

COQUILLE INDIAN TRIBAL CODE
Part 6 – Public Safety and Justice
Chapter 660 - Park and Playground

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660.010 General

1. Purpose

The purpose of this ordinance is to provide regulating activities and uses of the playground(s) and park(s) operated by the Coquille Indian Tribe and/or the Coquille Indian Housing Authority. The Coquille Indian Tribe (Tribe), 3050 Tremont Street, P.O. Box 783, North Bend, Oregon, 97459-0783, and the Coquille Housing Authority, (Housing Authority), 2678 Mexeye Loop, Coos Bay, Oregon 97420. Both agree that there is a requirement to provide an ordinance regulating activities and uses of the playgrounds and parks within the Coquille Indian Tribal Lands/Community, and/or at the Fourth Creek Community, Coos Bay, Oregon.

2. Background and Intent (reserved)

3. Definitions

The following terms, wherever used or referred to in this ordinance, shall have the following respective meanings, unless a different meaning clearly appears from the context.

(a) Day The period of time of daylight hours from dawn to dusk.

(b) Designated Recreational Area. Any area specifically designated by the Tribe and/or the Housing Authority for use by Tribal members, residents, and guests of the Tribe, including but not limited to playgrounds, swings, slides, basketball courts, softball fields, soccer fields, baseball diamonds, and walking, jogging, or running paths, multi-use areas, waterways and/or forests.

(c) Weapon. Any device commonly known as a handgun, rifle or other weapon, including but not limited to spring or air actuated pellet guns, BB gun, bow and arrow, sling shot or any other weapon that propels a projectile, however, not limited to gunpowder, jet, or rocket propulsion, knives, and any type of explosive, or any explosive device.

(d) Fireworks. Any combustible or explosive composition, or any substance, combination of substances, or devices prepared for the purpose of producing a visible, or audible effect, by combustion, explosion, deflagration, or detonation or any of those items.

(e) Park/Playground. All areas recognized or designated by the Tribe or the Housing Authority, including but not limited to the playground/park on Mexeye Loop, Fourth Creek Housing area, or other recreational area(s).

(f) Employee. Any person employed by the Tribe or the Housing Authority empowered to act or work for them at or upon a playground or park.

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Employee, for the purpose of this ordinance, shall also include Tribal, and other volunteers assisting in work projects at the playground or park.

(g) Vehicle. Any motorized mode of transportation, excluding motorized wheelchairs or similar conveyances used for personal mobility by persons with physical disabilities.

(h) Spillway. The outfall structures, dams, and/or pipes, or other devices used to control water in the Tarheel Creek, greenway, reservoir, or lake, or other water control areas of Tribal property.

(i) Watercraft. Any craft constructed or used for moving on or across water, including but not limited to boats, rafts, jet skis.

660.020 Jurisdiction (reserved)

660.100 Park and Playground Regulations

1. Bicycles, skateboards, rollerblades, and skates.

(a) No person shall willfully and knowingly operate bicycles, skateboards, rollerblades, or skates in or on any playground or park in a negligent, careless, or reckless manner and shall yield to all pedestrian traffic.

(b) No person shall willfully and knowingly ride a bicycle, or skateboard, or roller blades, or roller skates, in a playground or a park, except in an area designated for this use only.

(c) No person shall willfully and knowingly ride a bicycle in areas designated for the use of skateboards only.

2. Camping.

(a) No person, other than a Tribal park host, shall camp in any park or playground without first obtaining an approved special event permit.

(b) Special event permit application forms are available at the Housing Authority and/or at the Tribal offices.

4. Day Use Only.

(a) All playgrounds/parks are for day use only, except as otherwise posted in designated recreational areas, or as authorized under a Special Event Permit.

5. Dogs or horses.

Dogs and/or horses are NOT permitted in playgrounds.

(a) Dogs or horses, where or when permitted, in parks or other designated areas must always be under the direct control of the owner, or other responsible adult, at all times.

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(b) When authorized, or otherwise permitted, dogs must always be on a leash.

(c) Seeing eye dogs, or dogs used by the hearing impaired, or police dogs, are exempt from this regulation.

6. Weapons.

(a) No person shall carry, possess, or discharge a weapon at or on a play ground/park area.

(b) Peace officers in the performance of their duties are exempt.

7. Fireworks.

(a) No person shall light, ignite or burn any type of firework or firework device within any playground or park boundaries.

8. Plant life.

(a) No person, other than a Tribal or Housing Authority Employee, or a designated volunteer, or other authorized person, in the performance of their duties or assignment, shall pick, cut, prune, mutilate, or remove any plant, flower, bush, or tree within a playground or a park boundary.

9. Vehicles.

(a) No person, other than a Tribal or Housing Authority employee, or any authorized volunteer, or designated person, or police, fire, or other emergency service personnel, while engaged in the execution of their duties, shall drive a motor vehicle in or upon a playground, path, trail or roadway, or in a park, unless the area is specially designated by the Tribe for such vehicular use.

(b) No person shall park a vehicle in a designated playground, or park, or recreation parking area, except for those persons executing their official duties, or employees of the Tribe or the Housing Authority, or any Tribal or other volunteers, while engaged in the performance of their job or duties, or those persons who park a vehicle to actually engage in the loading or the unloading of passengers intending to use the playground, recreation, or park area, or for those parents, or other adult supervisors, who are using the park or facility with their child or children, or who are actually engaged in observing or supervising their child or children, or for observing the child or children they are actually responsible for supervising at a playground, recreation area, or a park facility.

(c) No person shall willfully and knowingly park a vehicle in a parking area at a playground, recreation, or park area(s) to conduct a business or to conduct repairs, or to work on their vehicle, except to effect necessary emergency repairs to facilitate the removal of a vehicle already parked in a designated parking area at a playground, recreation area or park.

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(d) No person shall park a vehicle at a park or playground parking area and play a radio, stereo, compact disc player, or other voice or music device, after dusk and prior to dawn, except as permitted or otherwise authorized in a special event permit.

10. Noise.

(a) No person, shall play a music instrument, or will play, or otherwise participate in any live music band, or other musical group, except as permitted or otherwise authorized in a special event permit.

(b) No person shall cause excessive or unnecessary noise of any type while in playground/park area.

11. Off trail or off-road operation.

(a) No person, other than Tribal or Housing Authority employees, or other authorized person(s), while engaged in the performance of their job or duties, shall operate a vehicle on any trail, path, or roadway, or engage in any off-road activities with a vehicle.

12. Speed limit.

(a) No person shall drive a vehicle, where permitted, in a park at a speed exceeding fifteen (15) miles per hour, unless posted signs provide otherwise.

13. Spillway.

(a) No person, other than an employee of the Tribe or the Housing Authority in the execution of their employment or job duties or an authorized volunteer remove, place, change the location of, or replace, or operate, any board, pipes, or other device, at a spillway or dam.

(b) No person except those authorized by the Tribe or the Housing Authority, while engaged in the exercise of their duties as an employee or authorized volunteer, shall place a device, lumber or boards, rocks or sand, or other blockage, in place at a Tribal water site, or a spillway to create a dam or spillway.

14. Watercraft.

(a) Watercraft may be authorized by the Tribe for use on Tribal waterways. Such watercraft will utilize oars or electric motors as a means of power. This does not prohibit the use of emergency or rescue vehicles of any type.

(b) The use of any watercraft on Tribal property requires that operators and passengers follow all Coast Guard approved boating regulations.

15. Wildlife protection.

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(a) No person shall hunt, pursue, trap, injure, molest, or kill any wildlife.

(b) The Tribe may authorize the taking of legal game fish or other wildlife.

16. Drugs and Alcoholic beverages.

(a) No person shall possess or consume drugs and/or alcoholic beverages in any Tribal playground(s) or park(s).

17. Supervision.

(a) A parent, or other authorized adult sixteen (16) years of age or older, shall accompany children, and any person under the age of eight (8) years, when using any Tribal playground or any park, or recreation facilities.

18. Risk/liability.

(a) The Tribe and/or the Housing Authority assumes no responsibility whatsoever for the use or misuse of the playground(s) or the park(s) or of any recreation equipment. This includes, but is not limited to the swings, slides, merry-go-round, climbing and monkey bars, playing fields, and/or any other child play device or rides contained therein, as well as any or all trails, paths, streets and roadways.

(b.) The Tribe and/or the Housing Authority assumes no responsibility whatsoever for the use or misuse of any waterway, or lake, forest, or other Tribal recreation area.

660.200 Penalties.

Violation of, or failure to comply with any provision of this Ordinance is punishable upon conviction by a fine not to exceed \$25,000 and/or any other penalty, or condition, ordered by the Tribal court. Each violation is a separate offense, and if the violation is of a continuing nature, each and every day the violation continues shall be a separate offense or violation.

660.300 Severability.

The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

660.400 Emergency.

The Coquille Indian Tribal Council and the Coquille Indian Housing Authority finds that the health, safety and welfare of the Coquille Indian Tribe and members requires that this Ordinance have immediate effect. Therefore, the Tribal Council hereby declares the existence of an emergency and this Ordinance shall be in full force and effect within 30 days of passage.

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660.500 Enforcement.

THE COQUILLE INDIAN TRIBE POLICE DEPARTMENT WILL ASSUME THE RESPONSIBILITY AS THE FIRST RESPONDING CRIMINAL JUSTICE AGENCY FOR ALL CALLS FOR POLICE AND OTHER SERVICES, AND FOR THE ENFORCEMENT OF THESE REGULATIONS, AT ANY TRIBAL PLAYGROUND, PARK, OR OTHER RECREATION FACILITY. ANY LAW ENFORCEMENT OFFICER LEGALLY DEFINED AS A FULL-TIME AND PAID PEACE OFFICER OF THE UNITED STATES, OR OF THE STATE OF OREGON, WHO HAS CRIMINAL LAW ENFORCEMENT AUTHORITY, MAY ALSO RESPOND AND ENFORCE THESE REGULATIONS AS REQUESTED OR REQUIRED.

660.600 Special Event Permit Form.

The Tribe, and/or the Housing Authority, will have available application forms to request a special event permit. The special event permit may waive any of the regulations, designate special use of playground(s), or park(s) and recreation locations, facilities, and any other Tribal recreation areas, and provide early or late hour, or any special, or other use of playgrounds, parks and recreation areas. Applicants must complete the permit form thirty (30) days prior to requesting a special use or event. Space on the permit will allow for staff to comment on the requested use, make suggestions for use and/or suggest special conditions for use or non-use of a Tribal recreation area.

(a) Chairman authorizes. The permit form will be authorized or rejected by the Tribal Chair or designee. The chair may seek legal, or other advice, or input, prior to issuing or denying a permit. The chair may add restrictions or special requirements for use of a Tribal recreation area to a permit.

(b) Permit Appeals. All appeals for rejection of a special event permit shall be made in writing and addressed to the Tribal Chair. All appeals must be made within five (5) working days of the rejection and at least ten (10) working days prior to the event or use requested. The appeal will describe what action is requested, why the action is requested, and list the names of all the event sponsors and the estimated number of participants, the location(s) intended for use and date(s) and time(s) requested. There is no appeal to a rejection by the Tribal Chair.

(c) Clean Up. All permit holders must clean up the site upon completion of the event or special use described in the permit. Failure to satisfactorily clean up a permit site will result in the permit holder being charged for any and/or costs to clean up the site. Costs may include salaries, and equipment rental or use costs or charges associated with the clean up.

(d) Carry and display of special event permit. The holder of a special event permit must carry the permit authorizing the special use with them during the event. The holder of a special event permit must display the special event permit to any Tribal police officer, or any other peace officer, or to any Tribal or Housing employee requesting to view the permit.

Dated this [00]Th day of [month], 2001.

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