

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting the)
Columbia County Forest, Parks) ORDINANCE NO. 94-9
and Recreation Ordinance)
_____)

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

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 94-9. Exhibit "A", which is attached hereto and incorporated herein by this reference, shall be known as the "Columbia County Forest, Parks and Recreation Ordinance".

SECTION 2. AUTHORITY.

This ordinance is adopted under the authority of ORS 203.035.

SECTION 3. PURPOSE.

The purpose of this ordinance is to integrate the various orders and ordinances governing county forests, parks, docks, beaches, and recreation facilities into one comprehensive ordinance.

SECTION 4. ADOPTION.

The Columbia County Forest, Parks and Recreation Ordinance, which is attached hereto, labeled Exhibit "A" and incorporated herein by this reference, is hereby adopted.

SECTION 5. REPEALER.

- A. Ordinance No. 92-3 is repealed.
- B. Ordinance No. 88-12 is repealed.
- C. Ordinance No. 88-5 is repealed.

SECTION 6. SEVERABILITY.

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

SECTION 7. EMERGENCY CLAUSE.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect on January 1, 1995.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON, THIS 21st DAY OF December, 1994.

Approved as to form

By: [Signature]
Office of County Counsel

Attest:
By: [Signature]
Recording Secretary

First Reading: 12-21-94

Second Reading: 12-21-94

Effective Date: 1-1-95

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Chairman

By: [Signature]
Commissioner

By: [Signature]
Commissioner

EXHIBIT "A"

COLUMBIA COUNTY
FOREST, PARKS AND RECREATION
ORDINANCE

Adopted by Ordinance No. 94-9
on December 21, 1994

COLUMBIA COUNTY FOREST, PARKS AND RECREATION ORDINANCE

ARTICLE I.

ADMINISTRATION.

SECTION 1. FOREST, PARKS AND RECREATION DEPARTMENT.

There is hereby created the Columbia County Forest, Parks and Recreation Department (hereinafter referred to as the "Department"). The Department shall have the responsibility, except as otherwise provided by the Board of County Commissioners for Columbia County, Oregon (hereinafter referred to as the "Board"), for the management and oversight of Columbia County's forests, parks, beaches, docks, and other recreational facilities (hereinafter referred to generally as "Columbia County Forest, Parks and Recreation System").

SECTION 2. FOREST, PARKS AND RECREATION DIRECTOR.

The Department shall be managed by the Forest, Parks and Recreation Director (hereinafter referred to as the "Director"). The Director shall be appointed by and serve at the pleasure of the Board, subject to any applicable civil service rules. The Director, in addition to his or her other duties, shall be responsible for preparing and updating the Columbia County Forest, Parks and Recreation Master Plan.

SECTION 3. FOREST, PARKS AND RECREATION ADVISORY COMMISSION.

A. There is hereby created the Columbia County Forest, Parks and Recreation Advisory Commission (hereinafter referred to as the "Commission"). The purpose of the Commission is to assist the Board and the Director in an advisory role in the planning, operation and maintenance of the Columbia County Forest, Parks and Recreation System.

B. The Commission shall be composed of seven (7) members to be selected by the Board from various geographical areas of the County. One member each is to be selected from an area in or adjoining the following cities: Scappoose, St. Helens-Columbia City, Rainier-Prescott, Clatskanie, and Vernonia. In addition, one member of the Board will serve as an ex-officio member of the Commission.

C. The Director shall attend all meetings of the Commission and act as liaison between the Commission and the Board.

D. The Board shall select persons to serve on a subcommittee under the Commission to assist the Commission and Board in an advisory role with regard to the planning, operation

and maintenance of the Camp Wilkerson Park due to the varied and extended activities carried on there. One member of the Commission shall serve on the subcommittee in addition to members from various youth and other organizations and groups that regularly utilize the facilities at Camp Wilkerson Park.

E. The Board shall select persons to serve on another subcommittee under the Commission to assist the Commission and Board in an advisory role with regard to the planning, operation and maintenance of all the designated County forest lands and forest-parks in the County. One member of the Commission shall serve on this subcommittee in addition to other members of the public.

F. The Commission shall meet regularly and adopt adequate by-laws to govern its meetings and business.

SECTION 4. FOREST, PARKS AND RECREATION FUND.

There is hereby established a separate County fund, kept by the County Treasurer, to be known as the Forest, Parks and Recreation Fund. All proceeds from the sale of forest products from County forests, forest-parks and parks shall be placed in the Forest, Parks, and Recreation Fund. All proceeds from the fees charged for the use of County forests, parks, beaches, docks, and other recreational facilities within the Forest, Parks and Recreation System shall also be placed in the Fund. Any interest or earnings on the monies placed within the Fund shall be credited to the Fund. The Fund shall be used only for administering, operating, maintaining, developing, or acquiring property for the Columbia County Forest, Parks and Recreation System.

SECTION 5. RULES, REGULATIONS AND FEE SCHEDULES.

The Board may enact rules and regulations and adopt fee schedules for the use of Columbia County forests, parks, beaches, docks, and other recreational facilities subject to this ordinance. The rules and regulations and fee schedules may be adopted by an order or resolution referencing such rules and regulations and fee schedules and the County properties or facilities to which they apply, which order or resolution shall be entered in the Commissioners' Journal. Such rules and regulations and fee schedules 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 properties or facilities. At such time all previous rules and regulations and fee schedules governing the use of such property or facility shall be repealed. The Director or his or her designee shall certify in writing to the Board the date and method of providing such notice. Any rules and regulations and fee schedules adopted prior to the effective date of this ordinance are hereby ratified and shall remain in full force and effect until amended or

repealed as if they were originally adopted under the terms of this ordinance.

ARTICLE II.

FORESTS.

SECTION 1. DESIGNATED COUNTY FORESTS.

The following County properties are designated as County forests subject to this ordinance:

A. Carcus Creek County Forest (being approximately 240 acres in the East half of the Southwest quarter, and the West half of the Southeast quarter and the East half of the Southeast quarter all in Section 19, Township 6 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon); and

B. Any other County-owned or County-leased property declared to be a County forest subject to this ordinance by order or resolution of the Board.

SECTION 2. MANAGEMENT OF COUNTY FORESTS.

Subject to ORS 275.320 through 275.370 and the terms and provisions of the Columbia County Comprehensive Plan and Zoning Ordinance, the County forests shall be managed for the production of forest products.

ARTICLE III.

FOREST-PARKS.

SECTION 1. DESIGNATED COUNTY FOREST-PARKS.

The following County properties are designated as County forest-parks subject to this ordinance:

A. Any County-owned or County-leased property declared to be a County forest-park subject to this ordinance by order or resolution of the Board.

SECTION 2. MANAGEMENT OF COUNTY FOREST-PARKS.

Subject to ORS 275.320 through 275.370 and the terms and provisions of the Columbia County Comprehensive Plan and Zoning Ordinance, the County forest-parks shall be managed for both for recreational use and the production of forest products.

ARTICLE IV.

PARKS.

SECTION 1. DESIGNATED COUNTY PARKS.

The following County properties are designated as Columbia County parks:

A. Beaver Boat Ramp (as described in that Land Use Agreement dated March 14, 1977 between the State of Oregon Department of Transportation and Columbia County, recorded in Book 1 of the Commissioners' Journal at page 320 through 322);

B. Beaver Falls County Park (being approximately 20 acres of the North half of the SW 1/4 of Section 12, Township 7 North, Range 4 West, Willamette Meridian, Columbia County, Oregon);

C. Big Eddy County Park (being approximately 8 acres in Section 10, Township 5 North, Range 4 West, Willamette Meridian, Columbia County, Oregon);

D. Camp Wilkerson County Park (being approximately 280 acres in the SE 1/4 of Section 9, the SW 1/4 of the SW 1/4 of Section 10, the NW 1/4 of the NW 1/4 of Section 15, the NE 1/4 of the NE 1/4 of Section 16, all in Township 5 North, Range 3 West, Willamette Meridian, Columbia County, Oregon);

E. Carcus Creek County Park (being approximately 52.9 acres in the SW 1/4 of the SW 1/4 of Section 20, Township 6 North, Range 3 West, Willamette Meridian, Columbia County, Oregon);

F. Fisher County Park (being approximately 11 acres in Section 1, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon);

G. Hudson/Parcher County Park (being approximately 27 acres in Section 13, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon);

H. J.J. Collins Memorial Marine Park (being approximately 25 acres in Lot 11, Section 4, Township 3 North, Range 1 West, Willamette Meridian, Columbia County, Oregon);

I. Laurel Beach County Park (also known as Laurelwood Park; as described in Exhibit "A" and as shown in Exhibit "B", both of which are attached hereto and incorporated herein by this reference);

J. Nehalem River Rest Area (being approximately .53 acres in the SW 1/4 of the NW 1/4 of the SE 1/4 of Section 29, Township 6 North, Range 4 West, Willamette Meridian, Columbia County, Oregon);

K. Prescott Beach County Park (as described in that Lease Agreement between the Portland General Electric Company and Columbia County dated August 30, 1989, recorded in Book 25 of the Commissioners' Journal at pages 901 through 905);

L. Scaponia County Park (as described in Order No. 193-90 of the Board of County Commissioners dated September 19, 1990, recorded in Book 29 of the Commissioners' Journal at pages 401 through 405);

M. Scappoose Airport County Park (being approximately 2 acres in Section 6, Township 3 North, Range 1 West, Willamette Meridian, Columbia County, Oregon); and

N. Any other County-owned or County-leased property declared to be a County park subject to this ordinance by order or resolution of the Board.

SECTION 2. MANAGEMENT OF COUNTY PARKS.

Subject to ORS 275.320 through 275.370 and the terms and provisions of the Columbia County Comprehensive Plan and Zoning Ordinance, the County parks shall be managed for recreational use.

SECTION 3. ALCOHOLIC BEVERAGES.

For the purposes of any park rules regulating the consumption or possession of alcoholic beverages, the following definitions apply:

A. Alcoholic beverage: Alcoholic beverage means any beverage containing more than one-half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being. Perfumes, lotions, tinctures, varnish, dressing fluids, extracts, acid vinegar, any official medicinal or pharmaceutical preparations, and any patent or proprietary medicine intended solely for medicinal purposes are excluded from the definition of alcoholic beverage even though they may otherwise meet the elements of definition of alcoholic beverage given above.

B. Possession of alcoholic beverages: Having alcoholic liquor either on one's person or under one's control.

SECTION 4. PARKING.

A. This section is adopted pursuant to ORS 98.810 to 98.818.

B. No person, without the written permission of a "person in charge", shall leave or park any vehicle on or in any Columbia County park during any time the park is closed by the terms of the

rules or regulations for such park, in any place or area where parking is prohibited as indicated by signs posted in such park, or in excess of any time allowed as indicated by such times.

C. The Columbia County Roadmaster/Public Works Director or the Forest, Parks and Recreation Director shall post signs in each park indicating where parking is prohibited or limited.

D. Violation of this section may be handled as provided in ORS 98.812 or as provided in ORS 811.555.

ARTICLE V.

BEACHES.

SECTION 1. DESIGNATED BEACHES.

The following County properties are beaches subject to this ordinance:

A. Dibblee Beach, described as follows:

Beginning at a point where the Northerly boundary of the Spokane, Portland & Seattle Railway right-of-way intersects the West boundary of the James Dobbins Donation Land Claim in Section 12, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; thence South 44° 47' 57" East 1555.86 feet; thence following a curve the long chord of which bears South 45° 32' 47" East 208.17 feet; thence following a curve the long chord of which bears South 50° 18' 19" East 334.68 feet; thence following a curve the long chord of which bears South 55° 03' 52" East 208.17 feet; thence South 55° 48' 42" East 344.75 feet; thence North 1° 31' 24" East to the meander line of the Columbia River; thence Northwesterly following the meander line of the Columbia River to a point where said meander line intersects the West boundary line of the Dobbins Donation Land Claim; thence South 1° 31' 24" West along the West boundary line of the Dobbins Donation Land Claim to the point of beginning;

and

B. Any other County-owned or County-leased property declared to be a County beach subject to this ordinance by order or resolution of the Board.

SECTION 2. PROHIBITED USE OF BEACHES.

Except as specifically permitted by a "person in charge" as defined below, no person shall enter or remain, or allow their property or property under their control to enter or remain, on

the beaches subject to this ordinance between the hours of 10:00 p.m. on one day and 5:00 a.m. the next day.

SECTION 3. POSTING OF NOTICES.

The County Roadmaster/Public Works Director or Forest, Parks and Recreation Director shall post signs in conspicuous places on the County's property limits at the beaches subject to this ordinance. Such signs shall declare that the beach is closed for use between the hours of 10:00 p.m. and 5:00 a.m., and that trespassers shall be prosecuted.

ARTICLE VI.

BOAT DOCK FACILITIES.

SECTION 1. DESIGNATED BOAT DOCKS FACILITIES.

The following County facilities are County docks subject to this ordinance:

A. Courthouse docks, located in the Columbia River at St. Helens Landing adjacent to and below the Columbia County Courthouse in St. Helens, Oregon, and consisting of the left (northern) half of the center walkway and the three (3) floating docks immediately to the left (north) of, and attached to, the center walkway of said St. Helens Landing.

B. Coon Island docks, located in the Multnomah Channel at Coon Island (also sometimes known as Watts Island) approximately two (2) miles upstream of the mouth of the Gilbert River, and located approximately in Section 4, T3N, R1W, Willamette Meridian.

C. Gilbert River Landing, located in the Multnomah Channel at the mouth of the Gilbert River as it empties into the Multnomah Channel from Sauvie Island and consisting of floating docks, walkway and boat ramp.

D. Gilbert River docks, located in the Multnomah Channel approximately 1/2 mile upstream of the mouth of the Gilbert River as it empties into the Multnomah Channel from Sauvie Island and consisting of free-floating docks.

E. Beaver docks and boat ramp, located in the Clatskanie River in Clatskanie, Oregon.

F. Any other County-owned or County-leased facilities declared to be County docks subject to this ordinance by order or resolution of the Board.

SECTION 2. USE OF COUNTY DOCKS.

For the purposes of this ordinance, use of County docks includes:

- A. Mooring or tying a boat or vessel directly to a County dock;
- B. Locating a boat or vessel within 5 feet of a County dock;
- C. Mooring or tying a boat or vessel to a boat or vessel which is moored or tied to a County dock or located within 5 feet of a County dock;
- D. Mooring or tying a boat or vessel to one or more of a group of boats or vessels, one of which is moored or tied to a dock or located within 5 feet of a County dock.

SECTION 3. TIME LIMITATIONS.

- A. The Courthouse docks shall not be used by a boat or vessel in excess of forty-eight (48) consecutive hours for any one usage.
- B. If any boat or vessel uses the Courthouse docks in excess of twelve (12) consecutive hours for any one usage, that boat or vessel may not use the docks again for a period of at least six (6) consecutive hours.
- C. Notwithstanding subsections A and B above, the Board may, by order, in its sole discretion, waive the above-mentioned time limitations for specific events or for specific periods.

SECTION 4. COMMERCIAL PURPOSES.

The County docks shall not be used by tugboats, barges or boats or vessels for "commercial purposes" as defined in ORS 506.006(4). For the purposes of this ordinance, the County docks are used for commercial purposes if they are used by boats or vessels which are, on the date of such usage, operated or occupied, or equipped to be operated or occupied, for "commercial purposes." For the purposes of this ordinance, a boat or vessel is equipped to be operated or occupied for commercial purposes if it contains any gear unlawful for "angling" as defined by ORS 506.006(1).

SECTION 5. EXCEPTIONS.

Upon good cause shown, in the sole discretion of the Board of County Commissioners or any one of them, the Columbia County Sheriff or any specifically authorized Deputy Sheriff, or the Forest, Parks and Recreation Director, temporary exceptions to

this ordinance may be granted not to exceed forty-eight (48) hours for any one exception. Such exceptions shall be put into writing, in duplicate, on a form available from the Board, County Sheriff or Director and shall include at a minimum the following information:

- A. Name of boat or vessel;
- B. State license or registration number, if any;
- C. Federal documentation number, if any;
- D. Name, address and phone number of owner or owners of boat or vessel;
- E. Name, address, phone number, driver's license number and state, temporary local address and message phone of operator or operators of boat or vessel, if any;
- F. Length of time, not to exceed forty-eight (48) hours, of exception granted;
- G. Reason for granting the exception;
- H. Release from liability;
- I. Signature or signatures of operator or operators, and owner, if available;
- J. Signature of the Board of County Commissioners, or any one of them, or the County Sheriff or any specifically authorized Deputy Sheriff; and
- K. Date and hour that exception is authorized to begin.

ARTICLE VII.

RECREATIONAL FACILITIES.

SECTION 1. DESIGNATED RECREATIONAL FACILITIES.

The following recreational facilities are subject to this ordinance:

- A. Rutherford Road Parkway (as described in Section 2C below);
- B. Any other County-owned or County-leased facility declared to be a recreational facility subject to this ordinance by order or resolution of the Board.

SECTION 2. RUTHERFORD ROAD PARKWAY.

A. No person shall drive or park any motor vehicle on any portion of Rutherford Road Parkway.

B. No person shall ride or walk any horse or other animal, except dogs, on or along any portion of Rutherford Road Parkway under Columbia County jurisdiction and control.

C. For the purposes of this section, "Rutherford Road Parkway" means that pedestrian/bike path which extends southerly from the end of 4th Street in Columbia City, south of its intersection with M Street, along the undeveloped right-of-way of Rutherford County Road roughly parallel to and east of the Burlington Northern Railroad right-of-way, to the north end of Oregon Street in St. Helens.

E. For the purposes of this section, "motor vehicle" means any self-propelled vehicle and any vehicle designed for self-propulsion except police cars, fire engines, ambulances and other emergency vehicles, and utility vehicles such as those used by the Portland General Electric Company, Columbia River People's Utility District, the Cities of St. Helens and Columbia City and the Columbia County Parks Department, Road Department, Sheriff's Department and Land Development Services.

ARTICLE VIII.

ENFORCEMENT.

SECTION 1. PROHIBITED ACTIVITIES.

Except as specifically permitted by a "person in charge" as defined below, no person shall, while in or on a designated Columbia County forest, park, beach, dock, or other recreational facility, engage in any activity prohibited by, or violate any of, the rules or regulations enacted pursuant to Article I, Section 5 above.

SECTION 2. ENFORCEMENT.

Any on-duty Oregon State Police officer, the Columbia County Sheriff, any of his deputies, any resident Park Caretaker, the Forest, Parks and Recreation Director, and any Columbia County Commissioner are designated as "persons in charge" within the meaning of ORS 164.205(5) (1991 Edition) for the purpose of supervising Columbia County forests, parks, beaches, docks, and other recreational facilities. 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 premises of such Columbia County properties and facilities.

SECTION 3. PENALTIES.

A. This ordinance, and any orders, rules and regulations adopted pursuant hereto, may be enforced by, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance.

B. A person shall be considered a trespasser:

1. who enters or remains on or in a Columbia County forest, park, beach, dock, or other recreational facility during the hours or times such forest, park, beach, dock, or other recreational facility is closed by the terms of this ordinance or the rules and regulations for such County property or facility;

2. who fails to leave any Columbia County forest, park, beach, dock, or other recreational facility when so directed by a "person in charge";

3. who returns to a Columbia County forest, park, beach, dock, or other recreational facility within eight (8) hours after being directed orally by a "person in charge" to leave such property or facility;

4. who returns to a Columbia County forest, park, beach, dock, or other recreational facility before such other period of time has expired as stated in any written directive issued to such person by a "person in charge".

C. Trespassers are subject to prosecution under the provisions of ORS 164.245, Criminal Trespass in the Second Degree. It shall be an affirmative defense in any prosecution under paragraph B4 above that the person did not receive the written directive issued by the "person in charge".

D. The provision of any false information under Article VI, Section 5 of this ordinance, shall be punishable as provided in the Columbia County Enforcement Ordinance.

E. Any peace officer, as defined in ORS 161.015, may enforce this Article VI of this ordinance by issuing a citation for suspected violations of this ordinance in the name of the boat or vessel according to the vessel markings, and/or the operator, if known, and/or the owner, if known.