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JOSEPHINE VELTRI
COUNTY CLERK

BEFORE THE BOARD OF COMMISSIONERS

DEPUTY

OF TILLAMOOK COUNTY, OREGON

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

ORDINANCE

No. 43

The Board of Commissioners for Tillamook County ORDAINS as follows:

SECTION ONE. INTENT.

1.1. 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.

1.2. In 1976, the Board of Commissioners adopted Order No. 76-101, which adopted various administrative rules and provided for criminal penalties for numerous activities within County Parks. However, in 1981, the Legislative Assembly repealed the specific Oregon statutes providing for the adoption of county administrative rules for the governance of County Parks. (1981 Oregon laws chapter 126). It appears that this Ordinance is necessary to continue to protect and enhance County Parks and the public enjoyment of County Parks.

1.3. It is appropriate and necessary to enact criminal offenses and 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 include county parks, waysides, 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).

SECTION THREE. The following criminal offenses are hereby enacted:

3.10. ILLEGAL FIRES. No person shall unlawfully and knowingly, recklessly, or with criminal negligence build, light, or maintain, a fire within a County Park. It shall be a defense to this offense that a fire was built, lit, or maintained within a camp stove, fire pit, or fireplace established by the county parks department within a campground or picnic area.

3.15. DISCHARGE OF FIREARMS PROHIBITED. No person shall 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 or is the permittee of an Oregon concealed weapons permit for the firearm.

3.16 No person shall use lawn darts or other pointed projectiles within a County park.

3.20. HUNTING PROHIBITED.

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

3.20.2. 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.

3.20.3. No person shall disturb, destroy, or otherwise interfere with animal nesting, breeding, feeding, or resting sites within County Parks, except for scientific purposes as previously authorized by the County Parks Department, who shall first obtain concurrence of the Oregon Department of Fish and Wildlife.

3.90. PENALTIES. The above criminal offenses are hereby declared to be Class C Misdemeanors, with maximum penalties of up to 30 days in the county jail, or a \$500.00 fine, or both.

SECTION FOUR. The following violations are created.

4.10. COLLECTION OF FLORA PROHIBITED. No person shall collect, cut, pick, disturb, remove, burn, break, or otherwise disturb any plant, flower, shrubs, grasses, moss, trees, or other plant 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.

4.11. FIREWOOD COLLECTION. No person shall cut or remove any log or piece of driftwood larger than one cubic foot, except by permit of the County Parks Department, unless the removal or

disturbance is part of normal maintenance under the direction of the County Parks Director.

4.15. 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.

4.20. BLASTING, FIREWORKS, EXCAVATING PROHIBITED. No person shall set or discharge any explosive, Class A or Class B fireworks within a County Park, without a County permit. No person shall excavate, remove or otherwise alter any rock, soil, gravel, mineral, or other similar substance, or any American Indian or other historical artifact, within or from a County Park.

4.25. 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 designee and/or the Tillamook County Board of Commissioners.

4.30. 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/or the Tillamook County Board of Commissioners.

4.35. VEHICLES. No person shall park or drive a vehicle (including motor vehicles, trailers, 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, or roadways.

4.36 ROLLER SKATES, SKATEBOARDS. No person shall roller skate or operate a skateboard in a County park.

4.37 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.

4.40. ANIMALS. No person shall allow a dog, cat, live-stock, or exotic animal within a County Park, unless such animal is confined within a vehicle or is kept upon a leash.

4.42. 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.

4.45. HORSES. No person shall keep within County Parks or allow horses to forage, graze, or run at large within County Parks, except in designated horse camps, 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.

4.50 PUBLIC ADDRESS SYSTEMS. No person shall operate or otherwise utilize a public address system, sound amplification

system, musical instrument, or other electrically powered voice amplification system within a County Park, without the prior approval of the County Parks Department.

4.55. PERSONAL MUSIC SYSTEMS. Notwithstanding Section 4.50 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 and are not operated between the hours of 10 p.m. and 7 a.m.

4.60. LAUNDRY AND WASHING ACTIVITIES.

4.60(1). No person shall wash, scrub, or otherwise clean any vehicle, or other property within County Parks. Personal bathing, laundry and other personal hygiene activities shall be confined to specific buildings and park facilities. Bathing or washing of animals is prohibited within the park showers and restroom facilities.

4.60(2). For the purpose of this ordinance, the definition of "bathing" shall mean cleansing of the body of a person or animal with the use of soap or other cleansers, and is not to be confused with swimming in a river, lake, or bay. If campers have a self-contained unit, e.g., motor home, trailer, or other camping vehicle with sinks, showers, and holding tanks, the statement "to wash, launder, scrub or otherwise clean any clothing within county parks" is not intended to prohibit those persons from performing those functions within the confines and privacy of their self-contained unit.

4.65. CAMPING LIMIT. No person shall continuously camp or otherwise use County Parks for any period of more than fourteen consecutive days in any twenty-eight day period.

4.65.1. BARVIEW PARK. Notwithstanding Section 4.65, for use of Barview County Park from September 1 through May 15, a twenty-eight day consecutive stay shall be allowed in those sites where a combination of water, sewer, and electrical services are provided.

4.65.2. 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 chaperone (who shall be eighteen years of age or older), 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.

4.70 PUBLIC GATHERINGS.

(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 Department.

(2) The County Parks Department shall not deny such use of County Parks if the proposed group activity will not be, in the opinion of the County Parks Department, 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, large group picnics, large group camping, and other public gatherings and events shall be permitted only by prior approval of the County Parks Department, which may impose reasonable conditions for the issuance of such permits.

4.75. FISH CLEANING; DISPOSAL OF WASTE.

(1) No person shall clean harvested fish within County Parks, except within the confines of designated fish cleaning facilities.

(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) 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:

(a) solid waste that has been created within County Parks by park users; and

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

(4) No person shall deposit in any County Park's waste receptacle any solid waste, including home garbage, except as allowed by Section 4.75(3) of this Ordinance.

4.80. ALCOHOLIC BEVERAGE CONTAINERS.

4.80.1. 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.

4.80.2. 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.

4.90. PENALTIES. The above offenses in this section are declared to be violations, with the maximum penalty of \$250.00 in fines.

SECTION FIVE. ENFORCEMENT.

5.10. Any police officer, or county parks department employee, who is a Tillamook County deputy sheriff, upon determining that any of the above criminal offenses or violations has occurred, may issue the person charged with such offense or 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.

5.11. 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.

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

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

5.30. FINES AND RESTITUTION. Any collection of fines and restitution for such criminal offenses and violations shall be deposited into the County General Fund.

SECTION SIX. 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 SEVEN. INTERPRETATION.

7.1. In the event a court of competent jurisdiction declares any portion of this Ordinance to be unlawful and of no effect, all other provisions of this Ordinance shall continue in effect.

7.2. This ordinance shall be interpreted in conformity with the Oregon Criminal Code and the cases pertaining thereto.

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 January 30, 1991

SECOND READING ON February 13, 1991

DATED this 27th day of February, 1991.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Kenneth M. Burdick

Kenneth M. Burdick, Chairperson

APPROVED AS TO FORM:

William K. Sargent

William K. Sargent,
County Counsel

Jerry A. Dove

Jerry A. Dove, Vice Chairperson

Ida A. Lane

Ida A. Lane, Commissioner