

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Providing a)
Procedure for Regulating the)
Use of Columbia County Parks)
_____)

ORDINANCE NO. 89-6

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035 and is in addition to, not in lieu of, any authorization, procedures and/or penalties set forth in the Oregon Revised Statutes and other Columbia County ordinances.

SECTION 2. TITLE.

This ordinance shall be known as Ordinance No. 89-6.

SECTION 3. PURPOSE.

The purpose of this ordinance is to provide a procedure for regulating the use of Columbia County Parks.

SECTION 4. DEFINITION.

The term "Columbia County Parks" includes, but is not limited to the following:

- a) Big Eddy County Park;
- b) Hudson/Parcher County Park;
- c) Camp Wilkerson County Park;
- d) Scappoose Airport County Park;
- e) Any other park declared to be subject to this ordinance by order or resolution of the Board of County Commissioners. Descriptions of the above-mentioned parks are found in the deeds listed in the Board of County Commissioners' Order of October 21, 1970 recorded in the Commissioners' Journal at Book 179, Pages 210 and 211.

SECTION 5. IMPLEMENTATION.

The Board of County Commissioners may enact rules and regulations for the use of Columbia County Parks subject to this ordinance by adoption of an order or resolution referencing such rules and regulations and the park or parks to which they apply, which order or resolution is to be entered in the Commissioners' Journal. Such rules and regulations shall become effective and have the force of law when notice thereof is given by posting copies of them

at or by the caretakers' residence at the appropriate park or on signs placed or erected at the main entrance of the affected parks. At such time, all previous rules and regulations governing the use of such park shall be repealed. The Park Maintenance Superintendent or his designee shall certify in writing to the Board the date and method of providing such notice.

SECTION 6. PROHIBITED ACTIVITIES IN COUNTY PARKS.

Except as specifically permitted by a "person in charge" as defined below, no person shall while in a County Park, engage in any activity prohibited by, or violate any of, the rules or regulations enacted pursuant to Section 5 above.

SECTION 7. ENFORCEMENT.

Any on-duty Oregon State Police Officer, the Columbia County Sheriff, any of his deputies, the resident Park Caretaker, the Park Maintenance Superintendent, and any Columbia County Commissioner are designated as "persons in charge" within the meaning of ORS 164.205(5) (1987 Replacement Part) for the purpose of supervising County Parks. Any of such "persons in charge" shall have authority to direct any person who engages in any activity prohibited by, or violates any of, such rules or regulations to leave the County Park premises.

SECTION 8. PENALTIES.

Any person, who while in a County Park, engages in any activity prohibited by, or who violates any rules or regulations enacted pursuant to Section 5 of this ordinance is guilty of a violation. A failure from day to day to comply with the terms of this ordinance shall be a separate offense for each such day. A failure to comply with any provision of this ordinance shall be a separate offense for each such provision.

Engaging, while in a County Park, in any activity prohibited by, or violation of, any of the rules or regulations enacted pursuant to Section 5 of this ordinance is punishable, upon conviction, by a fine of not more than two hundred fifty (\$250.00) dollars for a non-continuing offense, i.e., an offense not spanning two (2) or more calendar days. In the case of a continuing offense, i.e., an offense which spans two (2) or more consecutive calendar days, violation of the provisions of this ordinance is punishable by a fine of not more than two hundred fifty (\$250.00) dollars per day up to a maximum of one thousand (\$1,000.00) dollars.

Any person who fails to leave the premises of a County Park after being directed to do so by a "person in charge" shall be considered a trespasser. Trespassers are subject to prosecution under the provisions of ORS 164.245, Criminal Trespass in the Second Degree.

In addition, violation of any of the provisions of this ordinance is declared to be a nuisance and may be regarded as such in all actions, suits and proceedings unless the ordinance is declared invalid by a court of competent jurisdiction.

SECTION 9. JURISDICTION.

The Columbia County Circuit Court and District Court are hereby granted concurrent jurisdiction over all proceedings brought against alleged violators of this ordinance.

SECTION 10. SEVERABILITY.

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 11. EMERGENCY.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance takes effect on June 7, 1989.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 7th DAY OF June, 1989.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: J. H. R. Peterson
Chairman

By: Max W. Dillard
Commissioner

By: Michael J. Parker
Commissioner

Attest:

Christa Maylor
Recording Secretary

First Reading: 06-07-89
Second Reading: 06-07-89
Effective Date: 06-07-89