

41. PARK RULES AND REGULATIONS

41.1 PURPOSE

41.1.1 The purpose of this ordinance is to maintain county parks as safe places for recreation. This ordinance will set forth the rules governing the public's use of county parks, establish fines for violation of rules and establish use fees for county park facilities.

41.2 DEFINITIONS

41.2.1 "Park area" means any lands accepted as a county park pursuant to ORS Chapter 275.

41.2.2 "Motor vehicle" means every self-propelled vehicle and vehicle designed for self-propulsion, except police and other emergency motor vehicles, and does not include camping or sleeping facility vehicles.

41.2.3 "Sleeping facility vehicle" means any motor vehicle or device designed for overnight camping, including but not limited to campers, motor homes, travel trailers, and tent trailers.

41.2.4 "Park Ranger" means a Clatsop County employee specifically designated to seek compliance with and enforce park ordinances.

41.2.5 "Boat" as defined in ORS 830.005(2), means every description of watercraft, including a seaplane on the water and not in flight, used or capable of being used as a means of transportation on the water, but does not include boathouses, floating homes, air mattresses, beach and water toys, or single inner tubes.

41.3 PARK AND COUNTY PROPERTY RESTRICTIONS

The following restrictions shall apply to all parks and county property:

41.3.1 Fires and smoking may be restricted by the Park Ranger at any time.

41.3.2 All fires, when allowed, shall be confined to a stove, pit, or fireplace designated for fires, attended at all times, and extinguished before its user leaves the fire. As used in this subsection, "fire" includes all open flames except for camp stoves, charcoal cookers, and other contained camping equipment used for cooking.

41.3.3 No person shall drive a vehicle at a speed greater than is reasonable and prudent, having due regard to traffic, surface, and strength of roadways, hazards at intersections, and other conditions then existing. The maximum speed limit on all interior roads, drives, and parking lots shall be 15 miles per hour, unless otherwise posted.

41.3.4 No person shall drive a motor vehicle on any walk, path, trail, service road, or other area, unless said walk, path, trail, service road, or area has been officially designated for use by motor vehicles.

41.3.5 No person shall park any auto, truck, trailer, or other vehicle in any area other than an area specifically designed for such purposes.

41.3.6 No person shall:

A) Allow a dog or other animal to run at large. All animals shall be confined or leashed with a leash of not more than ten feet. The custodian of said animals are responsible for the animals' behavior and the removal of the animals' waste from the park;

B) Ride, drive, lead or keep a saddle horse or other animal except on such roads, trails, or areas specifically designated for that purpose;

C) Deposit any rubbish, garbage, glass, or other litter except in receptacles designated for that purpose;

D) Dispose of hand and dish water other than in the receptacles provided for that purpose, or to dump human waste in gray water receptacles;

E) Wash any clothing or other materials in a lake or stream, or in any way pollute or defile any stream, spring, well, or lake;

F) Dump household or commercial garbage, brought from lands outside the park, in park facilities.

G) Alter, deface, mutilate, or destroy any trail, road, parking lot, bridge, fence, building, sign, barrier, or other facility or structure;

H) Dig up or remove any soil, stones, rocks, or other substances whatever; make any excavation, or lay or set off any blast therein except within the confines of the county rock pit;

I) Mutilate, dig, or remove any plant, or in any way burn, destroy, or defile any tree or plant or natural feature found in the park;

J) Create or erect signs, markers, or inscriptions of any type;

K) Use abusive, threatening, boisterous, vile, obscene, or indecent language or gestures;

L) Operate radios, television, musical instruments, or other noise-producing devices, or otherwise cause unnecessary sound in such a matter and at such times so as to disturb other persons;

M) Cause, attempt to cause, or bring about any public demonstrations or disturbances, or in any way create a public nuisance;

N) Discharge any firearm, slingshot, arrow, air CO2, spring activated rifle or pistol or other similar device, darts, fireworks or related explosive materials, except in areas designated for such activity;

O) Throw rocks, sticks or other objects, which may endanger the safety of any other person within said area; or

P) In any manner pursue, hunt, trap, or molest any bird or animal.

41.3.7 Rules Pertaining to Boats and Boat Trailers:

- (1) No person shall leave attended or unattended boats moored to County docks for more than a 30 minute time period in any location where a posted notice prohibits mooring. Posted docks are for the launching and retrieval of watercraft.
- (2) No person shall leave a boat or boat trailer unattended in a County Park for more than 8 hours without written permission from the Park Ranger unless parked at a designated overnight camping site.
- (3) Repair or servicing of boats, other than an emergency repair, is prohibited in County Parks.

41.4 RESTRICTED AREAS

41.4.1 The Park Ranger may, if necessary to protect natural resources or to promote safety in any park, designate areas as access restricted;

41.4.2 No person shall enter into an access restricted area unless that person has the written permission of the Park Ranger.

41.5 OVERNIGHT CAMPING

41.5.1 It shall be unlawful for any person to camp in a county park or on other county property, except in areas specifically designated by the county as public camp grounds. It shall be unlawful for any person to camp on a county or public road.

41.5.2 In designated camping areas, residence shall be limited to ten consecutive days in any park during the period from May 15 to September 15, and fourteen days during the remainder of the year.

41.5.3 No person shall abandon a camp established by that person. Any camp that is uninhabited for more than 24 hours shall be deemed abandoned. Abandoned vehicles and abandoned personal property shall be sold or disposed of in the manner established by Oregon law.

41.6 CONCESSIONS

41.6.1 No person shall operate a concession, or engage in the business of selling, hawking, peddling or vending any merchandise or material, without a written permit from Clatsop County.

41.7 FEES

41.7.1 No fees for day use, overnight camping, concessions and other Clatsop County park uses shall be set by order of the Board of Commissioners.

41.7.2 No person shall attempt to use a county park in a manner for which a fee is required without paying the established fee.

41.8 ENFORCEMENT

41.8.1 This ordinance shall be excepted from the enforcement provisions of Ordinance 96-15, the Clatsop County Code Compliance Ordinance.

41.8.2 Violation of this ordinance shall be punishable, upon conviction, by a fine of not more than \$250.00 for a non-continuing offense and \$1,000.00 for a continuing offense. Offenses shall be prosecuted pursuant to ORS 203.065, as amended.

41.8.3 Bail shall be set as 10% of the maximum fine together with any fees and assessments required by Oregon law.

41.8.4 In addition to the above imposition of a fine, boats moored in a prohibited location, or boats and/or trailers left unattended for more than eight hours in County

Parks, except overnight camping sites, are declared to be a hazard. Such boats may be moved and impounded by the Park Ranger or law enforcement personnel at Owner's expense. Any trailer towed or impounded under this ordinance shall be subject to the provisions of ORS Chapter 819, and the statutory provisions regarding notice, disposition and hearing will be applicable. Any boat that is impounded under this ordinance shall be subject to the statutory provisions regarding notice, disposition and hearing under the provisions of ORS Chapter 830.

41.9 PERMIT FOR SPECIAL EVENTS IN COUNTY PARKS

41.9.1 Definitions:

- 41.9.1.1** A "Special Event Park Permit" is defined as:
- a.** Non-exclusive use of Cullaby Lake Park by an organized group of two hundred (200) or more people between June 30 and the Sunday following Labor Day.
 - b.** Non-exclusive use by an organized group of more than 50 people of any County Park besides Cullaby Lake Park, or of Cullaby Lake Park between the Monday following Labor Day and June 29.
 - c.** Use of any County Park after posted closure, or exclusive use of any portion of a park (excluding boat ramps, shelter use or assigned camping spaces).
 - d.** Park use for commercial purposes (excluding concessionaires who have concession contracts with County).
 - e.** Park use for any event providing live music or any event with a noise producing activity. "Noise producing activity" is producing a sound that is plainly audible outside the boundaries of the County Park where the noise is produced.
 - f.** Exclusive use of any park for more than two hours.

41.9.1.2 "Board" is defined as the Board of County Commissioners for Clatsop County.

41.9.1.3 "Park Supervisor" is defined as the Clatsop County Manager or the County Manager's designee.

41.9.2 Permit Required

A permit is required for any activity defined in Section 3.1 above or a Special Event. It shall be unlawful for any person to conduct an event for which a Special Event Permit is required, or knowingly participate in any such Event, unless or until a permit has been obtained.

41.9.2 Application for Permit

Any person who wants to conduct an event for which a Special Event Permit is required shall apply to the Park Supervisor for a permit at least sixty (60) days in advance of the date of the proposed event. The Park Supervisor may, at his discretion, consider any application for a permit to conduct such an event which is filed less than sixty (60) days prior to the date of such event is to be conducted. The application for such permit shall be made in writing on a form provided by County. In order that adequate arrangements may be made for the proper policing of the event, the application shall contain the following information:

- a. The name of the applicant, the sponsoring organization, the event chairman and the addresses and telephone numbers of each;
- b. The purpose of the event, the date when it is proposed to be conducted, and the specific proposed location of the event;
- c. An application fee of \$100; provided, the application fee may be waived for any organized group of less than 50 persons who apply to use a County Park after posted closure.
- d. If applicant seeks to sell goods or services, the items to be sold must be listed and the proposed hours of sale. If applicant proposes to sell alcohol, an OLCC permit and additional insurance will be required. County may require additional fees (including a percentage of the gross) for large volume sales.
- e. Such other information as the Park Supervisor may deem reasonably necessary;
- f. Any required deposit and the use fee established by order of the Board.

41.9.3 Issuance or Denial of Permit

41.9.3.1 Standards for Issuance. The Park Supervisor, or in the event of a large event, the Board shall issue a permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the Park Supervisor or Board finds that:

- a. The time, size, or an activity at the event will disrupt to an unreasonable extent the peace of other citizens or will endanger the safety of participants or citizens, or cause a safety hazard, or
- b. The event is of a size or nature that requires the diversion of too many County law enforcement officers, Public Works employees or other County personnel to properly control the event or that allowing the event would deny reasonable law enforcement or other emergency service protection to the County.
- c. Such event will interfere with another event for which a permit has been issued.

- d. The event when considered in conjunction with Special Events that have already been approved, will overly restrict the general public's ability to access and enjoy park facilities.

41.9.3.2 Standards for Denial. The Park Supervisor, or in the case of large events, the Board, shall deny an application for a Special Events permit and notify the applicant of such denial where:

- a. The Park Supervisor or Board makes any finding contrary to the findings required to be made for the issuance of a permit.
- b. The information contained in the application is found to be false or nonexistent in any material detail.
- c. The applicant refuses to agree to abide by or comply with all conditions of the permit.

41.9.4. Contents of Permit

41.9.4.1 A permit of a Special Event shall specify:

- a. Indemnity and Insurance as provided in Section 3.8 herein;
- b. The specified location to be used for the Special Event;
- c. The starting and ending time of the event;
- d. Requirements for sanitary facilities, trash removal;
- e. Requirements for crowd control, parking control and other staffing;
- f. Requirements for notice and signage;
- g. Requirements for pre-event meetings;
- h. Conditions for limited sale of goods or services
- i. Any other condition reasonably calculated to reduce or minimize the dangers and hazards to public health, safety, tranquility and welfare.

41.9.5 Review Procedure

Upon denial by the Park Supervisor of an application made pursuant to Section 3.4, the applicant may appeal the determination of the Park Supervisor within five days thereafter to the Board. Upon such appeal, the Board may reverse, affirm, or modify in any regard the determination of the Park Supervisor.

41.9.6 Large Events

The permit of any event with more than 200 participants, or involving live music or noise producing activity at Cullaby Lake, or requiring exclusive use of any park boat ramp for more than four (4) hours shall be issued solely by the Board.

41.9.7 Revocation of Permit

Any Special Events permit issued pursuant to this Ordinance may be summarily revoked by the Park Supervisor or Sheriff at any time when by reason of disaster, public calamity, riot or other emergency, the Sheriff or Park Supervisor determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail.

41.9.8 Indemnity and Insurance

Applicants shall agree in writing to assume the defense of and indemnify and save harmless the County, its Commissioners, Boards, officers, employees and agents, from all suits, actions, damages or claims to which the County may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such special event and the activities permitted in connection therewith. Applicants shall provide County with evidence of insurance with single limit policy amounts of \$1,000,000, naming County as an additional insured. Provided, the Park Supervisor may waive proof of insurance if circumstances warrant for events of less than 200 participants.

41.9.9 County Cost

Applicants shall pay to the County the cost of County personnel who are required by the County to work or perform duties during or as a result of such events and all other costs incurred by County including but not limited to trash removal, facility clean-up and crowd control assistance. Applicants shall deposit with the County, as described in Section 3.11, a sum in an amount required by the Park Supervisor or Board for the purpose of covering costs to the County.

41.9.10 Deposit

Applicant shall provide a deposit to the County not less than 15 days prior to the event in an amount set by the Park Supervisor or in the case of a large event, the Board. The deposit shall be in cash or by certified check. Applicant shall not be entitled to interest on funds deposited. The expenses County incurs before, during, after, or as a result of the event, including any costs associated with enforcing the conditions of applicant's permit, shall be deducted from the deposit. Any remaining balance, shall be refunded to the applicant within thirty (30) days of the event.

41.9.11 Compliance With Laws

Issuance of a permit under this Ordinance shall not relieve applicant of the responsibility to comply with all applicable ordinances and laws, and obtain all other required permits and licenses necessary for an event.

41.9.12 Penalty

Any person, firm or corporation violating any provision of this Ordinance shall be fined not more than \$250 for each offense.