation of comments and recommendations of the Park Usage and Permitting Subcommittee
3. Public Comment

cc: Robert D. Chandler, PhD, PE, Assistant Public Works Director
Mark Becketl, AICP, Operations Division Manager
Jennifer Kellar, Parks and Recreation Services Manager
Becky George, Recreation Supervisor
Marc Weinstein, Assistant City Attorney

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List of References Made Available for Review by the Park Usage and Permitting Subcommittee

Introduction. The following resources were made available by City Staff to the members of the Park Usage and Permitting Subcommittee of the Salem Parks and Recreation Advisory Board.

Policies and Practices of the City of Salem

City Council and Human Right Commission

City of Salem, Oregon. May 10, 2021. Council meeting. “Motion from Councilor Vanessa Nordyke regarding City park usage and event permitting.”

<https://salem.legistar.com/LegislationDetail.aspx?ID=4938892&GUID=BF436C27-DB12-4451-999C-6115E2C7212F>. (Accessed: July 30, 2021)

City of Salem, Oregon. May 10, 2021. Council meeting, video recording. *[Note: Discussion of Councilor motion starts at 1:07:30 and ends at 1:40:40.]*

https://www.youtube.com/watch?v=_UAp51oatZ0. (Accessed: July 30, 2021)

City of Salem, Oregon. May 13, 2021. Letter. “Regarding Mayor’s Motion which passed unanimously January 11, 2021.” Letter from the City of Salem Human Rights Commission (HRC) to the Mayor, City Councilors, and City Manager. *[Note: This document was prepared by the HRC in response to a Council-adopted motion on January 11, 2021, in which Council requested “a report from the Human Rights Commission on actions the City should take to promote diversity as a core strength of our community and that ensures everyone - regardless of culture, race or ability - can thrive in safety and dignity.”]* The Council motion is available at:

<https://salem.legistar.com/LegislationDetail.aspx?ID=4746685&GUID=6ABFEE4C-5B7F-4EFE-8918-E8EAB56EC241>. (Accessed July 30, 2021)

City Permits

City of Salem, Oregon. Application. “Community Event Permit Form (Street or Alley Closure/Parade Permit).” <https://www.cityofsalem.net/CityDocuments/community-event-permit-application.pdf>. (Accessed: July 30, 2021)

City of Salem, Oregon. Application. “Facility Use Permit and Agreement w/ COVID-19 Addendum.” <https://www.cityofsalem.net/CityDocuments/parks-facility-use-permit.pdf>. (Accessed: July 30, 2021)

City of Salem, Oregon. Application. “Riverfront Park Permit Application.” <https://www.cityofsalem.net/CityDocuments/riverfront-park-permit-application.pdf>. (Accessed: July 30, 2021)

**List of References Made Available for Review by the
Park Usage and Permitting Subcommittee**

City of Salem, Oregon. Application. "Short-term Concessionaire Permit Application."
<https://www.cityofsalem.net/CityDocuments/short-term-concessionaire-permit-application.pdf>. (Accessed: July 30, 2021)

City of Salem, Oregon. Application. "Sound Event Permit Application."
<https://www.cityofsalem.net/Pages/apply-for-a-sound-permit.aspx>. (Accessed: July 30, 2021)

Webpages related to parks usage and permitting

City of Salem, Oregon. Webpage. "Apply for an Alcohol Permit."
<https://www.cityofsalem.net/Pages/apply-for-an-alcohol-permit.aspx>. (Accessed: July 30, 2021)

City of Salem, Oregon. Webpage. "Apply for a Sound Permit."
<https://www.cityofsalem.net/Pages/apply-for-a-sound-permit.aspx>. (Accessed: July 30, 2021)

City of Salem, Oregon. Webpage. "Apply for a Tent or Canopy Permit and Rules for Tent or Canopy Use."
<https://www.cityofsalem.net/Pages/apply-for-a-temporary-tent-or-canopy.aspx>. (Accessed: July 30, 2021)

City of Salem, Oregon. Webpage. "Hosting a Community Event."
<https://www.cityofsalem.net/Pages/host-a-community-event.aspx>. (Accessed: July 30, 2021)

City of Salem, Oregon. Webpage. "Tent or Canopy Permit Application."
<https://www.cityofsalem.net/Pages/apply-for-a-temporary-tent-or-canopy.aspx>. (Accessed: July 30, 2021)

City of Salem, Oregon. Webpage. "Reserve a City Facility or Park."
<https://www.cityofsalem.net/Pages/reserve-a-city-facility-or-park.aspx>. (Accessed: July 30, 2021)

City Policies

City of Salem, Oregon. August 2005. Administrative Rules and Regulations. "Parks, Streets, and Open Spaces."
<https://www.cityofsalem.net/CityDocuments/parks-rules-and-regulations.pdf>. (Accessed: July 30, 2021)

City of Salem, Oregon. Undated Draft. Administrative Rules and Regulations. "Parks, Streets, and Open Spaces." *[Note: Committee members reviewed an internal draft updating the 2005 Administrative Rule. This draft is not currently available online.]*

List of References Made Available for Review by the Park Usage and Permitting Subcommittee

City of Salem, Oregon. Webpage. “Rules for Using a Park.”
<https://www.cityofsalem.net/Pages/park-rules.aspx>

City Ordinances

City of Salem, Oregon. *Salem Revised Code* (SRC). <https://www.cityofsalem.net/salem-revised-code>. (Accessed: July 30, 2021)

SRC Chapter 51 – Event Sound Permits

SRC Chapter 90 – Alcoholic Beverages

SRC Chapter 94 – Offenses in Parks

SRC Chapter 95 – Miscellaneous Offences (skim this one)

SRC Chapter 104 – Parades and Community Events

Policies and Practices of Other Jurisdictions

City of Bend, Oregon. “Park and Recreation District, Rentals.” [Note: Committee members were asked to review the content under the “Public Events” tab to access “Public Event Reservation Process” and read the “Guidelines for Public Events in Community Parks” and “Insurance Requirements.”] <https://www.bendparksandrec.org/facility-rental/#shelters>. (Accessed: July 30, 2021)

City of Corvallis, Oregon. “City Park Regulations” (Code of Ordinances Chapter 5.01). https://library.municode.com/or/corvallis/codes/code_of_ordinances?nodeId=TIT5OF_CH5.01CIPARE. (Accessed: July 30, 2021)

City of Eugene, Oregon. April 18, 2016. “Park and Open Space Rules.” <https://www.eugene-or.gov/DocumentCenter/View/54906/Park-Rules-Booklet>. (Accessed: July 30, 2021)

City of Grove City, Ohio. December 2005. “Parks and Recreation Department: Fee and Charges Policy.” https://opraonline.org/wp-content/uploads/2016/10/Grove_City_2016_Fees_and_Charges_Policy.pdf. (Accessed: July 30, 2021)

City of Hillsboro, Oregon. “Civic Center Plaza Activity Permit Administrative Policy.” <https://www.hillsboro-oregon.gov/home/showdocument?id=2030>. (Accessed: July 30, 2021)

City of Keizer, Oregon. “Amphitheater and Parks.” [Note: Committee members were asked to review the “Area Reservation Application” and the Keizer Rotary Amphitheater Application/Permit.] <https://www.keizer.org/amphitheatre>. (Accessed: July 30, 2021)

**List of References Made Available for Review by the
Park Usage and Permitting Subcommittee**

City of Portland, Oregon. February 23, 2007. “City Code, Title 20 Parks and Recreation, Chapter 20.12. Prohibited Conduct.” <https://www.portland.gov/code/20/12>. (Accessed: July 30, 2021)

City of Portland, Oregon. “Noise Program.” <https://www.portland.gov/civic/noise>. (Accessed: July 30, 2021)

City of Seattle, Washington. July 6, 2015. “Code of Conduct.” Department of Parks and Recreation Rule/Policy.
<https://www.seattle.gov/Documents/Departments/ParksAndRecreation/AboutUs/Parks%20Code%20of%20Conduct%20REVISED%206-1-15.pdf>. (Accessed: July 30, 2021)

City of West Linn, Oregon. “Special Events Permit Policy.”
<https://westlinnoregon.gov/parksrec/special-events-permit>. (Accessed: July 30, 2021)

Marion County, Oregon. “Code Enforcement Noise Regulations.”
<https://www.co.marion.or.us/SO/Operations/CodeEnforcement/Documents/noise1.pdf>. (Accessed: July 30, 2021)

| Document, policy, or passage being referenced: | | Comments / Talking Points <i>(verbatim unless otherwise noted)</i> |
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| SRC Chapter 94 | Violation of SRC 94.120, or 94.195 is a misdemeanor. | <p>"Are there fees for the infractions included with, before, or after exclusion? A comment on the Salem City Council Facebook page included a statement by a citizen that the City fined \$500 to a group that violated the park regulation of having a gathering that requires a permit. If that was the case, was that amount on the City's fee schedule and if so, was it for each infraction or was that a graduated amount and was it the first, second, third or whatever of the fee schedule? Which infraction(s) was broken that led to the fine? We definitely should have fines included with exclusions. Fines should be higher than what it would cost to apply for a permit."</p> |
| | Violation of any other provision of this chapter is an infraction. | |
| | ... , 94.180 (Parking regulations in areas where fee charged) shall be: No more than \$50.00 for the first infraction; no more than \$150.00 for the second infraction of the same section; no more than \$250.00 for the third or subsequent infraction of the same section. | |
| Salem's "Rules for Using a Park"; City of Salem website; re: "Smoking" | Smoking and vaping are not allowed in Salem parks. This includes parking lots located on park property. E-cigarettes, marijuana, and cannabis products are also not allowed either . | (Summarized): Suggestion to substitute "also" for the term "either" in this rule, as shown. |
| Salem's "Rules for Using a Park"; City of Salem website; re: "Alcohol" | Alcohol is allowed only in reservable areas and it must stay within 100 feet of those reserved areas. To have alcohol with the reservation, apply for an alcohol permit. The alcohol permit has associated fees. | (Summarized): Suggestion to add the words "only in" to this rule, as shown. |
| Salem's "Rules for Using a Park"; City of Salem website; re: "Barbecues" | Portable stoves and barbeque grills are welcome. All coals, hot or cold , must be removed from the park unless an ash can is available on-site. Small portable barbeques are not allowed on the grass or tables. Please do not wash out your barbeque at the park. | (Summarized): Suggestion to replace phrase "Hot coals" at beginning of second sentence with "All coals, hot or cold," as shown. |
| Re: Lead Time Prior to Reservation Date; City of Salem website | "The City requires a security services plan 60 days prior to the scheduled event. Can a space or site be reserved 60 days prior to an event when a security plan is not required?" | |
| Re: Facility Use Permit and Agreement; City of Salem website | Note: Where alcohol and/or amplified sound are present, private security services may be required (Pringle Hall Only) | (Summarized): Suggestion to replace "and" with "and/or", as shown. |
| Re: Facility Use Permit and Agreement; City of Salem website | Note: Where alcohol and/or amplified sound are present, private security services may be required (Pringle Hall Only)" | "Why Pringle Hall Only? Is it because it is an isolated building? What about the reservable space in the Bush Barn?" |

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| General comment | <p>"With regard to response to a major pandemic such as Covid 19, the City should not suspend permits, not all of them anyway. They should deny them. Then the enforcement elements in City codes can be legitimately and legally be applied. Not issuing permits makes it a 'free-for-all' where the City loses immense control over it's parks. It's not just the denial of the permit, it is the denial of activities that they included in the applicant's request(s)."</p> |
| General comment | <p>"Enforcement: This is a primary issue in a number of settings. Consider a speed zone on a city street. It has a speed limit of 30 mph. When there are complaints about drivers exceeding the limit. Currently it seems that the treatment is not police enforcement but actually to just reduce the speed zone ahead. This does not really address the behavior and if there still isn't enforcement drivers will just ignore them no matter what speed you put on the sign. I do not know how many citations the Park Ranger writes for off-leash dogs at Minto-Brown. Maybe he gives verbal warnings and maybe he gives written warnings. I assume that he does write citations. The key is to make the violator know that their actions (or the lack there-of) are not acceptable and that they are "in the system" in case violations are repeated by the same perpetrators. SPRAB also approved a tiered approach to fines in parks. As I had written to you before: 'With regard to response to a major pandemic such as Covid 19, the City should not suspend permits, not all of them anyway. They should deny them. Then the enforcement elements in City codes can be legitimately and legally applied. Not issuing permits makes it a 'free-for-all' where the City loses immense control over it's parks. It's not just the denial of the permit, it is the denial of activities that are included in the applicant's request(s).' An example after the suspension of permits is a group that last year, who had an appearance of approval from the City, could use a particular part of a City park as often as they wished. This group used amplified sound that normally would require a permit. Now that the Covid 19 restrictions have been lifted and the City has again been requiring permits for activities in City parks, this group is continuing to operate as it had when permits were required but are not (apparently) filing for permits. With their past filing for and receiving permits from the City, they are very well aware of what is expected of them but they appear to be ignoring their responsibilities to properly apply for required permits. A permit for amplified sound is for the use and application of equipment that as it say is to add volume to music/a PA system. The permit is not based upon the decibels but is subject to the following as written in the Sound Permit. If in the sole judgment of any Police Officer, exercised in good faith, the sound level becomes a Noise Disturbance as defined in SRC 93.005(e), said officer shall have the authority to modify this permit and require that the sound source be adjusted. This adjustment may include, but is not limited to, its cessation, re-directing speaker placement, limiting volume output, or any other similar requirement. Volume of the sound is limited to _____ at a point measured _____ feet from the source of the sound. I am unable to find the City's fine schedule on the City's website. I am interested in what the fees for permits are and then what the fines are for non-compliance. Would the fines be so low that the group would more likely pay the fine than file for and follow a permit(s)? Or even ignore the fine. What are the City's enforcement options and are they willing to apply them? What are the progressive fines for these offenses? Knowing the following, which this group is very well aware of because they applied for and had permits approved by the City after paying fees, to do the exact thing that they are doing without a permit currently. They can not use ignorance as an excuse. On the Parks Facility Use Permit form it states on page 2: 'I have read and agree to be bound by the regulation and policies on pages 3-4 of this agreement. I understand that violation of any of these agreements may result in the forfeiture of deposit, jeopardize further use of the facility, and result in immediate termination of event.' It appears that these blatant violations are getting a lot of attention and there have been some indications that the City is planning to fine this group but it does not appear that this group is ending its violations in the City Park. Also, when the City stopped issuing permits because they could not afford to provide monitors for State Covid 19 compliance, the City should not have to be responsible for providing monitors. They should only have requirements for monitors that should be hired by the applicant to have acceptable training and other things like insurance that would comply with State mandates. There are a number of issues here that definitely need to be addressed by the PP&PS committee."</p> |

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| General comment | <p>"Now that permits are again required, it appears that a permit is required for the use of the (original) amphitheater at riverfront park. Are drop-ins acceptable except when the site is reserved under a valid permit? Should permits for that day be posted nearby so that others are aware of the times that the permittee has legal rights to occupy that space? Other than asking others to leave, what other recourse does the permittee have to "encourage" others to leave? I am not aware of any problems where a permittee has had any problems but is there a written 'policy' that addresses this potential problematic issue? This also relates the other areas listed under "LOCATION REQUESTED" on the form.</p> <p>If there comes a time when there is another state mandate to require monitors as what occurred in the recent Covid 19 pandemic response, the City should write requirements for monitors similar to those for "Security Services" on this form. The City should not be responsible for providing these monitors.</p> | |
| General comment | <p><i>(From City of Salem website)</i> Sound Equipment/Noise: Use of amplified sound equipment must receive prior approval from the Public Works Director or his/her designee and may require a Sound Permit. Sound that disturbs others or that exceeds maximum decibel levels under City Ordinance is not permitted.</p> | <p>"I see here where it says 'MAY require a sound permit'. What are the parameters/requirements that determine when a sound permit is needed? In a previous email that I did not think that decibel levels were a factor but I did not yet see the statement here decibel levels under City ordinance."</p> |
| General comment | <p><i>(From City of Salem website)</i> Discrimination: The City of Salem values all persons without regard to race, color, religion, national origin, sex, age, marital status, domestic partnership, disability, familial status, sexual orientation, gender identity or source of income. If you believe that you have been discriminated against in a program, activity, or facility or you desire further information, please contact the Public Works Department at 503-588-6261.</p> | <p>"We might submit this to LGBTQIA+ Task Force and Human Rights Commission to see if it is acceptable to them and if there are any changes that they may suggest."</p> |
| Re: Chapter 30 - Licenses Sec 30.005. -Definitions | <p>Special event means any dance, movie, play, concert, circus, carnival, exhibition, sports event, haunted house, or other similar live, filmed, or televised performance, activity, or program held or presented at any privately-owned premises, where an admission fee or other form of consideration is charged or required, but not including any such event occurring at a premises operated as a business for such activities where the activity is occurring in the course of its regular schedule of events or where the occupancy or use of the premises for such events has been previously approved by the City.</p> | <p>"I don't see 'parks or other publicly owned property'."</p> |
| Re: SRC 58. - Fire Prevention Code - Modifications to the Oregon Fire Code | <p>105.6.47 Event Permit. An operational permit is required for an event or activity of a temporary nature and open to the public, which involves one or more uses for which an operational permit is otherwise required, including, but not limited, ...a special event as defined in SRC 30.005; an event for which a parks use permit is issued under SRC 94.220; ... firework displays, temporary kiosks, pyrotechnical special effect materials; tents and canopies; and temporary display of motor vehicles."</p> | <p>"It appears that only one entry has anything related to our work. No changes recommended but requirements for permits under this chapter need to be addressed in the permit applications under our consideration."</p> |

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| Re: Section 78.210. -Grade and plant materials within the right-of-way | It shall be the duty of all property owners to maintain living plant materials in accordance with the specifications for stormwater facilities that exist in the right-of-way in front of their property, except where prohibited by Salem Revised Code. | "A search of the City's website does not find anything related to 'specifications for stormwater facilities'." |
| Re: Chapter 93 -Noise Sec. 93.020. -Specific noise disturbances. | Sound producing, amplifying or reproducing equipment. It shall be unlawful to operate or use, or to permit the operation or use of, any device that produces or amplifies sound, including, but not limited to, musical instruments, radios, televisions, stereos, compact disc players, tape recorders, amplifiers and loudspeakers, in such a manner that the sound produced thereby is plainly audible. | (No comment; item provided in reference to previous comments about noise disturbances) |
| Re: Chapter 93 -Noise Sec. 93.020. -Specific noise disturbances. | On public property or a public right-of-way 150 feet or more from such device, except as specifically authorized in writing by the city, county, state or federal government that owns or controls such property. | (No comment; item provided in reference to previous comments about noise disturbances) |
| Re: Chapter 94. - Offenses in Parks Sec 94.010. - Definitions | As used in this chapter, the term "park" also means the grounds of the State Capitol, including Wilson Park, Capitol Park, and other parks and grounds in the Capitol Area as defined in ORS 276.010 | "Curious what jurisdiction the City of Salem has over the State Capitol, Wilson Park and Capitol Park (although Wilson Park was a City park many years ago." |
| Re: Chapter 94. - Offenses in Parks Sec 94.210 - Park exclusion. | "Enforcement and follow-through strongly recommended." | |
| Re: Chapter 94. - Offenses in Parks Sec. 94.990. - Violations | "What are the monetary charges for other violations in parks besides parking? Are offenders only subject to exclusion?" | |
| Re: Chapter 94. - Offenses in Parks Sec. 94.990. - Violations | (Parking regulations in areas where fee charged) shall be: No more than \$50.00 for the first infraction; no more than \$150.00 for the second infraction of the same section; no more than \$250.00 for the third or subsequent infraction of the same section. | "Offenses need to include persons or groups violating any of Salem's park-related ordinances." |

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| Re: Chapter 95. - Miscellaneous Offenses Sec. 95.042. Harassment. | A person commits the crime of harassment if the person intentionally harasses or annoys another person by subjecting such other person to offensive physical contact. (State Law reference- Harassing or annoying another person, ORS 166.065(1)(a)(A).) | "Why limited to only 166.065 (a)(A)?" |
| Re: ORS 163.195 - Recklessly endangering another person | (1) A person commits the crime of recklessly endangering another person if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person. (2) Recklessly endangering another person is a Class A misdemeanor. | "The following relates to permits when there might be members of a group that has obtained a proper permit for a function in a City park that may bring firearms to that function." |
| Re: Sec. 95.095. - Loaded firearms. | It shall be unlawful for any person to possess a loaded firearm, whether the shell or cartridge is a blank or is live ammunition, while in a public place as defined in ORS 161.015. | "Any long guns brandished on park (or other) City owned property shall have an orange universal firearm chamber safety flag showing loaded in the chamber and an orange safety training magazine installed and visible." |
| Re: Chapter 104. - Parades and Community Events Sec. 104.060. - Permit fees | An indigent person who otherwise cannot apply for a community event permit because of an inability to pay the permit application or any other additional fee due to such indigence shall not be required to pay the fee or fees. The determination of exemption from such fee or fees shall be made in accordance with the administrative rules adopted pursuant to this chapter. Requests for indigent status shall be made at the time of filing the application and shall be accompanied by such information and documentation as is reasonably necessary to verify such status. | "I have not noticed this statement about an 'indigent person' and ability to pay for a permit unless I just plain missed it." |
| Re: Sec. 104.070. - Review process. | In deciding whether to approve an application for a community event permit, no consideration shall be given to the message the activity or use will convey; the content of any speech used or likely to be used; or the identity or associational relationships of the applicant or applicants; or to any assumptions or predictions regarding public reaction to the content of the speech or the message conveyed by the event. | "The following statement should be considered to be a part of every permit request application" |
| Re: Sec 104.180. - Failure to obtain a permit; failure to comply with permit term. | It shall be unlawful for any person to engage in an activity or event for which a community event permit is required under this chapter without first obtaining a permit. | "The following should be applied to all violations in all parks including enforcement measures or at least make reference to on any application form in the section where the applicant has to sign/initial that they have read and agreed to it verbiage and intent" |

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| Re: Sec 104.210 - Interference with community event prohibited | It shall be unlawful for any person to interfere with an activity or event permitted under this chapter, by engaging in any of the following acts with the intent to disrupt the event or to harass or annoy participants in the activity or event | "The following should be applied to all violations in all parks including enforcement measures or at least make reference to on any application form in the section where the applicant has to sign/initial that they have read and agreed to it verbiage and intent. Comments for this should be solicited from the LGBTQIA+ Task Force and Human Rights Commission for their consideration/input." |
| General comment | "When is a Sound Event Checklist required to be filled out and followed when amplified sound will be used at a permitted event in a park?" | |
| Re: SRC 93 - Sec. 93.005(e) | If in the sole judgment of any Police Officer, as defined in SRC 93.005(e), said officer shall have the authority to modify this permit and require that the sound source be adjusted. | "I can't find the date on SRC 93. Was it written before the current Park Ranger program? Should there be something about a Park Ranger in any ordinance or, like in this case, would he/she be included under "Police Officer" like ordinances with DoPW that would include others representing him in specific authority? This is why I am asking about what the Park Ranger's duties and authority are. This includes what enforcement authority he/she has including writing citations when someone or some group violates any and all parks ordinances. Also, what flexibility they have in their enforcement." |
| Special Service Providers - "Special Services" | "Under covid 19 or other pandemic restrictions add monitors as required by law or Oregon governor mandate." | |
| Sec 104.030. - Permit requirement. | Any activity or event that the organizer expects or intends to involve 200 or more persons assembling on public property. | "Is this the only place that this number of participants/attendees should be written?" |
| Sec 104.030. - Permit requirement. | Any activity or event on public property which requires the placement of a tent, canopy, or other temporary structure, if such placement requires a permit from the City's Fire Department or Building and Safety Division. | "Am I to assume that this includes parks?" |
| Sec 104.030. - Permit requirement. | "I see that on the Riverfront Park Permit Application where it says "Have you completed a sound permit application?" Should there not also be similar questions for other permits such as the one above for tent, canopy and other temporary structure?" | |

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| Rules for Using a Park | A small speaker is allowed, but use of larger amplified sound equipment, like a public address system, will need an approved sound permit and has associated fees. | "This statement seems more definitive about whether a permit is required." |
| Rules for Using a Park | Small backyard canopies for shade and protection from the rain are allowed. If the tent or canopy needs to be staked to the ground, an irrigation locate may be required in advance on the park permit and has associated fees. | "Stakes needing to be driven 10" or deeper into the ground will require an irrigation locate. The turf supervisor should be consulted on the measurement." |
| PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005 | SECTION 2 - DEFINITIONS 2.0 Definitions are provided to assist in the clarification of the terms and conditions contained in these rules and regulations. 2.10 Cost Recovery Charges - A charge to recover the cost of request for, or required items, not provided as part of a permitted use. In most cases, cost recovery charges will be charged back to the user group at the cost for providing the service. Cost recovery charges vary from event to event, however all fees and charges are estimated prior to the approval of the permit application and agreement. Cost recovery charges may include, but are not limited, to the following: • Special turf mowings • Utility locates / flagging • Inspections • Garbage removal • Traffic Control Devices • Moving picnic tables • Utilities • Turf renovation • Special sweeping • Traffic Control Officers • Event supervision • Facility/Equipment Repairs | "Consider adding cost recovery for Covid 19 monitors." |
| PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005 | 3.3 Amplified Sound/Policy - All persons using City parks, streets, and public open spaces are required to comply with the provisions of SRC Chapter 93 limiting the maximum permissible sound levels and prohibiting noise disturbances. 3.3.a A Noise Variance Permit will be required when live or recorded music, public address systems, and/or amplification of any kind is utilized, as follows: Notice under 3.3a - A Noise Variance Permit "WILL BE REQUIRED" 1) Class "A" Noise Variance - for an event or activity which does not exceed 72 hours in duration. 2) Class "B" Noise Variance - for an event or activity or series of related events or activities which are 72 hours or more in duration or are less than 72 hours in duration and in the opinion of the Recreation/Public Events Supervisor, could have an adverse impact on a noise sensitive property or large segment of the community. | "How does this relate to a permitted group that uses their amplified system(s) for a number of hours for a number of consecutive days that can run potentially for months?" |

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| PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005 | 3.3.b There is a fee for Class A and B Noise Variance Permits. As well, there may be cost recovery fees associated with monitoring and enforcement. | "These fees need to be applied on top of fines levied on person or persons who use park facilities without the proper and valid permits applied for and issued." |
| PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005 | 3.6 Calendar of Events Request Process/Riverfront Park - The City of Salem utilizes an annual Calendar of Events request process to schedule events in Riverfront Park. Requested events are categorized by complexity and expected attendance. The Director anticipates that three to six large events will be permitted to run at intervals of no less than two to three weeks, from June through October. Smaller events may be scheduled around large events. Following the Calendar of Events process, the City will accept Riverfront Park Use Applications on a "first-come" basis. | "First time that I have been made aware of this type of use specifically for Riverfront Park. We may want to have a discussion about this to fully understand what this means." |
| PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005 | 3.13 Geocaching - Geocaching, a hunting and adventure game for GPS users, is allowed in City parks and through a Facility Use Permit Application and Agreement issued by the City of Salem, Department of Community Services. | "As long as City facilities, property, and plant material are not damaged any static condition is changed that could be considered unlike what the City prefers its current state to be." |
| PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005 | 3.31 Temporary Power Drops - Temporary electrical power service is prohibited in City parks, streets and public open spaces except by prior written permission of the Directors. All associated costs, including cost recovery charges, are the responsibility of the Permittee. | "Note: The letter "s" is missing from "... City parks, streets and public open ()paces except ..." |
| PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005 | 3.34 Vehicle Access/Events - Vehicles necessary to the set-up, take-down, and operation of an event may be allowed. Permission to have vehicles in a park may be obtained from the Department of Community Services. Vehicle Access Permits are not valid until fees are paid and are good only for the dates listed on the permit. Trailers are considered vehicles and must have a valid Vehicle Access Permit. The Director reserves the right to limit the size and number of vehicles at any park and/or event. | "Even with a valid permit, vehicles are NOT ALLOWED to leave paved surfaces in any City park - especially onto irrigated turf areas and over the Critical Root Zones (CRZs) of trees and significant shrubs except by permission of the Director. Special consideration may be considered for car shows with prior consultation with parks maintenance staff" |

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| <p>PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005</p> | <p>4.0 City of Salem parks, streets, and public open spaces may be utilized as venues for organized uses including, but not limited to, festivals, concerts, private parties, picnics, public gatherings, and large and small group uses. At minimum, a Park, Street, and Open Spaces Permit (PSO) is required when any one of the following criteria apply: 4.3 Tents or canopies will be utilized. 4.4 Amplified sound is going to be used. 4.5 Access to electrical power or use of portable power is requested. 4.6 The event will be advertised as open to the public and attendance is anticipated to exceed 150 people. 4.7 Exclusive use of a reservable area is desired. 4.9 A series of activities, advertised as one event, open to the public, and held on successive days in one location is requested.</p> | <p>"Are the above elements being applied currently in Riverfront Park now that the City is back to issuing permits?"</p> |
| <p>PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005</p> | <p>SECTION 6 – EVENT CATEGORIES 6.0 Introduction - Permitted use of City parks, streets, and public open spaces fall into six event categories. The general characteristics that determine which category a permit application and agreement are identified below. Where Events meet one or more of the criteria listed in each category, the Director may determine the appropriate event designation. Any requests for use of City of Salem park property and facilities not enumerated in these Rules and Regulations may be reviewed and approved by the Director of the Department of Community Services under conditions determined by the Director to be appropriate for a particular application.</p> | <p>"How would one categorize park usage for a group that would apply for a permit where it would occupy a specific area in a City park for an example date range of 72 dates starting on Father's Day, Sunday, June 21 and ending on Labor Day, Monday, September 5, 2020. ? Is Riverfront Park the only park that would provide such an opportunity and would this have its own category? "</p> |
| <p>PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005</p> | <p>7.7 Harvesting Permit - The Director may permit the harvesting and collecting of vegetation under conditions determined by the Director to be appropriate for a particular application.</p> | <p>"Permit details must restrict activities to protect the proper growth, habit and function of trees and other plants when collecting plant parts. This should be limited to collection of seeds and fruits where no supporting plant parts are also removed or damaged. It should also not be allowed that woody parts that include terminal, axillary and other buds are not taken or damaged. Most that collect these plant parts are doing so for commercial production so I would suggest that a good fee be charged to the collector. I am not able to find the actual fee currently charged."</p> |
| <p>PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005</p> | <p>7.9 Noise Variance - Any Permittee utilizing amplified sound may be required to apply for a Class A or Class B Noise Variance. When live or recorded music, public address systems, and/or amplification of any kind is utilized in a public park, street, or open space, a Class A Noise Variance Permit is to be completed through the Department of Community Services.</p> | <p>"Please explain why the word "MAY" being used here? What are the determining factors where a permit would not be required? "</p> |

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| PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005 | SECTION 8 – PERMIT APPLICATION AND PROCESSING GUIDELINES 8.1 Permit Application 8.1.c All Riverfront Park events are scheduled annually through a Calendar of Events Request process. Following the Calendar of Events process, events are scheduled on a first-come basis. Individuals and/or groups who desire to utilize Riverfront Park or obtain a permit for a Category A event must contact the Department of Community Services office for a special orientation. | "Why is only 'Category A Events' listed here?" |
| PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005 | 8.7.c Step 3 - The applications/permits are routed for special review when any of the following circumstances are included in the request: 6) Use of Amplified sound. | "Another place where there is verbiage related to amplified sound. What is 'special review'?" |
| PARKS, STREETS, AND PUBLIC OPEN SPACES ADMINISTRATIVE RULES AND REGULATIONS August 2005 | 12.4 Private Security Services 12.4.a The Permittee may only contract with a security vendor approved in advance by the Director. At a minimum all security officers, security supervisors, and security managers shall be licensed by the State of Oregon Board on Public Safety Standards and Training. | "Would the State of Oregon Board on Public Safety Standards and Training have anything on approval of "licensed" Covid 19 (or the like in future pandemics) monitors?" |
| ADA Accessibility | "a. Current Policy: ADA access is not currently explicit in reviewed parks codes or permit applications." | |
| | "b. Suggested Change: 'Consider adding a section around accessibility planning to permits for large events, particularly those at Riverfront and using the new amphitheater'" | |
| | "c. Reference Documents: Riverfront Permit and the Facility Use Permit" | |
| Required Signage | "a. Current Policy: Permits and code require organizers to notify surrounding businesses and residents, but there does not seem to be a requirement to notify park users." | |
| | "b. Suggested Change: "Consider adding a requirement that signage should be posted in the high traffic areas of a park for large events at least several days in advance." | |
| | "c. Reference Document: Ch 94.210, SB 289: https://olis.leg.state.or.us/liz/2021R1/Measures/Overview/SB289 " | |
| Comments and Questions on City Code - Ch 51: Event Sound | "a. Clarity is needed on how the decibel limit is enforced, especially for events that may not have received a permit but still are producing sound in a park. If a complaint is received, do police or park employees test the decibel level when responding?" | |
| | "b. The Subcommittee should review whether the \$250 fine for noise violations in parks is in line with other cities, or if it should be raised to better cover the cost of city staff responding and discourage violations." | |

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| Comments and Questions on City Code - Ch 94: Offenses in Parks | "a. Consider adding to 94.210 (Park Exclusion) a provision for those convicted of "bias crimes" in line with Oregon bill SB 289 currently under consideration in the legislature: https://olis.leg.state.or.us/liiz/2021R1/Measures/Overview/SB289 " |
| Comments and questions on City Code - Ch 104: Parades and Community Events | "a. Under Section 104.070 part (c) is there a way to limit, restrict, or add additional requirements for permits for groups that have received multiple complaints in the past or have known to cause conflict? This should be reviewed to ensure compliance with the First Amendment" |
| Comments and Question on Administrative Rules and Regulations | "1. There appears to be confusion on definitions 2.16 and 2.19. A March/Rally says it is "not a Parade" but the definition of a Parade includes a March. This could have impacts on the regulations and other rules. (Page 4) " |
| | "2. When an event uses high traffic parts of a park, such as a run at Riverfront Park, are notices typically posted in advance? It is not always clear if the paths are still open to the general public. Clear signage for such closures should be considered." |
| | "3. The Subcommittee should review Section 8.2 "Permit Application Priorities" to consider if there are additional criteria that could be put in place for competing events. This could include the community being served from an equity standpoint, or whether the group has requested the space multiple times in a short period of time." |
| | "4. The Subcommittee should consider whether accessibility should be added to the list of Committee review under 9.3.c for special event review." |
| Comments and Questions on Permit Forms - Sound Event Permit | "a. Is notification to neighborhood associations, businesses, and residents verified?" |
| | "b. Is there a variable way to notify tenants in apartments or condos?" |
| | "c. Is 10 days enough? Consider a longer window pending review of other cities." |
| Comments and Questions on Permit Forms - Request for Sound Permit | "a. Suggestion that timeframe that noise is allowed is listed on the form to increase awareness. This should also reference the correct City code section. " |
| | "b. Is the 'sole judgement of any police officer' sufficient? City code mentions decibel limits and it is unclear if those are monitored by officers." |
| Comments and Questions on Permit Forms - Riverfront Park Permit Application | "a. In event layout or safety, we should consider a section pertinent to ADA accessibility. This could be considered for other applicable forms as well as the new amphitheater permit form." |

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| Comments and Questions on Permit Forms - Facility Use Permit and Agreement | "a. In event layout or safety, we should consider a section pertinent to ADA accessibility. This could be considered for other applicable forms as well as the new amphitheater permit form." | |
| | "b. Consider whether ADA accessibility should be explicitly listed on this form." | |
| Recommendations based on the meetings with the LGBTQIA+ Intersectional Task Force and the Human Rights Commission | "Develop a statement of principles or expectations of behavior that go with reservations. Expectations would need to be defined to focus on no harassment, etc." | |
| | "Develop signage for parks in correlation with the HRC's Safe Spaces project that provides a hotline for hate crimes and similar acts." | |
| Suggestions from other cities | "Portland has Whereas vision statements ahead of policies to lay out broad goals. https://www.portlandoregon.gov/citycode/article/8962 ○ The Grove City materials shared also included a Philosophy statement." | |
| | "Portland code section .265 talks more about park exclusion and cases than we currently appear to have in Salem. https://www.portland.gov/code/20/12 " | |
| | "Eugene Page 14 Sec 3 has a Notice of Restriction of Use that could be worth copying. (see PDF sent from Robert)" | |
| | "Eugene also says that no canopies can be set up without permission from the city" | |
| | "Bend PRD calls out ADA compliance clearly." | |
| | <p>1.004 Use Permits - (7) <u>Vehicle Access to Park Sidewalks, Pathways and Irrigated Turf</u>. Driving or parking motorized vehicles on irrigated turf, internal park sidewalks and pathways or upon the regional pedestrian/bicycle path system 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. 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</p> <p>...</p> | Driving across turf areas must be vigorously discouraged. |
| | | If driving across irrigated turf is unavoidable, pathways must be determined prior to the event date to work out pathways/ routes that will keep vehicles away from landscaping and tree Critical Root Zones (CRZs). |
| | | Irrigation may need to be turned off a number of days prior to an event where vehicles driving across said turf is unavoidable or the event is a car show. Reducing/stopping irrigation may also reduce compaction by pedestrian attendees as well as vehicles driving across it. |
| | | There should be a citation/fine structure in place to apply to those that violate these rules. The sponsor may also be held liable for damage. |
| | | Event sponsors must have in their literature that they disseminate to participants the rules and enforcement measures that will stop them from driving across the turf/CRZs.. |
| | | If there is a significant rain event immediately prior or during the scheduled activity, hay may be brought in to cover softened areas for both vehicles/pedestrians. Permits may have to be modified by Parks staff to best accommodate the event participants while protecting turf. |

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| Suggestions from other cities - City of Eugene Parks & Open Space Rules | <p><u>1.004 Use Permits - (8) Vehicle Access to Non-Irrigated Grass, Landscape Areas and Under Tree Canopies.</u> (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 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.</p> | "Should (1)(d), (f), (h), (2)(a), (c), (e), (f), (6), (7), (8), (a), (b), (8), be considered for Riverfront Park especially?" |
| | <p><u>(10) Permit denials.</u> (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: 6. The applicant or the person on who's 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 debt to the City. 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.</p> | (No comment; item provided in reference to previous comments about permit denials) |
| | <p><u>1.010 PROHIBITED ACTIVITIES.</u> (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.</p> | "Playing on sports facilities turf under wet conditions where such play can significantly damage the playing surface. Under these conditions, permitted activity on these surfaces may be suspended by the City where continued use would significantly damage playing surfaces that may require expensive treatments to restore." |
| | <p><u>1.010 PROHIBITED ACTIVITIES.</u> (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.</p> | "Has the Salem Art Fair had issues with this when it has it's fences up and is charging admission? Has anyone been found to have jumped or otherwise circumvented said fence? What prosecutorial measures were used in these instances?" |
| | <p><u>1.010 PROHIBITED ACTIVITIES.</u> (21) Assembling, disassembling, distributing or attempting to distribute bicycles or bicycle parts without the written permission of the City. (22) Possessing five or more bicycles, more than three bicycles if parts are missing, a bicycle frame is with either gears or brake cables cut, or more than four bicycle parts.</p> | "These days it is easy to believe that with bicycle thefts up thieves might use parks to give cover for hiding bikes and bike parts. I would not be surprised that many stolen bikes might have been stored for sale, whole or parts, at Wallace and Cascade Parks." |
| | <p>Under provisions of SRC 51 a Sound Permit will be required when live or recorded music, public address systems, and /or amplification of any kind is utilized, as follows:</p> | |

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| City of Salem - Parks, Streets and Public Open Spaces Administrative Rules and Regulations | 1. 1) Class A Permit is for a single event or activity that does not exceed 24 hours in duration and occurs outside of the Downtown Parking District. | "Is Riverfront Park different from any other park because it is shown to be part of the Downtown Parking District (orange like the rest of the district? Is that why the work "may" instead of "must" is used on some documents related to amplified sound permits?" |
| | 2. 2) Class B Permit is for a single event or activity or a series of related events or activities that exceeds 24 hours in duration and occurs outside of the Downtown Parking District. | |
| | 3. 3) Class C Permit is for a single event or activity that does not exceed 24 hours in duration and occurs within the Downtown Parking District. | |
| | 4. 4) Class D Permit is for a single event or activity or a series of related events or activities that exceeds 24 hours in duration and occurs within the Downtown Parking District. | |
| | 3.14 Drones (UAS/UAV) | "Aren't there at least some restricted areas that they are in violation if they fly in specific areas? An example would be bird nesting areas on Minto Brown Island." |
| | 3.16 Electric Bicycles and Scooters | "In parks? Are there any speed capability restrictions. Scooters can move as fast as 25 mph or more." |
| Suggestions from other cities - Seattle Parks Code of Conduct | "A lot of useful info here. I could not find any 'Code of Conduct' in a search of the City of Salem website." | |
| | TITLE 18 - Parks & Recreation 18.12.280 - Discrimination prohibited. | "Equal opportunity sexual origin etc (LGBTQI+)" |
| | (Summarized): Recommended that City of Seattle's Weapons Firearms policy for public places and property be reviewed | |
| | 12A.14.075 - Unlawful use of weapons to intimidate another. A person is guilty of unlawful use of weapons to intimidate another if he or she carries, exhibits, displays or draws a firearm, dangerous knife, any knife with a blade that is open for use, other cutting or stabbing instrument or a weapon apparently capable of producing bodily harm in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another person or warrants Woodyalarm for the safety of other persons. | "Enforcement and applying that enforcement is extremely important." |
| | 12A.14.210 - Unlawful discharge of laser - A person is guilty of unlawful discharge of a laser if he or she knowingly and maliciously discharges a laser: At a person in order to intimidate or threaten that person | |

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| SR 86 - Trees on City Owned Property | Sec. 86.050. - Activities requiring permits. (4) Permit required to collect biological materials from City trees. It shall be unlawful for any person, without a written permit from the Director, to remove plant material from a City tree or cause or authorize or procure any person to do so. A written permit is not required for the noncommercial gathering of fruit or windfall. | (Suggested wording): '... gathering of fruit' where no connecting tree parts are damaged or removed by pruning, 'or collection of windfall' |
| | (5) Permit required to install lights or other attachments to City trees. It shall be unlawful for any person, without a written permit from the Director, to install or otherwise physically place lighting or other attachments on a City tree or cause or authorize or procure any person to do so. If permitted, the installation and removal shall be accomplished without damage to the City tree. The correction of any damage to the tree or replacement of the tree shall be at the permit holder's cost and shall be accomplished by a tree trimmer licensed under SRC chapter 30. The City will not be responsible for damage to any attachments or associated devices related to the lighting under this permit. In addition, the City shall not be responsible for the cost associated with the repair or installation of replacement materials. | "There needs to be significant discussion about this that includes qualifications of installers, guidelines for installation, how long the lights can stay in the tree, what months it is not acceptable to install lights (constriction problems in the growing season), etc." |
| | Sec. 86.070. - Tree pruning and treating criteria - A permit to prune a City tree may be granted if one or more of the following criteria are met, as determined by the Director: | "What are the professional qualifications of the person(s) who will perform the pruning to City specifications?" |
| | Sec. 86.080. - Review of applications for City tree removal. - Upon receipt of a complete permit application for City tree removal, the Director shall review the application, and if the application fails to meet the applicable criteria the application shall be denied, and a notice of denial shall be provided to the applicant, which notice shall identify the reasons for the denial. If the application meets the applicable criteria, the Director shall provide written notice to the neighborhood association where the tree or trees are located, and post notice of the approval as near as practicable to the tree or trees to be removed. | "Am I to assume that the inspection of the tree(s) in the application for removal will be performed by the City's Urban Forester or other member of the City's Tree Unit and these employees fall under the umbrella word "Director" in this verbiage?" |
| | Sec. 86.090. - City tree removal criteria. (a) A permit to remove a City tree may be granted if one or more of the following criteria are met, as determined by the Director: (8) The Director may permit the removal of a City tree due to construction if there is no reasonable alternative. The applicant shall be required to bear all cost of the tree's removal and replacement. | ...and two seasons of follow-up watering(?) |

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| | <p>(d) Removals by City. - (2) Where the City proposes to remove a City tree larger than ten inches dbh, the City shall post notice of the removal as near as practicable to the tree to be removed for a period of 15 days prior to the removal.</p> | <p>"Options for appeals to the removal are limited. Example: neighborhood associations meet only once per month so the posting/notification(s) to the NA(s) should be for a period of 31 days (since some months are 31 days long. This would, under the current verbiage, only relate to trees that fall under "(d)(3) ... unless part of another decision which provides for an appeal."</p> |
| | <p>(d) Notice of intent to appeal. A written notice of intent to appeal allowed by this chapter shall be filed with the Director not later than 30 calendar days after the date the decision was issued. The notice of appeal shall state the basis of the appeal and why the decision was in error, and shall be accompanied by the nonrefundable appeal fee as set by Council.</p> | <p>"There should be an allowance for a neighborhood association to not have to pay fees for filing an appeal to decisions made to remove trees if the NAs wish to do so. I believe that they have standing and that they do not have funds available to pay the fees."</p> |

Park Usage and Permitting Subcommittee

Public Comment Received for August 9, 2021 Meeting

1. Jim Sheppke, August 4, 2021
2. Aileen Kaye, August 9, 2021
3. Shaundi, August 9, 2021

Toni Whitler

From: Jim Scheppke <jscheppke@comcast.net>
Sent: Wednesday, August 4, 2021 1:11 PM
To: Toni Whitler
Cc: Micki Varney
Subject: Public Comment on Recommendations of the Parks Usage and Permitting Subcommittee

Ms. Whittier:

I wish to compliment the Parks Usage and Permitting Subcommittee of the Salem Parks and Recreation Advisory Board for their excellent work on recommendations for addressing problems with park usage and permitting. I am impressed with the amount of work that went into this, especially the extensive research into best practices in other cities. I believe that if adopted, these recommendations will go a long way to solving the problems that we have witnessed in the last couple of years.

I wish to especially endorse these recommendations ...

4. Summary of rules and potential consequences on permits.
7. Exclude individuals or organizations from permits based on unpaid damage.
9. Limit multiple reservations.
12. Enforcing violations of park rules.
13. Tiered fines for repeat violations.
14. Prohibit bad behavior.
15. Prohibit intent to intimidate.

There may need to be some clarification somewhere in policies and/or rules about the responsibility for enforcement. When I have complained about uses of the park by groups without a permit, I sometimes seem to have gotten mixed messages about who is responsible for enforcement (Park Ranger? Code Compliance Officer? Salem Police?). I think the public needs to know who exactly will deal with their complaints. We do need a "reporting hotline," but it needs to be about more than harassment and discrimination. It should enable reporting of any serious violations as they are happening, and response to serious violations should be timely.

Again my compliments for your fine work.

Jim Scheppke, Ward 2
jscheppke@comcast.net
503-269-1559

Toni Whitler

From: noreply@cityofsalem.net on behalf of arkaye2@gmail.com
Sent: Monday, August 9, 2021 6:52 AM
To: Toni Whitler
Subject: Contact Toni Whitler
Attachments: ATT00001.bin

| | |
|------------|--|
| Your Name | Aileen Kaye |
| Your Email | arkaye2@gmail.com |
| Your Phone | 5037434567 |
| Street | PO Box 1113 |
| City | Turner |
| State | OR |
| Zip | 97392 |
| Message | For the Parks Committee Meeting tonight: Please limit groups who are required to get permits to one permit per month. Thank you. Aileen Kaye |

This email was generated by the dynamic web forms contact us form on 8/9/2021.

Toni Whitler

From: Shaundi <shaundiw@gmail.com>
Sent: Monday, August 9, 2021 2:03 PM
To: Toni Whitler
Subject: Public Subcommittee Meeting

To Toni Whitler/Salem Parks and Rec Dept:

I am a Salem resident who would like to see rules enacted to prevent Awakening Ministries and their associated churches (Lifeline Church, Remnant Awakening Ministries, etc.) from misusing Riverfront Park for their church services and public outreach (called "Salem Awakening") to only once per year per legal entity...if that.

Riverfront Park is a city park used by a diverse community and yet Awakening Ministries and their associated churches have been disrespectfully and obnoxiously misusing the park since the summer of last year in order to hold their loud and large ultra conservative church services which includes inappropriate "public outreach" and to proselytize to the general public.

Per city records and per posts on their Facebook site, Awakening Ministries was striving to reserve the park from 5 PM to 9 PM for almost every evening of the summer of 2020 and for almost every evening of the summer for 2021.

(On a side note, the city surprisingly did approve their permit to use the park almost every evening of last summer and granted them the ability to pay for the expensive permits in installments, but I hear the permits were later cancelled and money refunded due to COVID. Copies of some of this documentation has been shared online.)

Only recently did they reduce their attempts to be there from everyday to once or twice per week...which is still excessive, disrespectful, and obnoxious.

Other groups typically only reserve the park for one event per year and yet Awakening Ministries and their associated churches are acting with unjust entitlement and are imposing themselves upon park goers on a daily, weekly, or bi-weekly basis. This is disrespectful, obnoxious and must be stopped.

There are non-Christians who want to enjoy the park, but can't because of their repeated presence.

There are progressive Christians who want to enjoy the park, but can't because of their repeated presence.

There are Christian conservatives who want to enjoy the park, but can't because of their repeated presence.

Many people have communicated to me, especially non-Christians and those with family members in the LGBTQ+ community, that when they know Awakening Ministries will be there, they'll cancel their plans to go to Riverfront....and because they are there so often, many people have not been attending the park as often as they normally would be. They should feel comfortable in that public space and not intimidated to go.

And the people who don't want to listen to their services, but show up have no choice because their events are so loud. Their live amplified music has been recorded on video at over 88 decibels outside of the amphitheatre. They are impossible to ignore.

I have had to shout or ask the person I'm talking to to shout when they are performing.

In addition to their loud and repeated events, their organizers and attendees have frequently harassed the general public via unwanted one-on-one proselytizing and via passive-aggressive disrespectful comments. This has been video recorded.

They have the option of hosting the events on their own church properties, but their goal is to engage with the general public trying to use the park, but this engagement is unwanted and inappropriate for a public park, especially when their members approach park goers and say things like, "Can I pray for you?", "Heaven or hell, what will it be?", "Jesus loves you". Again, these interactions have been video recorded.

It should be noted that just yesterday, a male attendee harassed a woman sitting in a chair who had a Pride flag and a "hate has no home here" sign and he wouldn't leave her alone when she respectfully requested that he leave her alone multiple times. When the perpetrator wouldn't leave she asked for a bystander to call the police. Fortunately, a compassionate family was nearby whose parents interjected on the woman's behalf. After the perpetrator's large dog was getting riled up and difficult to control, the perpetrator finally left the area, but not after repeatedly telling the woman and the family that the woman needed to choose between Heaven or Hell. This was also video recorded.

On a political note, let it be known that Awakening Ministries appears to be owned by David and Amanda Vital, and on Awakening Ministries' own website, photos of them were posted attending a Proud Boy rally at the Oregon State Capitol including a photo of who appears to be David Vital on the stage with a microphone in hand.

Furthermore, some of their members and church leaders have been recorded on video saying that they don't support gay marriage and that the Bible should be taught in schools.

Is this the look that Salem wants to have?

And so please do not allow this entity or any of their associated entities to use the park for more than one event per year...if that.

Awakening Ministries has been getting the permits, but letting the other churches take turns hosting and so we need to be aware of how they might try to "work the system" to their advantage by what entity names are on the permits and what entities are actually hosting.

In conclusion, three options we have to address these issues are:

- 1) Allow entities only one event per year at Riverfront Park.
- 2) Deny all of their permits due to their mistreatment of the public, abusive misuse of the park, and likelihood for disruption as was done against the Proud Boys by another Oregon city.
- 3) Forbid religious groups to get park permits which has already been done by other cities in the U.S.. (This would make me sad though as I appreciate the cultural diversity of Salem, but I would support it if no other action was taken. If this happens though, I will fully blame Awakening Ministries and their associated entities for ruining it for all of the other religious groups who were showing respect to the general public by not excessively misusing the park.)

Thank you for hearing me.

Please let me know if you would like the links to the video coverage mentioned.

Shaundi
Salem Resident