

BEFORE THE BOARD OF COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

FILED

11:05am 9M
MAY 17 2001

TASSI. O'NEIL
COUNTY CLERK

In the Matter of Prohibiting Camping)
 on Certain Beaches in Tillamook) Ordinance #59
 County Between the North Boundary)
 of the City of Manzanita and the)
 Neahkahnie Mountain Headland;)
 Establishing Penalties and Declaring)
 an Emergency)

The Board of Commissioners for Tillamook County ordains as follows:

SECTION 1. AFFECTED AREA.

For purposes of this ordinance the affected area is the public rights of way, ocean shore and dunes west of the east boundaries of Pacific Boulevard and Beulah Reed Road between the north boundary of the City of Manzanita and the Neahkahnie Mountain headland.

SECTION 2. CAMPING PROHIBITED.

Camping within the affected area is prohibited.

SECTION 3. CAMPING DEFINED.

For purposes of this ordinance, camping includes, but is not limited to, erecting a tent or temporary shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle in such a manner as will permit remaining overnight, or for other extended periods.

SECTION 4. PARKING LIMITATIONS IN AFFECTED AREA.

Parking of occupied motor vehicles within the affected area, including motor homes and recreational vehicles, is prohibited between 12:01 a.m. and 4:00 a.m.

SECTION 5. ENFORCEMENT.

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

5.10.1 issue the person charged with such violation, a summons and complaint to appear in either the State Circuit Court or the County Justice Court for Tillamook County to answer such complaint, and

5.10.2 Expel the person or persons from the affected area.

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

5.30 All fines for violations under this ordinance shall be deposited into the County General Fund.

SECTION 6. PENALTIES.

The offenses set forth in this ordinance are declared to be violations, with the maximum penalty of \$250 in fines. For each such offense a bail of \$69.00 is hereby established.

SECTION 7. 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 8. EMERGENCY DECLARATION.

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: May 2, 2001
Second Reading: May 16, 2001

DATED THIS 16th DAY OF May, 2001.

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

Paul a. Hanneman

Paul Hanneman, Chair

Aye Nay Abstain/absent

Charles Hurliman

Charles Hurliman, Vice-Chair

 _____ _____

Tim Josi

Tim Josi, Commissioner

 _____ _____

ATTEST: Tassi O'Neil,
County Clerk.

By Loerie McKibbin
Special Deputy

APPROVED AS TO FORM:

William K. Sargent
William K. Sargent,
County Counsel

