

Staff Report

File #: 18-358**Version:** 1**Date:** 8/13/2018**Item #:** 7.2b.

TO: Mayor and City Council**THROUGH:** Steve Powers, City Manager**FROM:** Norman Wright, Community Development Director**SUBJECT:**

Changes to Penalty Provisions for Parks Infractions

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

ISSUE:

Shall Council conduct second reading for enactment of Ordinance Bill No. 12-18, amending Salem Revised Code Chapters 45 and 94 to allow for a tiered approach to fines for certain infractions occurring in parks and to clarify the penalties for smoking infractions?

RECOMMENDATION:

Conduct second reading for enactment of Ordinance Bill No. 12-18, amending Salem Revised Code Chapters 45 and 94 to allow for a tiered approach to fines for certain infractions occurring in parks and to clarify the penalties for smoking infractions.

SUMMARY AND BACKGROUND:

The scheduled fine amount for park infractions is currently \$250.00. This is the same penalty for other more serious infractions throughout the City. Enactment of Ordinance Bill No. 12-18 (Attachment 1) will create tiered fines for ordinances to be enforced by the Park Ranger, enhancing the experience of visitors to Salem's parks. Establishing a tiered set of fines will give the Park Ranger the ability to issue citations with escalating fine amounts.

The Salem Park Ranger position was established in 2016 in response to resident complaints of dogs off leash and other park conduct issues. In July of 2017, the Salem Park Ranger position was moved from Public Works to the Neighborhood Enhancement Division of Community Development (CD). Since that time, CD has worked on establishing relationships between the Park Ranger program and other related departments, and provided the guidance, training, and tools necessary for the Salem Park Ranger to succeed. The long range objective is to establish a Park Ranger program in Salem

that enhances people's use and enjoyment of City parks by ensuring compliance with City ordinances and policies.

The Salem Park Ranger is a Reserve Salem Police Officer and a Code Enforcement Officer. The ranger is currently assigned to the enforcement of Salem Revised Code (SRC) Chapter 45 - Smoking in the Park, SRC 94.020 - Dogs Off Leash, and SRC Chapter 102 - Parking (within Park guidelines). Additional infractions will be assigned in the future.

On July 23, 2018, Council voted to advance Ordinance Bill No. 12-18 to second reading.

FACTS AND FINDINGS:

The maximum penalty for an infraction in the Salem Revised Code is \$250.00, unless the specific ordinance provides for a lesser amount. Citing park users at the maximum possible penalty amount for every infraction may lead to fewer people enjoying parks and unhappiness with the City's customer service.

The tiered approach to penalties for infractions is consistent with the objectives of the Park Ranger program. The park infractions subject to the tiered approach are:

SRC 94.020 - prohibited animals,
SRC 94.030 - Picking flowers, injuring trees, buildings, fences, etc.,
SRC 94.050 - Discharge of fireworks,
SRC 94.100 - Sales and solicitation,
SRC 94.130 - Excavating, blasting, etc,
SRC 94.140 - Deposit of rubbish and broken glass,
SRC 94.150 - Deposit of junk, and
SRC 94.180 - Parking regulations in areas where fee charged.

The penalties for these violations will be:

No more than \$50.00 for the first infraction,
No more than \$150.00 for the second infraction of the same section, and
No more than \$250.00 for the third or subsequent infraction of the same section.

Brady Rogers, Administrator
Neighborhood Enhancement Division

Attachments:

1. Ordinance Bill No. 12-18