

**BEFORE THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON**

IN THE MATTER OF PROHIBITING)
POSSESSION OF ALCOHOLIC BEVERAGES) **ORDINANCE #61**
WITHIN THE SANDLAKE RECREATION) **Amendment #1**
AREA)

The Board of Commissioners for Tillamook County **ORDAINS** as follows:

SECTION I: FINDINGS.

- 1.10 Tillamook County is the owner of certain real property as more particularly shown on the attached Exhibit A, which is located within the Sandlake Recreation area.
- 1.20 The United States Forest Service (USFS) as the major landowner operates the Sandlake Recreation area under a multi-agency management plan for providing recreational opportunities for all terrain vehicles (ATV's).
- 1.30 Emergency Medical Service (EMS) agencies and others have provided data and information concerning the high number of ATV accidents involving personal injuries and deaths within the Sandlake Recreation area.
- 1.40 EMS and law enforcement agencies have provided substantial evidence that a large number of ATV accidents within the Sandlake Recreation area involve alcoholic beverages.
- 1.50 Law enforcement officers and USFS Sandlake operators have indicated that the alcohol problem at Sandlake is due in large part to dispersed possession of alcoholic beverages outside of designated campgrounds and the day use area, and in particular in unregulated dispersed camping areas, on the open sand and in the parking lots.
- 1.60 Pursuant to various sections of 36 CFR 261 and U.S. Forest Service Order No. 12-18.4, the Forest Supervisor for the Suislaw National Forest has prohibited the possession of alcoholic beverages on federal lands within the Sandlake Recreation area except for designated campgrounds and the day use area.
- 1.70 The above-cited federal regulations become effective May 1, 2003.
- 1.80 Unless Tillamook County enacts comparable alcohol prohibitions for county-owned lands within the Sandlake Recreation area prior to May 1, 2003 it is likely that the alcohol problem will migrate to the county-owned lands after that.
- 1.90 The USFS desires that Tillamook County enforce the prohibition of alcoholic beverages not only on county-owned lands but also on the entire Sandlake Recreation Area, including USFS lands.

SECTION II: POSSESSION OF ALCOHOLIC BEVERAGES PROHIBITED.

- 2.10 The following acts are prohibited within the Sandlake Recreation Area depicted on the attached Exhibit A, incorporated herein by reference.
 - 2.10.1 Possessing a beverage which is defined as an alcoholic beverage by state law.
 - 2.10.2 For purposes of this section, possession of alcoholic beverage includes:
 - 2.10.2.1 containment within a motor vehicle, tent or other structure, by the owner, operator or other person, having the authority or control of this location or

2.10.2.2 possession on a person or in an area in the immediate control of that person.

2.20 Possession does not include any lawful consumption prior to entering the described area.

SECTION III: EXEMPT PERSONS AND AREAS.

3.10 The following persons are exempt from this ordinance:

3.10.1 Any federal, state or local officer, or member of an organized rescue, EMS or fire fighting force in the performance of an official duty.

3.10.1.1 And other persons meeting exemption requirements specified in USFS Order.

3.20 The following developments within the Sandlake Recreation Area are exempt from this ordinance:

3.20.1 Fisherman's Day Use Area; Sandbeach Campground; East Dunes Campground; and West Winds Campground.

SECTION IV: ENFORCEMENT.

4.10 Any law enforcement officer, upon determining that any of the above violations have occurred, may:

4.10.1 issue the person charged with such violation, a summons and complaint to appear in the Justice Court of the State of Oregon for Tillamook County to answer such complaint, and

4.10.2 expel the person or persons from the county-owned lands.

4.11 For purposes of this ordinance, a U.S. Forest Service employee shall have those powers and authority of "persons specifically authorized" to enforce infractions as set forth in Oregon Revised Statutes 153.005(1)(F) and ORS Chapter 153 generally.

4.20 The County Counsel for Tillamook County shall act as the prosecuting attorney for the County in such matters.

4.30 The Tillamook County Sheriff may appoint special deputy sheriffs to enforce this ordinance.

SECTION V: VIOLATIONS, PENALTIES AND BAIL.

5.10 The offenses set forth in this ordinance are declared to be Class A violations, with a maximum penalty of \$600.00 in fines.

5.20 The bail amount for a citation issued pursuant to this ordinance shall be \$175.00.

5.30 All fines for violations under this ordinance shall be deposited into the county general fund.

SECTION VI: SEVERABILITY.

6.10 If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or unlawful such decision shall not effect the remaining portions of this ordinance. The Board hereby declares that it would have passed each phrase thereof, irrespective of the fact that any one or more of such provisions be declared unconstitutional or unlawful.

SECTION VII: DECLARATION OF AN EMERGENCY.

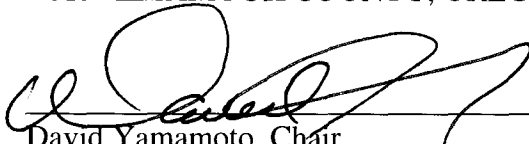
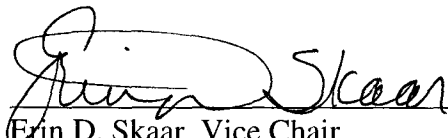
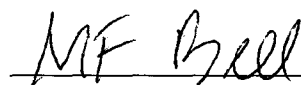
7.10 The Board of Commissioners finds that the enactment of this Ordinance is necessary for the public health, safety and general welfare, that an emergency exists, and this ordinance shall take effect immediately upon passage by the Board of Commissioners.

Date of First Reading: June 29, 2022.


Date of Second Reading: July 13, 2022.

DATED this July 13, 2022.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
 David Yamamoto, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Erin D. Skaar, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Mary Faith Bell, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Tassi O'Neil, County Clerk

By 
Special Deputy

APPROVED AS TO FORM:


William K. Sargent, County Counsel

