

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

Ordinance # 494

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Relating to Regulation of Organized Events (on County Roads)

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Findings:

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WHEREAS, ORS 203.035(1) allows the Lincoln County Board of Commissioners the power by ordinance to exercise authority within the County over matters of County concern to the fullest extent allowed by the Constitutions and laws of the United States and of this state; and

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WHEREAS, ORS 203.035 and ORS Chapter 368 are the underlying authorities for this ordinance; and

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WHEREAS, currently Organized Events (on County Roads) are regulated somewhat informally through the Public Works/Road Department, and sometimes through a road operations permit which is not particularly tailored to address Organized Events; and

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WHEREAS, for health and safety reasons, it is appropriate for the Lincoln County Board of Commissioners to adopt specific regulations and a permitting system for Organized Events; and

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WHEREAS, a permit issued under this Ordinance is meant to be supplemental; it does not replace other permits that are required by code, law or practice; and

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The Lincoln County Board of Commissioners ordains as follows:

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SECTION 1.

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1 Chapter 6 of the Lincoln County Code is amended by adding the following sections
2 6.520 to section 6.575.

3 **6.520 Definitions**

4 As used in LCC 6.520 to 6.575, unless the context requires otherwise:

5 (1) "Bicycle Race or Tour" means any Organized Event involving bicycles and
6 bicycle riders, for which directional signs or road markings and rest stops are provided, and for
7 which registration is required.

8 (2) "Board" is the Board of County Commissioners for Lincoln County, or its
9 designee.

10 (3) "County Road" means any County road, as defined in ORS 368.001(1), in
11 Lincoln County.

12 (4) "County Roadmaster" means the Lincoln County Director of Public
13 Works/Road Department or his or her designee.

14 (5) "Footrace" means an Organized Event run. Athletic competitions sponsored by
15 the Lincoln County School District are not included within this definition.

16 (6) "Motorcade" means an Organized Event procession, except funeral processions
17 and military convoys.

18 (7) "Organized Event" means any parade, foot race, motorcade, walkathon, bicycle
19 race or tour, road rally or other similar event, held on a County road, and sponsored by an
20 organization or other entity, and advertised in advance. "Organized Event" also includes an
21 event, sponsored by an organization or other entity, and advertised in advance, which requires
22 a detour or road closure, partial or complete, or the use of pilot vehicles to guide traffic, and
23 which is expected to exceed 45 minutes of time, either for one period of time, or separate
24 intervals of time which in the aggregate are expected to exceed 45 minutes of time. Road
25 construction and maintenance, utility placement and maintenance, search and rescue activities,
26 and response by law enforcement agencies, fire departments, ambulance companies or public

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1 works departments to criminal activities, fires, accidents, landslides or other emergencies are
2 not considered "Organized Events" under this Ordinance.

3 (8) "Parade" means any Organized Event of any march or procession consisting of
4 people, animals or vehicles, or combination thereof, except funeral processions, which do not
5 comply with normal and usual traffic regulations and controls.

6 (9) "Road Rally" means any Organized Event of contest of speed or driving skills
7 utilizing automobiles or motorized vehicles of any kind.

8 (10) "Walkathon" means any Organized Event walk.

9 **6.525 Permit Required for Events**

10 (1) It shall be unlawful for any person to conduct an Organized Event or knowingly
11 participate in any such Organized Event unless and until a permit to conduct such Organized
12 Event has been obtained from the County Roadmaster.

13 (2) It shall be unlawful, and no permit shall be issued, to conduct any Organized
14 Event after sunset and before sunrise, unless the County Roadmaster finds that adequate steps
15 have been taken to provide for the safety of the participants, the spectators, and the residents in
16 the vicinity of the activity.

17 (3) Notwithstanding the above, the County Roadmaster may waive all or part of the
18 permit requirements upon a showing by the applicant of good cause, when no significant public
19 health, safety or welfare issues are involved or when the County Roadmaster determines that
20 no County law enforcement or other County resources are necessary.

21 **6.530 Application for Permit**

22 (1) Any person who wants to conduct an Organized Event shall apply to the County
23 Roadmaster for a permit at least sixty (60) days in advance of the date of the proposed
24 Organized Event. The County Roadmaster may at his or her discretion consider any application
25 for a permit to conduct an Organized Event which is filed less than sixty (60) days prior to the
26 date the Organized Event is to be conducted, but in such case the application fee shall be
27 double. The application for such permit shall be made in writing on a form approved by the

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1 County Roadmaster. In order that adequate arrangements may be made for the proper policing
2 of the Organized Event, the application shall contain the following information:

3 (a) The name of the applicant, the name of the sponsoring organization, and the
4 name of the Organized Event chairperson, and the mailing address, email address and
5 telephone numbers of each.

6 (b) The purpose of the Organized Event, the date of when it is proposed to be
7 conducted, the location of the assembly area(s), route(s) to be traveled, the approximate time
8 when the Organized Event will assemble, start and terminate, and the estimated number of
9 participants and spectators.

10 (c) An Organized Event control plan containing information regarding any need for
11 road closures or partial closures, information on proposed flaggers, signage and barriers, and
12 who will be responsible for them.

13 (d) Whether alcohol will be a part of the Organized Event, and if so, in what way,
14 and what arrangements have been made for appropriate licensing.

15 (e) Such other information as the County Roadmaster may deem reasonably
16 necessary.

17 (2) The person or organization applying for the Organized Event permit shall also
18 tender along with the application an application fee. This fee shall be set by Board order or
19 resolution.

20 (3) The person or organization applying for the Organized Event permit shall also
21 tender along with the application an indemnity agreement, and except as may be waived as
22 provided in Section 6.560, proof of insurance coverage in compliance with that Section and
23 that names Lincoln County as an additional insured.

24 **6.535 Issuance or Denial of a Permit**

25 (1) Standards for Issuance. The County Roadmaster shall issue a permit conditioned
26 upon the applicant's written agreement to comply with the terms of such permit unless the
27 County Roadmaster finds that:

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1 (a) The time, route and size of the Organized Event will disrupt to an unreasonable
2 extent the movement of other traffic or will endanger the safety of participants or citizens, or
3 cause a safety hazard other than traffic.

4 (b) The Organized Event is of a size or nature that requires the diversion of too
5 many County law enforcement officers, Public Works/Road Department employees or other
6 personnel to properly control the Organized Event or that allowing the Organized Event would
7 deny reasonable law enforcement or other emergency service protection to the citizens of the
8 County.

9 (c) Such Organized Event will interfere with another event for which a permit has
10 been issued.

11 (d) The County Roadmaster determines the Organized Event would damage County
12 roads.

13 (2) Standards for Denial. The County Roadmaster shall deny an application for an
14 Organized Event permit and notify the applicant of such denial where:

15 (a) The County Roadmaster makes any finding contrary to the findings required to
16 be made for the issuance of a permit.

17 (b) The information contained in the application is found to be false or lacking in
18 sufficient material detail.

19 (c) The applicant refuses to agree to or abide by or comply with all conditions of
20 the permit.

21 **6.540 Contents of a Permit**

22 (1) In each permit the County Roadmaster shall specify:

- 23 (a) The assembly area, and the time of assembly;
- 24 (b) The date, and starting and ending time for the Organized Event;
- 25 (c) The minimum and maximum speeds, if applicable;
- 26 (d) The route of the Organized Event;

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1 (e) Which portions of County roads to be traversed may be occupied by such
2 Organized Event;

3 (f) An Organized Event control plan; (This must indicate whether there will be a
4 road closure or a partial closure, what traffic control measures will be used, who is responsible
5 for any flaggers, barriers and signage, etc.)

6 (g) The number and types of vehicles, if any;

7 (h) That permittee shall advise all participants in the Organized Event by written
8 notice of the terms and conditions of the permit prior to the commencement of the Organized
9 Event;

10 (i) Such other requirements as are found by the County Roadmaster to be
11 reasonably necessary for the protection of persons and property.

12 (2) All conditions of the permit shall be complied with so far as reasonably
13 practicable.

14 **6.545 Review Procedure**

15 (1) Approval or denial of an application by the County Roadmaster shall be
16 reviewable only by the Lincoln County Circuit Court for the State of Oregon, and only by writ
17 of review under the provisions of ORS 34.010 to 34.100.

18 **6.550 Reserved**

19 **6.555 Revocation or Restriction of Permit**

20 (1) Any permit for an Organized Event issued pursuant to this Ordinance may be
21 summarily revoked or amended by the County Roadmaster prior to the commencement of the
22 event, at any time by reason of disaster, public calamity, riot or other emergency, if it is
23 determined that the safety of the public or property requires such revocation or amendment.
24 Notice of such action revoking or amending a permit shall be delivered in writing to the
25 permittee by email, personal delivery, or by certified or registered mail, return receipt
26 requested.

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1 (2) If at any time during the Organized Event held under a valid permit, the County
2 Roadmaster believes an unreasonable threat to the health, safety and welfare of the public is
3 present, or the permit holder cannot maintain order and compliance with all applicable state
4 and local laws or refuses or is unable to adhere to the terms and conditions of the permit, the
5 County Roadmaster may terminate the Organized Event or reduce the number of participants,
6 or take any lawful action to remedy the unsafe action.

7 **6.560 Hold Harmless**

8 (1) Applicants shall agree in writing to indemnify, defend and save and hold
9 harmless the County, its Commissioners, boards, officers, employees and agents, from all suits,
10 actions, damages or claims to which the County may be subjected of any kind or nature
11 whatsoever resulting from, caused by, arising out of or as a consequence of such Organized
12 Event and the activities permitted in connection therewith. Applicants shall provide County
13 with evidence of insurance with single limit policy limits of not less than \$2,000,000. The
14 County shall be named as an additional insured. The County Roadmaster may waive proof of
15 insurance if circumstances warrant for Organized Events. Applicants shall also agree to
16 indemnify, defend, save harmless any Public Agency providing services to the Organized
17 Event.

18 **6.565 Compliance with Laws**

19 (1) Issuance of a Permit under this Ordinance shall not relieve applicant of the
20 responsibility to comply with all applicable ordinances and laws, and to obtain all other
21 required permits and licenses necessary to carry out an Organized Event.

22 **6.570 Conditions in Permits**

23 (1) Any permit granted under this Ordinance may contain conditions reasonably
24 calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and
25 the public health, safety, tranquility and welfare including but not limited to changes in time,
26 duration and number of participants.

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6.575 Penalty

(1) This Ordinance is enforceable under, and violators hereof are subject to, the penalties provided for in Chapter 10 of the Lincoln County Code. In addition, Lincoln County shall have such other remedies available to it as are provided in law or equity.

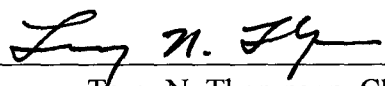
SECTION 2.

Severability.

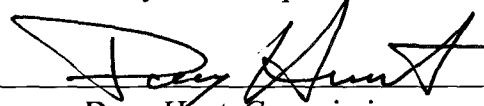
The sections, subsections, paragraphs and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

Dated this 28th day of June, 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS



 Terry N. Thompson, Chair



 Doug Hunt, Commissioner



 Bill Hall, Commissioner

ATTESTED TO:



 Tanya Graham, Recorder

APPROVED AS TO FORM:



 Wayne Belmont, County Counsel

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