

COUNTY COURT JOURNAL

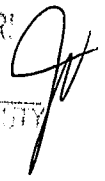
BEFORE THE BOARD OF COMMISSIONERS

OF TILLAMOOK COUNTY, OREGON

FILED

98 MAY 12 PM 1:26

JOSEPHINE VELTRI
COUNTY CLERK



In the matter of adopting an)
Ordinance establishing rules rela-)
ting to county parks, creating)
penalties, and declaring an emergency.)
_____)

ORDINANCE

NO. 43

As Amended April 29, 1998

The Board of Commissioners for Tillamook County ORDAINS as follows:

SECTION ONE. INTENT.

1.10 It is the legislative intent of the Board of Commissioners for Tillamook County, Oregon to provide for and enhance the public enjoyment and use of Tillamook County's extensive system of parks, campgrounds, picnic areas, recreational areas and park land, which are hereinafter referred to as County Parks.

1.20 It is appropriate and necessary to provide penalties for the enforcement of this ordinance as County Parks are irreplaceable natural resources, which offer unique natural settings for public enjoyment and natural preservation.

SECTION TWO. DEFINITIONS.

2.10 Unless otherwise provided in this ordinance, the terms and conditions set forth in this ordinance shall have the same definition and meaning as provided by Oregon law.

2.20 The term "parks" has its ordinary meaning, and includes county parks, waysides, beach access areas, scenic areas, campgrounds, boat launching sites, recreation areas, and lands used by the public in which the county enjoys a legal interest (e.g. Munson Creek Falls public area).

2.30 "Camping Area" means an area designated by the Parks Department for overnight camping, without designated campsites.

SECTION THREE. The following violations are created:

3.10 ILLEGAL FIRES. No person shall build, light, or maintain, a fire within a County Park unless it complies with this section.

3.10.1 CAMPFIRES.

3.10.1.1 Fires shall be confined to campstoves or fire rings or other fireproof structures constructed for such purposes. Such structure shall not exceed four feet in diameter.

3.10.1.2 All flammable material shall be cleared for a distance of 5 feet around and 10 feet above any fire ring or other structure used to contain a campfire.

3.10.1.3 No fire shall be left unattended and every fire shall be extinguished before it's user leaves the site.

3.15 DISCHARGE OF FIREARMS PROHIBITED. No person shall brandish or discharge or cause to be discharged any firearm, pellet gun, beebie gun, air gun, bow and arrow, crossbow or other archery device within a County Park. It shall be a defense to this offense that a person is an Oregon police officer engaged in enforcing the law or County employee under written authorization of the Board of Commissioners.

3.15.1 No person shall use lawn darts or toss or release any other pointed projectile within a County Park.

3.15.2 No person shall discharge a slingshot or other device capable of injuring any person or wildlife.

3.15.3 No person shall engage in hunting within County parks. County Parks are hereby declared to be game refuges.

3.15.4 No person shall molest, injure, or kill any bird, mammal, or other animal within County Parks, except for necessary vector and vermin control as authorized by the Board of County Commissioners.

3.15.5 No person shall disturb, destroy, or otherwise interfere with animal nesting, breeding, feeding, or resting sites within County Parks, except for scientific purposes as authorized in writing by the County Parks Director and the Oregon Department of Fish and Wildlife.

3.20. DISTURBANCE OF FLORA PROHIBITED. No person shall collect, cut, pick, remove, burn, break, or otherwise disturb any plant, flower, shrubs, grasses, moss, trees, or other plants within County Parks, except by express written consent of the Tillamook County Board of Commissioners, unless the removal or disturbance is part of normal maintenance under the direction of the County Parks Director.

3.21. FIREWOOD COLLECTION.

3.21.1 Persons engaged in lawful camping activity may collect sufficient firewood for their personal use while camped on county park land, except where otherwise prohibited in this ordinance.

3.21.2 No person shall be permitted to remove county park firewood which has been collected for use while camping on county park land, without a valid firewood permit.

3.21.3 Firewood shall be collected only from dead and down material that is 12 inches or less in diameter at it's largest point. No standing trees, living or dead, may be felled for conversion into firewood without a valid firewood permit.

3.25. INTERFERENCE WITH IMPROVEMENTS PROHIBITED. No person shall interfere with, remove, alter, or otherwise damage any building, fence, sign, camp site, picnic table, fire pit, or other improvement within a County Park.

3.30. BLASTING PROHIBITED. No person shall set or discharge any explosive, within a County Park, without a County permit.

3.31 FIREWORKS PROHIBITED. The use of all classes of fireworks is prohibited, including the use of sparklers, snakes, or other spark or smoke producing articles containing combustible material.

3.32 EXCAVATION PROHIBITED. No person shall excavate, remove, or otherwise alter any rock, soil, gravel, mineral, or other similar substance, within or from a County Park except by express written consent of the Tillamook County Board of Commissioners, unless the removal or disturbance is part of normal maintenance under the direction of the County Parks Director.

3.32.1 No person shall dig up, deface, remove, or otherwise alter historical or fossil materials or American Indian artifacts or burials within or from a County Park.

3.35. PLACEMENT OF SIGNS AND MARKERS PROHIBITED. No person shall erect, place, alter, or otherwise place or remove any sign, marker, or plaque within the boundaries of a County Park, except at a designated message center, without the express written consent of the Tillamook County Parks Department Director, or his/her designees and the Tillamook County Board of Commissioners.

3.40. CONCESSIONS PROHIBITED. No person shall sell, promote, distribute, circulate, vend, or otherwise market any merchandise, coupon, tickets, advertisements, or other commercial item within a County Park, without having first obtained a permit which has been signed by both the Tillamook County Parks Department Director, or his/her designee, and the Tillamook County Board of Commissioners.

3.45. VEHICLES. No person shall park or drive a vehicle (including motor vehicles, trailer, bicycles, off road vehicles, and other licensed street-legal vehicles) in or upon any area within a County Park, except in specifically authorized paved campsite pads, alleys, roadways, or designated parking spots.

3.45.1. No person shall block, obstruct or interfere with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area.

3.46 BICYCLES, ROLLER SKATES, SKATEBOARDS AND ROLLER BLADES PROHIBITED. No person shall bicycle, roller skate or roller blade or operate a skateboard on pedestrian walkways in a County park.

3.47 OFF-ROAD VEHICLES, MOTORIZED TRAIL BIKES, THREE-WHEELERS. No person shall operate an off-road vehicle, a motorized trail bike or three-wheeler within a County park, unless it is licensed and street-legal.

3.48 SPEED LIMITS. Motor vehicles shall not be operated within a park area at speeds in excess of 15 miles per hour where not otherwise posted or in excess of the posted maximum.

3.50 ANIMALS. No person shall allow a dog, cat, livestock, or exotic animal within a County park, unless such animal is confined within a vehicle or is kept upon a leash, not to exceed six feet in length and is kept under physical control at all times.

3.51 ANIMALS PROHIBITED. No animals other than seeing-eye dogs or hearing-ear dogs shall be allowed in any building or structure.

3.52 ANIMAL WASTE REMOVAL. The owner, or person having care and control of any dog, cat, livestock, or exotic animal which defecates within a County Park, shall immediately pick up and dispose of such feces by placing the feces within a solid waste receptacle.

3.53 HORSES. No person shall keep a horse or horses within a County Park or allow a horse or horses to forge, graze, or run at large within a County Park, except in a designated horse camp, or by permit of Tillamook County. No person shall allow a horse to be tethered or hitched to any plant or to any park improvement not specifically designed for hitching or tethering.

3.55 PUBLIC ADDRESS SYSTEMS. No person shall operate or otherwise utilize a public address system, sound amplification system, electrical musical instrument, or other electrically powered voice amplification system within a County Park, without the prior approval of the County Parks Director.

3.60 PERSONAL MUSIC SYSTEMS. Notwithstanding Section 3.55 of this Ordinance, personal music systems and instruments are permitted within County Parks, provided that the use of such systems and instruments do not substantially interfere with the enjoyment of County Parks by other members of the public. Personal music systems and instruments shall not be operated between the hours of 10 p.m. and 7 a.m.

3.65 SOUND SYSTEM AMPLIFICATION. A person commits the offense of causing unreasonable sound amplification from a vehicle if the person operates, or permits the operation of, any sound amplification system which is plainly audible outside of a vehicle from 50 or more feet when the vehicle is within a county park, unless that system is being operated to request assistance or warn of a hazardous situation.

This section does not apply to: Emergency vehicles as defined in ORS 801.260; Vehicles

operated by utilities defined under ORS 757.005, 758.505 or 759.005; Audio alarm systems installed in vehicles; Federal Communications Commission licensed two-way radio communications systems.

“Plainly Audible” means any sound for which the information content of that sound is unambiguously communicated to the listener including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal or comprehensible musical rhythms or vocal sounds.

3.70 CAMPING LIMIT; CLOSURES. No person shall camp or otherwise use County Parks for any period of more than fourteen days in any twenty-eight day period. No person shall camp in any campsite or other area within a park designated as NO CAMPING when determined by the Parks Department that closure is needed.

3.70.1 BARVIEW PARK. Notwithstanding Section 3.70, for use of Barview County park September 1 through May 15, a twenty-eight day stay shall be allowed in those sites where a combination of water, sewer, and electrical services are provided.

3.70.2 MINORS USING COUNTY PARKS. Persons under the age of eighteen years shall not camp or otherwise use county park facilities between the hours of 10:00 p.m. and sunrise, unless they are accompanied by their parent, guardian, or designated chaperon (who shall be eighteen years of age or older and have written consent from the parent or guardian), or are registered into the park by their parent or guardian. The registration process shall include the number of persons in the campsite, the names and addresses of the campers and the telephone number of the parents or guardians. Park personnel may require prospective campers and park users to provide proof of age.

3.70.3 No person shall occupy or otherwise use a campsite or other park area for camping unless the campsite has been designated for camping by the park manager.

3.70.4 More than one vehicle may be authorized to occupy an individual campsite when, in the judgement of the park manager or his/her designee, such use will not impair the health and safety of the visitors or be detrimental to the park resources.

3.70.5 Campsite party size shall be limited to a maximum of eight individuals. However, the park manager may authorize a greater number or restrict to a lesser number when warranted by conditions such as campsite size.

3.70.6 During quiet hours (10:00 p.m. to 7:00 a.m.), all persons within county parks shall respect the rights of campers to peace and quiet. Noise levels shall be reduced during quiet hours and other hours when such noise levels are disturbing campers. Noise is defined as plainly audible sound which is clearly distinguishable from other sounds, such as, but not limited to, sound for which the information content of that sound is unambiguously communicated to the listener, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms, or sounds produced by devices such as vehicle engines or exhausts, domestic

tools to include chain saws, hammers and other similar tools, and devices installed in vehicles such as heat pumps, air conditioning units, refrigeration units, generators and television sets.

3.70.7 Temporary entry permits may be issued to non-camping visitors when such entry will not disrupt the operation of the campground and safety of the park visitors.

3.70.8 Park visitors in the campground between the hours of 10:00 p.m. and 7:00 a.m. are subject to payment of overnight camping fees and charges.

3.71 FEES AND CHARGES. The Board of Commissioners for Tillamook County, by Board Order, shall set fees to be charged in Tillamook County Parks.

3.71.1 Established fees and charges shall be paid for use of overnight camping sites and other facilities and services as designated by Board Order.

3.71.2 Unless posted otherwise, payment shall be made prior to use and refunds given prior to departure from the park area.

3.71.3 Upon providing proper and current Oregon Department of Human Resources identification, Tillamook County foster parents described in ORS 243.149, are exempt from individual campsite fees and day use charges when accompanied by their foster children.

3.72 RULES FOR UNDESIGNATED CAMPING AREAS. For undesignated camping areas on County park land, no person shall:

3.72.1 Camp longer than 14 days out of any 28 day period, or the period of time permitted by the County Park Director;

3.72.2 Camp within 25 feet of any body of water; or

3.72.3 Leave personal property unattended longer than 4 days. Personal property left unattended longer than 4 days, without permission of the County Parks Director, shall be removed and shall be disposed of as provided by law.

3.72.4 Leaving personal property unattended will be considered camping for the purposes of determining the length of stay at a given site.

3.75 PUBLIC GATHERINGS; DAY USE.

1. No person shall congregate with or participate in activities with other persons in numbers exceeding twenty persons within County Parks without the prior approval of the County Parks Director or his/her designee.

2. Such use shall not be denied if the proposed group activity will not be, in the opinion of the County Parks Director, an undue burden upon natural resources, sanitation facilities, vehicle parking, crowd control, noise control, police and fire protection, the public's interest in protecting park resources, and public safety.

3. Conventions, concerts, rallies, parades, group picnics, group camping, and other public gatherings and events shall be permitted only by prior written approval (permit) of the County Parks Department, which may impose reasonable conditions for the issuance of such permits.

4. In overnight campgrounds, day use activities shall cease at 6:00 p.m. daily. Day use activities are active recreational uses within the campground by persons who are not registered for overnight camping.

3.80 FISH CLEANING; DISPOSAL OF WASTE.

3.80.1 No person shall clean fish within County Parks, except within the confines of designated fish cleaning facilities.

3.80.2 No person shall dispose of fish or shellfish offal, bait, or fish carcasses within County Parks, except within the confines of designated fish cleaning facilities.

3.80.3 No person shall place or dispose of any solid waste, as defined in the Tillamook County Solid Waste Ordinance and by state law, in any County Parks solid waste container or receptacle, except:

3.80.3.1 solid waste that has been created within County Parks by park users; and

3.80.3.2 solid waste created incidentally within vehicles in the course of travel upon public highways and within County Parks.

3.80.4 No person shall deposit in any County Park's waste receptacle any solid waste, including home garbage, except as allowed by Section 3.80(3) of this Ordinance.

3.81. SANITATION. On all County park lands, no person shall unless otherwise authorized:

1. Dispose of any cans, bottles and other non-flammable trash and garbage except in designated places or receptacles;

2. Dispose of flammable trash or garbage except by burning in authorized fires, or disposal in designated places or receptacles;

3. Drain sewage or petroleum products or dump refuse or waste wash water except in places or receptacles provided for that purpose;

4. Dispose of any household, commercial or industrial refuse or waste brought as such from private or municipal property, including but not limited to automobiles, household appliances and furnishings;

5. Pollute or contaminate water supplies or water used for human consumption; or

6. Use a refuse container or disposal facility for any purpose other than for which it is supplied.

7. No person shall wash any clothing, dishware, cookware, or other materials in any lake, stream, river, or other body of water on county parks lands.
8. No person shall deposit human waste within 100 feet of any campsite, trail, or body of water. Human waste shall be disposed of by burying to a depth of at least 6 inches.
9. Where toilet or sewage facilities are provided, no person shall dispose of human waste except in those facilities.

3.85 ALCOHOLIC BEVERAGE CONTAINERS.

3.85.1 No person shall possess or use any single alcoholic beverage container in excess of one half gallon within county parks, except by permit of Tillamook County.

3.85.2 Any County Parks Department employee or law enforcement officer may seize any unlawful alcoholic beverage container or any alcoholic beverage and alcoholic beverage container in the possession of a minor, within county parks.

3.90 No person shall obstruct, harass or interfere with the official duties of the Tillamook County Park Manager or County Park Employees.

3.95 PENALTIES. The above offenses in this section are declared to be violations, with the maximum penalty of \$250.00 in fines. For each of these offenses there is established a schedule for bail as set forth on the attached Exhibit A, incorporated here by reference.

SECTION FOUR. ENFORCEMENT.

4.10. Any police officer, or county parks department employee who is a Tillamook County deputy sheriff, upon determining that any of the above violations has occurred, may:

4.10.1 issue the person charged with such violation, a summons and complaint to appear in either the District or 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 park.

4.11 For the purposes of this Ordinance, a county parks department employee shall have those powers and authority of "persons specifically authorized" to enforce infractions as set forth in Oregon Revised Statutes 153.110 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.

4.25 The Tillamook County Sheriff may appoint special deputy sheriffs to enforce this ordinance and related county ordinances.

4.30 FINES AND RESTITUTION.
be deposited into the County General Fund.

All fines for violations under this ordinance shall

SECTION FIVE. ADMINISTRATIVE RULES. The Board of Commissioners may, from time to time, enact appropriate administrative rules and regulations to carry out the provisions of this Ordinance.

SECTION SIX. COUNTY AUTHORIZATION. The Board of Commissioners and/or the Tillamook County Parks Director may, by written authorization, authorize an act which would otherwise be a violation of this ordinance.

SECTION SEVEN. SEVERABILITY. 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 affect 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 EIGHT. 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 upon passage by the Board of Commissioners.

First Reading On: April 15, 1998

Second Reading On: April 29, 1998

DATED THIS 29TH DAY OF APRIL, 1998.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Gina Firman
Gina Firman, Chair

Aye Nay Abstain/absent

Jerry A. Dove
Jerry A. Dove, Vice-Chair

Sue Cameron
Sue Cameron, Commissioner

ATTEST: Josephine Veltri,
County Clerk

By Nancy [Signature]
Special Deputy

APPROVED AS TO FORM:

[Signature]
William K. Sargent,
County Counsel

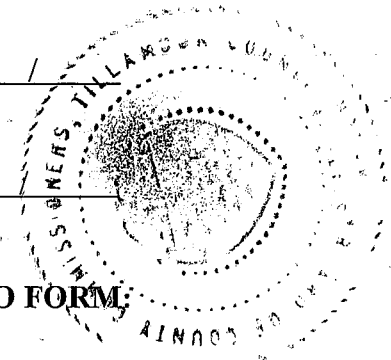


EXHIBIT "A"

BAIL SCHEDULE

3.1	Illegal Fires	\$250.00
3.15	Firearm discharge/hunting	\$250.00
3.20	Disturbance of Flora	\$109.00
3.21	Illegal Firewood Collection	\$ 69.00
3.25	Interfering with an improvement	
	(a) Damage less than \$150.00	\$109.00
	(b) Damage more than \$150.00	\$250.00
3.30	Discharge of an explosive	\$250.00
3.31	Using fireworks	\$ 69.00
3.32	Excavate, remove, or alter natural material	\$109.00
3.32.1	Excavate, remove, or alter historical material	\$109.00
3.35	Placing, altering, or removing signs	\$ 69.00
3.40	Operating concessions/vending	\$ 69.00
3.45	Operating vehicles in unauthorized areas	\$ 69.00
3.45.1	Vehicle obstruction	\$ 69.00
3.46	Use of skates, skateboard, roller blades	\$ 69.00
3.50	Non-controlled animal	\$ 69.00
3.52	Non-removal of animal waste	\$ 69.00
3.53	Allowing a horse in a park area	\$ 69.00
3.55	Use of a public address system	\$ 69.00
3.60	Improper use of a personal music system	\$ 69.00
3.65	Improper use of a music system from a vehicle	\$ 69.00
3.70	Camping past limit of stays	\$ 69.00
3.70.2	Improper use of a park area by a minor	\$ 69.00
3.70.3	Camping in an undesignated area	\$ 69.00
3.70.4	Unauthorized vehicle in a campsite	\$ 69.00
3.70.5	Exceeding party size in a campsite	\$ 69.00
3.70.6	Exceeding noise levels during quiet hours	\$ 69.00
3.70.8	Non-payment of overnight fees	\$ 69.00
3.72.2	Camping within 25 feet of water	\$ 69.00
3.75	Unauthorized gathering/day use	\$ 69.00
3.80.1	Cleaning fish outside of facilities	\$ 69.00
3.80.4	Depositing home garbage	\$109.00
3.81	Unlawful disposal of waste	\$109.00
3.85.1	Oversized alcohol containers	\$ 69.00
3.90	Interference with Park Employees	\$109.00

Other vehicle bails to be taken from Oregon Vehicle Bail Schedule