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## CHAPTER 1064 Parks Generally

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### CROSS REFERENCES

Parks and recreation areas generally - see ORS 275.320 et seq.  
Acquisition of jurisdiction by State - see ORS 366.205  
Bear Creek, Jackson County - see ORS 390.250 et seq.; P. & Z. Ch. 1228  
Fairgrounds - see ORS 565.230; S.U. & P.S. Ch. 1066  
Parks and Recreation Department - see ADM. Ch. 231  
Parks and Recreation Advisory Committee - see ADM. Ch. 277

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### **1064.01 DEFINITIONS.**

As used in this chapter:

(a) County Park - means:

- (1) An area owned and designated by the County for public park purposes; or
- (2) An area owned by some other public entity but used and operated by the County for public park purposes.

- (b) Horse - includes mules, donkeys and other <skip> animals.
- (c) Roads and Parks Department - means the County Parks and Recreation Department and its officers, agents and employees.
- (d) Vehicle - means every device in, upon or by which any person or property is or may be transported upon a roadway.

(Ord. 80-15. Passed 8-13-80; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

#### **1064.02 CLOSURE OF PARKS; USE LIMITATIONS.**

- (a) The Roads and Parks Department is hereby authorized to close to public use any County park or portion thereof, restrict the times when the same shall be open to such use and limit or prohibit any recreational use whenever such action is necessary to protect the health or safety of the public or the safety of the park or its facilities. Causes for park closure or limitations on park use include, but are not limited to, fire hazard, dangerous weather or water conditions, sanitary protection of the watershed, park construction or repairs, conservation of fish and wildlife, excessive boat 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 condition.
- (b) Park closure for all day use areas shall occur at sunset unless otherwise posted.
- (c) No person shall enter any County park or area which has been closed if notice of prohibited entry has been posted.

(Ord. 80-15. Passed 8-13-80; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

#### **1064.03 FEE, PERMIT AND LIMITATION SCHEDULES.**

- (a) All fees, permits and occupancy or time limitations issued by the Roads and Parks Department authorizing the use of a County park or any of its areas or facilities shall be in accordance with schedules adopted from time to time by order of the Board of County Commissioners.
- (b) No person shall enter or use any County park or any of its facilities without first paying the required fee, if any, to the Department, unless such entry or use is otherwise authorized by a valid existing permit belonging to said person.

(c) If the entry or use consists of or includes the parking or leaving of an unattended vehicle within a park facility requiring entry fee or permit, such permit must be displayed in the vehicle and visible through the windshield or window, and any annual vehicle permit, camping permit or vehicle day use permit not thus displayed shall not be deemed valid.

(Ord. 80-15. Passed 8-13-80; Ord. 88-9. Passed 4-20-88; Ord. 2007-2. Passed 1-31-07.)

#### **1064.04 REVOCATION OF PERMITS; EVICTION.**

(a) The Roads and Parks Department is hereby authorized to revoke any permit which has been issued erroneously or when the Department has reasonable cause to believe that the permit holder has violated any of the provisions of this chapter or any State law. Any person whose permit has been revoked shall immediately leave the park and may be removed therefrom.

(b) No person who has been ordered to leave a County park shall remain therein.

(c) The Department may refuse to admit any person into a County park who has been previously evicted from a County park.

(d) The Department may take possession of any permit which has been removed or which is fictitious, and no person shall refuse to surrender the same to the Department upon demand.

(Ord. 80-15. Passed 8-13-80; Ord. 2007-2. Passed 1-31-07.)

#### **1064.05 USE OF VEHICLES.**

(a) The definitions and provisions of ORS Chapter 803, 807, 811, 814, 815, 816, 819 and 821 of the Motor Vehicle Code shall apply to all vehicles operated or parked within any County park. Any violation of any section of such chapter shall be deemed a violation of this chapter, provided that in no event shall a maximum fine provided under this Code exceed the fine provided by statute for the offense. The bail schedule applicable to State offenses may be adopted by the Board of Commissioners by order. Any bail schedule adopted by order of the Board of Commissioners shall apply to a citation issued under this section.

(b) In addition, no person shall, within a County park:

- (1) Drive a vehicle at a speed greater than ten miles per hour in a picnic area, campground or parking lot, or at a speed greater than twenty miles per hour in any other area, unless otherwise posted;

- (2) Drive a vehicle other than on established roads for vehicular use, parking areas and boat ramps;
- (3) Park or leave unattended any vehicle or trailer in other than those areas designated by the Roads and Parks Department for such parking, or so as to hinder or impede the drivers of other vehicles;
- (4) Except in special use areas designated by the Department for that purpose, drive a motor vehicle not licensed or equipped as provided in subsection (a) hereof;
- (5) Leave unattended any vehicle within a County park for more than twelve hours without prior written consent therefor;
- (6) Leave a vehicle for any period of time, unless visiting the park for its intended use; or
- (7) Drive an off-road motorcycle which is not equipped with an effective spark arrester.

(c) The Roads and Parks Department is hereby authorized to remove, or cause to be removed, and stored, any vehicle left unattended within a County park where there is reasonable cause to believe that the vehicle has been parked or left in such a manner or area as violates this section; and, in such event, the procedural provisions of ORS 819.120, 819.180, 819.190 and 819.210 to 819.250 shall be followed with reference to the disposition of such vehicle and the rights of the owner therein.

(d) Bicycles, skateboards, roller skates and similar contrivances shall not be used, except in areas designated for their use.

(Ord. 80-15. Passed 80-13-80; Ord. 88-9. Passed 4-20-88; E. Ord. 94-30. Passed 6-15-94; P. Ord. 94-31. Passed 6-29-94; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

#### **1064.06 ANIMALS.**

- (a) Pets are not permitted in any County park, except in areas specifically designated.
- (b) The Roads and Parks Department may refuse to admit any person to a County park who is in possession of a pet or other animal that appears, in the judgment of the Department, to be dangerous or likely to disturb persons in the park.
- (c) In those parks or park areas designated for such purpose, the following regulations shall apply:

- (1) No person shall allow any pet to run unrestrained without prior permission therefor from the Department. Pets shall be restrained by a secure leash not over five feet long.
- (2) No person shall allow any pet in his or her custody to annoy or molest any person.
- (3) No person shall allow any pet in his or her custody to be tied up and left unattended.
- (4) No horse or pack animal shall be tied, secured or hobbled in such a manner as to injure any tree, shrub or park improvement.

(Ord. 80-15. Passed 8-13-80; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

#### **1064.07 WILDLIFE; HUNTING.**

- (a) No person shall, in any manner, pursue, kill, injure or molest any bird or animal within any County park, except for the control of predatory animals as may be ordered by the County.
- (b) Hunting is not permitted in any County park, except in those parks or park areas especially designated for such purpose and during such times as may be established by the State Fish and Wildlife Commission.

(Ord. 80-15. Passed 8-13-80.)

#### **1064.08 WEAPONS AND EXPLOSIVES.**

No person shall, within a County park:

- (a) Discharge any firearm, pellet gun, bow and arrow, slingshot or other missile-launching device, except in those areas designated by the Roads and Parks Department for such use; or
- (b) Possess or use fireworks or other explosives without prior written permission therefor from the Department.

(Ord. 80-15. Passed 8-13-80; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

**1064.09 CAMPING.**

- (a) No person shall camp in any County park, except in those areas designated for camping and except with a valid permit for such park. The Roads and Parks Department may, at any time, revoke the camping permit of any person if the campsite occupied by such person is not maintained in a clean, sanitary and safe manner.
- (b) No person shall move, vandalize or destroy any valid permit displayed at a campsite.
- (c) Upon expiration of a camping permit, the permit holder and persons in his or her party must vacate the park for a minimum of twenty-four hours. All campsites must be occupied a minimum of four hours in any twenty-four hour period.
- (d) All camping permits, fees and occupancy or time limitations issued by the Department shall be in accordance with schedules adopted from time to time by order of the Board of County Commissioners.
- (e) No person shall reserve or attempt to save a campsite without prior written consent from the Department.
- (f) Quiet hours shall be observed in all camping areas between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- (g) Except for authorized overnight campers, law enforcement officers or authorized County personnel, no person shall enter or remain in any park area between the daily closing time and daily opening time as established by the Department and posted at the entrance to each park.
- (h) The person registering for the campsite is responsible for adhering to all regulations of this chapter affecting the campsite and for any violation of this chapter with reference to the use or condition of the campsite occurring during or as a result of occupancy under the permit, but this shall not be construed as a defense for any other person who actually caused or participated in causing the violation.
- (i) No person under the age of eighteen shall camp overnight within a County park unless accompanied by an adult.

(Ord. 80-15. Passed 8-13-80; Ord. 88-9. Passed 4-20-88; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

**1064.10 FIRES.**

- (a) A person shall be responsible for damage caused by fires built by such person and for the cost of suppressing such fires.
- (b) No person shall, within a County park:
- (1) Build, light or maintain any fire, except in a stove, pit or fireplace designated for such purpose by the Roads and Parks Department. Portable gas, gasoline or oil stoves or other portable cooking devices may be used if such devices are in a safe operating condition.
  - (2) Build, light or maintain any fire so as to constitute an immediate fire hazard to any pile of wood, grass, tree, underbrush or other flammable material;
  - (3) Leave a fire unattended or leave a County park before extinguishing any fire built, lighted or maintained by him or her; or
  - (4) Throw or deposit any burning substance, or other substance capable of burning or combustion, near or onto any combustible place or area, except into authorized firepits provided by the Department for such use.

(Ord. 80-15. Passed 8-13-80; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

**1064.11 BOATING.**

- (a) The definitions and provisions contained in ORS Chapter 830 relating to boats and boating shall apply to all boats within a County park. Any violation of any section of that chapter shall be deemed a violation of this chapter, provided that in no event shall the maximum fine provided under this chapter exceed the fine provided by statute for the offense incorporated herein, and, further, that any uniform bail schedule applicable to the State offense shall be applicable to a citation issued for violation of this subsection.
- (b) No person shall, within a County park:
- (1) Leave a boat which is under his or her care, custody and control unattended at a public dock or designated area for more than fifteen minutes, unless otherwise posted or permitted, or at any other place for more than twelve hours, without prior written consent therefor from the Roads and Parks Department;
  - (2) Launch a boat at any place other than launching facilities designated by the Department; or

- (3) Engage in any boat race, regatta, exhibition or sales promotion of any kind, or operate a boat for hire, without written approval therefor from the Department.

(c) Any boat which has been left unattended contrary to this section may be removed to a designated storage area by the Department at the expense of the owner, and any such boat will be disposed of in accordance with the provisions set forth by the State Marine Board.

(Ord. 80-15. Passed 8-13-80; Ord. 88-9. Passed 4-20-88; Ord. 92-7. Passed 7-1-92; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

### **1064.12 GARBAGE AND RUBBISH; LITTERING.**

No person shall, within a County park:

- (a) Throw, dump or deposit any trash, refuse, garbage, litter or waste material, except in receptacles designated by the Roads and Parks Department for that purpose;

Bring into such a park any trash, refuse, garbage, litter, waste material or vehicle for the purpose of leaving it therein;

- (b) Wash any clothing or other materials in the waters of any lake or stream, or throw, dump or deposit into such waters, or onto the banks thereof, any trash, refuse, garbage, litter, waste material or other polluting product of any kind. Pollution and waste, for the purpose of this section, are as defined in ORS 468B.005 (3) and (7).

- (c) Clean any fish, except at places designated by the Department for such purpose.

(Ord. 80-15. Passed 8-13-80; Ord. 92-7. Passed 7-1-92; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

### **1064.13 PROPERTY DESTRUCTION.**

No person shall, within a County park:

- (a) Pick, cut, mutilate or remove from any park area flowers, shrubs, foliage, trees or plant life or products of any kind without written permission therefor from the Roads and Parks Department;

- (b) Mutilate, deface, damage, move or remove any park equipment, including, but not limited to, tables, benches, buildings, signs, markers, plaques, barriers, fountains, faucets, traffic recorders or other structures or facilities of any kind in a park area; or

(c) Dig, dredge, deface or remove any dirt, stones, rocks, artifacts or other substances, make any excavation, quarry any stones or other objects or cause or assist in doing any of such things within a park area, except upon written permission from the Department.

(Ord. 80-15. Passed 8-13-80; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

#### **1064.14 PEDDLERS AND SOLICITORS; ADVERTISING; SIGNS.**

No person shall, within a County park:

(a) Operate a concession, either fixed or mobile, or engage in the business of soliciting, selling or peddling goods, wares, merchandise, liquids or edibles for human consumption, without prior written permission from the Roads and Parks Department;

(b) Advertise in any manner, by either fixed or mobile display, without prior written permission therefor from the Department; or

(c) Erect any sign, marker or inscription without prior written permission therefor from the Department.

(Ord. 80-15. Passed 8-13-80; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

#### **1064.15 PEACE DISTURBANCES.**

No person shall, within a County park:

(a) Set up or use a public address system or any sound amplifying equipment without prior written permission therefor from the Roads and Parks Department;

(b) Operate a radio or musical instrument in such a manner as to disturb others and create disturbing noise; or

(c) Use abusive, threatening, boisterous, vile, obscene or indecent language or gestures, cause, attempt to cause or participate in any public disturbance or in any way create a public nuisance.

(Ord. 80-15. Passed 8-13-80; Ord. 2007-2. Passed 1-31-07.)

**1064.16 MISCELLANEOUS REGULATIONS.**

(a) The provisions contained in ORS Sections 471.410 and 471.430 relating to possession of alcoholic liquors and to the providing of such liquors to persons under twenty-one years of age shall apply to all persons within a County park, and any violations of said sections shall be deemed a violation of this chapter, provided that in no event shall the maximum fine imposed under this chapter exceed the fine provided by statute for violation of ORS 471.430.

(b) Except in the case of an emergency, no person shall land or attempt to land any aircraft within a County park without prior approval from the Roads and Parks Department.

(c) Mining for gold within County parks is restricted to recreational activity only, and is limited to gold panning, using historical methods and tools. The use of a dredge, or any equipment other than gold pans and small shovels or trowels, for gold mining within County park areas is prohibited. Digging in the stream banks, or undermining trees, shrubs or man-made features such as buildings, fences and bridge abutments, is not allowed. No commercial mining is allowed within a County park.

(Ord. 88-9. Passed 4-20-88; Ord. 2007-2. Passed 1-31-07.)

**1064.17 REGISTERED OWNER AS VIOLATOR.**

For purposes of charging, citing or proving any violation of Section 1064.03(b) or 1064.05(a), (b)(3), (5) or (6), the registered owner of the vehicle found without a permit or unlawfully parked is presumed to be the person who unlawfully entered the park without fee or permit, or who unlawfully parked the vehicle or left it unattended, as the case may be, but the presumption may be overcome by evidence specifically identifying the person who, in fact, committed the violation.

(Ord. 88-9. Passed 4-20-88; E.Ord 2003-29. Passed 10-15-03; P. Ord 2003-28. Passed 10-29-03.)

**1064.99 PENALTY.**

(a) The Board of Commissioners may provide by order for a minimum bail schedule for violations of this chapter.

(b) Violations of this chapter are subject to the penalties provided in Section 202.99.

(E. Ord. 94-30. Passed 6-15-94; P. Ord. 94-31. Passed 6-29-94.)