

CHAPTER 9

Parks and Recreation

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PARK REGULATIONS

9.005 Definitions

As used in LCC 9.005 to 9.025, unless the context requires otherwise:

(1) "Camp" or "camping" means the placing or pitching of tents, the placing of camping or sleeping facility vehicles including but not limited to a trailer, mounted camper, motor vehicle or other equipment for the purpose of staying overnight or for a limited period during proscribed hours at a county park, upon other county property, or upon a county or public road.

(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.

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

(4) "Parking area" means any space marked or unmarked which may be or is used for the parking of automobiles or other transportation vehicles.

(5) "Parking space" means the individual or separate spaces designated or marked for each vehicle.

(6) "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.

(7) "Peace Officer" means a Sheriff, deputy sheriff, law enforcement officer, constable, marshal, municipal police officer, Oregon State police officer, and such other persons as may be designated by law.

(8) "Parks Director and/or Director's designate" means the person designated by the Board or the Department to administer the County's programs and policies for County parks, forests, and recreation areas.

(9) "Division" means the Parks Division of the Lincoln County Public Works Department and its employees.

(10) "Parks Employee" means the individual in charge of/and or responsible for a County park area. [1981 o.159 §1; 1989 o.277 §1; 2000 o.400 §1; 2009 o.459 §1]

9.010 Park and County Property Restrictions

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

(1) The Division is hereby authorized to temporarily close to the public use of any County park area or portion thereof, restrict the times when any County park area shall be open to such use, and limit or prohibit a recreation use whenever such action is necessary to protect the health or safety of the public, or the safety of the park area or its facilities. Cause for park area closure or limitation, or prohibition, on park area or recreational use includes, but is not limited to: tire hazard, dangerous weather, water conditions, and sanitary protection of the watershed, park area construction or repairs, conservation of fish and wildlife, excessive traffic, unsafe or overcrowded shoreline, ramp, parking or road conditions, the prevention of damage to the park or any of its facilities, or any dangerous, unsafe, or unhealthful conditions.

(2) No person shall enter or use any County park area or any of its facilities without first paying the required fee, if any, unless, such entry or use is otherwise authorized by a valid existing permit in the name of said person.

(3) Any County employee designated by the Public Works Department or any peace officer may revoke any permit that has been issued erroneously. Where there is reasonable cause to believe the permit holder or any person in his or her custody, control or family, has violated any of the provisions of these rules, or any State, County or federal law. Any person whose permit has been revoked and all other persons in his or her custody, control, and family shall immediately leave the park.

(4) Any person who violates any of the rules herein, or who violates any state statute, County ordinance or code while in a County park, may be ordered to leave the park area and that person's permit fee is forfeited.

(5) No person who has been ordered to leave a County park area shall remain therein or return thereto.

(6) The Division may refuse to admit into a park area any person who has been previously ordered to leave a County park.

(7) Except for authorized overnight camping in accordance with these rules, no person, other than peace officers or authorized County personnel, shall enter or remain in any park area after the daily closing time and before the daily opening time.

(8) The daily opening and closing times for each Lincoln County Park shall be established by the Parks Director and/or their designate and posted at the entrance to the park.

(9) No person shall park a vehicle on any Lincoln County park property before the posted opening time or after the posted closing time. Vehicles parked in violation of this section shall be towed or booted at the owner's expense. [1984 o. 208 §1; 2009 o.459 §2]

9.015 Overnight Camping

(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 where the Board of Commissioners, by Board order, has prohibited camping upon that road.

(2) No person may camp in any one park area for more than ten (10) days in one 14-day period of time, unless that person obtains the written permission from the Parks Director and/or the Director's designate.

(3) In designated camping areas, residence shall be limited to ten consecutive days in any park.

(4) Violation of this regulation shall be punishable upon conviction pursuant to LCC chapter 10.

(5) The fee for overnight camping at a Lincoln County Park shall be set by order of the Board of Commissioners.

(6) No person under the age of 18 shall camp overnight unless accompanied by an adult.

(7) Campers are required to maintain reasonable quiet between the hours of 10:00 p.m. and 7:00 a.m., and to respect the rights of other campers to peace and quiet during these hours.

[1981 o.159 §1; 1982 o.171 §1; 1983 o.197 §1; 1984 o.211 §1; 1988 o.268 §1; 1989 o.277 §1; 1994 o.342 §2; 2009 o.459 §3]

9.020 Parking Regulations

(1) The purpose of this section is to establish an orderly system of parking and control of traffic on county park premises.

(2) The Director of the Lincoln County Public Works Department is hereby delegated administrative authority to restrict or limit the use of any parking area or parking space in any county park by indicating the restriction or limitation on a sign conspicuously posted at that location.

(3) A parking restriction or limitation imposed by the Director under this section may be:

(a) A total prohibition on parking within the designated area;

(b) A limitation on parking within the designated area during specified times of the day or night or day of week;

(c) A limitation on the length of time that a vehicle may be parked in the designated area;

(d) A limitation on the type of vehicle that may be parked in the designated area; or

(e) Any combination of one or more of the limitations described in paragraphs (a) through (d) of this subsection.

(4) A parking restriction or limitation imposed by the Director under this section is not effective until the appropriate sign indicating the restriction or limitation is posted at the designated area. [2000 o.400 §3]

9.025 Prohibition of Parking in Violation of Restriction or Limitation; Enforcement

(1) No person shall park in a parking area or parking space in a county park in violation of a parking restriction or limitation imposed under LCC 9.020.

(2) Enforcement of this section may be carried out by one or more of the following methods:

(a) Citation:

A vehicle parked in violation of this section is subject to being cited for a parking violation in accordance with the Oregon Vehicle Code, LCC chapter 10, or both.

(b) Impoundment:

A vehicle parked in violation of this section is subject to being impounded in accordance with the procedures provided in ORS 809.725 and 819.180.

(c) Nuisance Abatement:

A nuisance abatement action in accordance with LCC chapter 10 may be filed against any person who repeatedly parks in violation of this section. [2000 o.400 §4]

9.030 Animals

(1) No person shall allow a dog or other pet to run at large. All pets shall be confined or leashed with a leash of not more than ten feet.

(2) No person shall tie up any animal in his or her custody or control and leave such animal unattended.

(3) All animal fecal matter shall be put in a bag or container and left in a designated waste receptacle.

(4) No person shall allow any animal in his or her custody or control to annoy, molest, attack, or injure any person in the park area. A County Parks employee may undertake, or require the person keeping the animal to take any measures, including the removal of the animal from the park area, if deemed necessary to prevent interference of the animal with the safety, comfort, and well being of the park area users, and the appearance of the sanitary condition of the park area.

(5) No person shall ride, drive, lead, or keep a saddle horse or other animal except on such roads, trails, or areas specifically designated for that purpose.

(6) No person shall in any manner pursue, hunt, trap, or molest any bird or animal. [2009 o.459 §4,5]

9.035 Fires

(1) As used in this subsection, "fire" includes all open flames except for camp stoves, charcoal cookers, and other contained camping equipment used for cooking.

(2) All fires shall be confined to a stove, pit, or fireplace designated for fires, attended at all times, and extinguished before its user leaves the fire.

(3) No person shall build, light, maintain any fire so as to constitute a hazard to any pile of wood, grass, tree, underbrush, or other flammable material. A County Parks employee may make a determination what constitutes a hazard. [2009 o.459 §4,6]

9.040 Alcoholic Beverages

(1) No person shall possess in any park area, any containers of alcoholic beverages in excess of two-quart size.

(4) Any person authorized to enforce park rules is permitted to confiscate and destroy any alcohol and its container that is used in a manner that violates a restriction imposed under this chapter. [2009 o.459 §4,7]

9.045 Concessions and Solicitations

(1) No person shall operate a concession, either fixed or mobile, in any park area without written permission from the Parks Director and/or the Director's designate.

(2) No person shall solicit, sell, or offer food for sale, peddle, hawk, or vend any goods, wares, merchandise, food, liquids, or services in any park area without the written consent of the Parks Director and/or the Director's designate.

(5) No person shall advertise any goods or services in any park area without written permission from the Parks Director and/or the Director's designate.

(6) No person shall distribute any circulars, notices, leaflets, pamphlets, or written or printed material of any kind in any park area by leaving or placing the material on a person's vehicle or property without the owner's express permission.[2009 o.459 §4,8]

9.050 Motor Vehicles

(1) 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.

(2) No person shall park any auto, truck, trailer, or other vehicle in any area other than an area specifically designed for such purposes. [2009 o.459 §4,9]

9.055 Waste Disposal

(1) No person shall:

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

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

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

(d) Dump household or commercial garbage, brought from lands outside the park, in park facilities. [2009 o.459 §4,10]

9.060 Park Property and Property Destruction

(1) No person shall:

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

(b) Dig up or remove any soil, stones, rocks, or other substances whatever; make any excavation, or lay or set off any blast therein;

(c) Pick, mutilate, dig, or remove any plant, living or dead, or in any way deface, mutilate, burn, destroy, or defile any tree or plant within the limits of such areas;

(d) Erect temporary signs, markers, or inscriptions of any type in any park area, without written permission from the Parks Director and/or the Director's designate;

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

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

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

(h) Discharge any firearm, slingshot, arrow, air, CO², or spring actuated rifle or pistol, or other similar device, except in areas designated for such activity;

(i) No person shall possess or use fireworks or other explosives in any park area.

(j) Throw rocks, sticks or other objects, which may endanger the safety of any other person within said area. [2009 o.459 §4,11]

PUBLIC NUDITY

9.105 Purpose

The county recognizes its responsibility to ensure freedom of self expression, but also recognizes the need for the protection of the young and immature and protection of the public from affronts to generally accepted standards of conduct. The purpose of LCC 9.105 to 9.125 is to protect the reasonable sensitivities of others from unwanted sexual display through the limited curtailment of public nudity.

9.110 Definitions

As used in LCC 9.105 to 9.125, unless the context requires otherwise:

(1) "Nudity" means uncovered portions of the human body of an individual 12 years of age or older as follows: Genitals, pubic areas, and the female breast. For the purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and areola only are covered.

(2) "Public place" means a place to which the general public has unrestricted access and where casual observers, including minors, are likely to wander, including all public parks within the county.

9.115 Public Nudity Prohibited

No person on or within 100 yards of a public place shall expose his or her nudity to another person of the opposite sex within the public place.

9.120 Defenses

In any prosecution under LCC 9.105 to 9.125, it is an affirmative defense for the defendant to prove:

- (1) The defendant was in a familial relationship with the persons viewing the nudity;
- (2) The defendant had the tacit or explicit consent of the persons viewing the nudity.

PENALTIES

9.125 Penalties

Violation of any provision of LCC 9.005 to 9.120 is punishable pursuant to LCC chapter 10. [1982 o.171 §1]