

1                                   **BEFORE THE BOARD OF COMMISSIONERS**  
2                                   **FOR LINCOLN COUNTY, OREGON**

3                                   ORDINANCE # 459

4 \_\_\_\_\_  
5  
6 **Relating to county parks; creating new provisions; and declaring an emergency.**  
7 \_\_\_\_\_

8                   The Lincoln County Board of Commissioners ordains as follows:

9                   **SECTION 1.**

10                  9.005 Definitions

11                  As used in LCC 9.005 to *[9.025]* **9.060**, unless the context requires otherwise:

12                               **(7) "Peace Officer" means a Sheriff, deputy sheriff, law enforcement**  
13  
14 **officer, constable, marshal, municipal police officer, Oregon State police officer, and such**  
15  
16 **other persons as may be designated by law.**

17  
18                               **(8) "Parks Director and/or Director's designate" means the person designated by**  
19 **the**  
20  
21 **Board or the Department to administer the County's programs and policies for County**  
22  
23 **parks, forests, and recreation areas.**

24  
25                               **(9) "Division" means the Parks Division of the Lincoln County Public Works**  
26  
27 **Department and its employees.**

28  
29                               **(10) "Parks Employee" means the individual in charge of/and or responsible for**  
30  
31 **a County park area.**  
32

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing ordinance to be omitted. New sections are in **boldfaced** type.

1           **SECTION 2**

2           **9.010 Park and County Property Restrictions**

3  
4           The following restrictions shall apply to all parks and county property:

5  
6           **(1) The Division is hereby authorized to temporarily close to the public use of any**  
7  
8           **County park area or portion thereof, restrict the times when any County park area shall**  
9  
10          **be open to such use, and limit or prohibit a recreation use whenever such action is**  
11  
12          **necessary to protect the health or safety of the public, or the safety of the park area or its**  
13  
14          **facilities. Cause for park area closure or limitation, or prohibition, on park area or**  
15  
16          **recreational use includes, but is not limited to: tire hazard, dangerous weather, water**  
17  
18          **conditions, and sanitary protection of the watershed, park area construction or repairs,**  
19  
20          **conservation of fish and wildlife, excessive traffic, unsafe or overcrowded shoreline,**  
21  
22          **ramp, parking or road conditions, the prevention of damage to the park or any of its**  
23  
24          **facilities, or any dangerous, unsafe, or unhealthful conditions.**

25  
26          **(2) No person shall enter or use any County park area or any of its facilities**  
27  
28          **without first paying the required fee, if any, unless, such entry or use is otherwise**  
29  
30          **authorized by a valid existing permit in the name of said person.**

31  
32          **(3) Any County employee designated by the Public Works Department or any**  
33  
34          **peace officer may revoke any permit that has been issued erroneously. Where there is**  
35  
36          **reasonable cause to believe the permit holder or any person in his or her custody, control**  
37  
38          **or family, has violated any of the provisions of these rules, or any State, County or**  
39  
40          **federal law. Any person whose permit has been revoked and all other persons in his or**  
41

1 **her custody, control, and family shall immediately leave the park.**

2  
3 **(4) Any person who violates any of the Rules herein, or who violates any state**  
4 **statute, County ordinance or code while in a County park, may be ordered to leave the**  
5 **park area and that person's permit fee is forfeited.**

6  
7  
8  
9 **(5) No person who has been ordered to leave a County park area shall remain**  
10 **therein or return thereto.**

11  
12  
13 **(6) The Division may refuse to admit into a park area any person who has been**  
14 **previously ordered to leave a County park.**

15  
16  
17 **(7) Except for authorized overnight camping in accordance with these rules, no**  
18 **person, other than peace officers or authorized County personnel, shall enter or remain**  
19 **in any park area after the daily closing time and before the daily opening time.**

20  
21  
22  
23 **(8) The daily opening and closing times for each Lincoln County Park shall be**  
24 **established by the Parks Director and/or their designate and posted at the entrance to the**  
25 **park.**

26  
27  
28  
29 **(9) No person shall park a vehicle on any Lincoln County park property before**  
30 **the posted opening time or after the posted closing time. Vehicles parked in violation of**  
31 **this section shall be towed or booted at the owners expense.**

32  
33  
34  
35 *[(1) All fires shall be confined to a stove, pit, or fireplace designated for fires, attended*  
36 *at all times, and extinguished before its user leaves the fire. As used in this subsection, "fire"*  
37 *includes all open flames except for camp stoves, charcoal cookers, and other contained*  
38 *camping equipment used for cooking.*

39 *(2) No person shall drive a vehicle at a speed greater than is reasonable and prudent,*  
40 *having due regard to traffic, surface, and strength of roadways, hazards at intersections, and*

1 other conditions then existing. The maximum speed limit on all interior roads, drives, and  
2 parking lots shall be 15 miles per hour, unless otherwise posted.

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

6 (4) No person shall park any auto, truck, trailer, or other vehicle in any area other  
7 than an area specifically designed for such purposes.

8 (5) No person shall:

9 (a) Allow a dog or other pet to run at large. All pets shall be confined or leashed with  
10 a leash of not more than ten feet.

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

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

15 (d) Dispose of hand and dish water other than in the receptacles provided for that pur-  
16 pose, or to dump human waste in gray water receptacles;

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

19 (f) Dump household or commercial garbage, brought from lands outside the park, in  
20 park facilities;

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

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

25 (i) Pick, mutilate, dig, or remove any plant, living or dead, or in any way deface, mu-  
26 tilate, burn, destroy, or defile any tree or plant within the limits of such areas;

27 (j) Create or erect signs, markers, or inscriptions of any type;

28 (k) Use abusive, threatening, boisterous, vile, obscene, or indecent language or  
29 gestures;

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

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

35 (n) Discharge any firearm, slingshot, arrow, air, CO<sup>2</sup>, or spring actuated rifle or pis-  
36 tol, or other similar device, except in areas designated for such activity;

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

39 (p) In any manner pursue, hunt, trap, or molest any bird or animal. ]  
40

1                    **SECTION 3**

2  
3                    9.015 Overnight Camping

4  
5                    2) **No person may camp in any one park area for more than ten (10) days in one**  
6  
7 **14-day period of time, unless that person obtains the written permission from the Parks**  
8  
9 **Director and/or the Director's designate.** [*Camping in the areas described is prohibited*  
10  
11 *between the hours of 10 p.m. and 4 a.m.*]

12  
13                    (6) **No person under the age of 18 shall camp overnight unless accompanied by an**  
14  
15 **adult.**

16  
17                    (7) **Campers are required to maintain reasonable quiet between the hours of**  
18  
19 **10:00 p.m. and 7:00 a.m. and to respect the rights of other campers to peace and quiet**  
20  
21 **during these hours.**

22  
23  
24                    **SECTION 4**

25                    Sections 5 through 11 of this Ordinance are added to and made a part of LCC  
26  
27 Chapter 9, as indicated.

28                    **SECTION 5**

29                    **9.030 Animals**

30  
31                    (1) **No person shall allow a dog or other pet to run at large. All pets shall be**  
32  
33 **confined or leashed with a leash of not more than ten feet.**

34  
35                    (2) **No person shall tie up any animal in his or her custody or control and leave**  
36  
37 **such animal unattended.**

1           **(3) All animal fecal matter shall be put in a bag or container and left in a**  
2  
3 **designated waste receptacle.**

4  
5           **(4) No person shall allow any animal in his or her custody or control to annoy,**  
6  
7 **molest, attack, or injure any person in the park area. A County Parks employee may**  
8  
9 **undertake, or require the person keeping the animal to take any measures, including the**  
10  
11 **removal of the animal from the park area, if deemed necessary to prevent interference of**  
12  
13 **the animal with the safety, comfort, and well being of the park area users, and the**  
14  
15 **appearance of the sanitary condition of the park area.**

16  
17           **(5) No person shall ride, drive, lead, or keep a saddle horse or other animal except**  
18  
19 **on such roads, trails, or areas specifically designated for that purpose.**

20  
21           **(6) No person shall in any manner pursue, hunt, trap, or molest any bird or**  
22  
23 **animal.**

24  
25           **SECTION 6**

26  
27           **9.035 Fires**

28  
29           **(1) As used in this subsection, "fire" includes all open flames except for camp**  
30  
31 **stoves, charcoal cookers, and other contained camping equipment used for cooking.**

32  
33           **(2) All fires shall be confined to a stove, pit, or fireplace designated for fires,**  
34  
35 **attended at all times, and extinguished before its user leaves the fire.**

36  
37           **(3) No person shall build, light, maintain any fire so as to constitute a hazard to**  
38  
39 **any pile of wood, grass, tree, underbrush, or other flammable material. A County Parks**  
40  
41 **employee may make a determination what constitutes a hazard.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**SECTION 7**

**9.040 Alcoholic Beverages**

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

**(2) 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.**

**SECTION 8**

**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.**

**(4) 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.**

**(5) 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.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**SECTION 9**

**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.**

**SECTION 10**

**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.**

**SECTION 11**

**9.060 Park Property and Property Destruction**

**(1) No person shall:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

(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, CO<sup>2</sup>, 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.

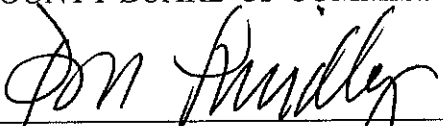
NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

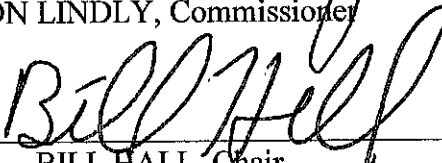
1            **SECTION 12.**


2            This Ordinance being necessary for the immediate preservation of the public peace,  
3 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon  
4 its passage.

DATED this 3rd day of June, 2009.

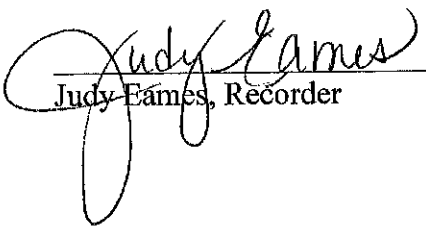
LINCOLN COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
DON LINDLY, Commissioner

  
\_\_\_\_\_  
BILL HALL, Chair

  
\_\_\_\_\_  
TERRY N. THOMPSON, Commissioner

ATTESTED TO:

  
\_\_\_\_\_  
Judy Eames, Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wayne Belmont, County Counsel

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.