

Chapter 12.12

COUNTY PARKS

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12.12.010 Short title. This chapter shall be referred to as the "county parks ordinance." (Ord. 82-7-2 §1.05, 1982)

12.12.020 Definitions.

A. "Department" means Douglas County parks department, established to coordinate, administer and implement regulations governing the care and use of county parks and recreational areas.

B. "Director" means the person appointed by the board of commissioners to administer the county parks department.

C. "Park" means and includes any real property designated by order of the board of commissioners as a public park pursuant to ORS 275.320 and any other real

property managed by the department for park purposes at the direction of, or with the approval of, the board of commissioners. (Ord. 96-3-2 §1, 1996; Ord. 2001-4-1 §1, 2001)

D. "Parks board" means an advisory body appointed by the board of commissioners. (Ord. 82-7-2 §1.10, 1982; Ord. 90-5-2 §1, 1990)

E. "Recreational Area" means and includes any real property designated by order of the board of commissioners as a recreational area pursuant to ORS 275.320 and any other real property managed by the department for recreation purposes at the direction of, or with the approval of, the board of commissioners. (Ord. 96-3-2 §1, 1996)

12.12.025 Salmon Harbor Excluded. This chapter shall not apply to the Salmon Harbor Recreational Area. (Ord. 96-3-2 §2, 1996)

12.12.030 Purpose. This chapter is designed to provide and coordinate regulations for the use and administration of the county parks department and parks and recreational areas within the county. (Ord. 82-7-2 §1.15, 1982; Ord. 96-3-2 §3, 1996)

12.12.040 Parks department--Established. The county parks department, referred to in this chapter as "department," is created to coordinate, administer and implement regulations governing the care and use of parks and recreational areas. (Ord. 82-7-2 §2.05, 1982; Ord. 96-3-2 §4, 1996)

12.12.050 Parks board--Authority. The county parks board is created to serve as an advisory body with the authority to assist and advise the board of commissioners. The parks board shall be composed of seven members. The parks board shall have the authority and duty to: (Ord. 96-3-2 §5, 1996; Ord. 2004-01-03, 2004)

A. Serve as an advisory board to the board of commissioners regarding the appointment of the director. (Ord. 2014-12-01, 2014)

B. Review and recommend enactment of policies and rules for the operation of the department.

C. Review and make recommendations on the annual budget of the department as prepared by the director for submission to the board of commissioners and the budget committee. (Ord. 82-7-2 §3.05, 1982)

12.12.060 Parks board--Terms. Upon the effective date of the ordinance codified in this chapter, the persons presently serving on the parks board shall serve the remaining portion of their terms which will expire as follows:

A. One member's term shall expire on December 27, 1983;

B. One member's term shall expire on December 27, 1983;

C. One member's term shall expire on December 27, 1983;

D. One member's term shall expire on December 27, 1984;

E. One member's term shall expire on December 27, 1985;

F. The initial terms of the two members authorized by Ordinance Number 2004-01-03 shall expire on December 27, 2007; (Ord. 2004-01-03, 2004)

Thereafter each member shall be appointed for a term of four years. At the expiration of a member's term, the board of commissioners shall appoint a new member or may reappoint a member for a term of four years. If a member is removed by the board of commissioners or resigns from the parks board, any replacement member shall serve for the remainder of the term of the member being replaced. (Ord. 82-7-2 §3.10, 1982; Ord. 2001-4-1, §2, 2001)

12.12.070 Parks board--Meetings. The parks board shall meet and organize by the election of a chairperson from among its members. The organizational meeting to elect a chairperson shall occur during the first meeting held after July 1 each year. The parks board shall meet at the call of the chairperson or any four members as necessary to perform the duties required by Section 12.12.050 of this chapter. The director shall assist the chairperson in scheduling meetings. The chairperson shall preside at all meetings of the parks board and shall conduct the meetings in accordance with procedural rules established by the parks board. (Ord. 82-7-2 §3.15, 1982; Ord. 2001-4-1 §3, 2001; Ord. 2004-01-03, 2004)

12.12.080 Parks board--Action. Four voting members shall constitute a quorum. No decision shall be made by the parks board unless a quorum is present. A majority of the members present at a meeting must vote in favor of any proposed decision or action of the parks board before it may be implemented. (Ord. 82-7-2 §3.20, 1982; Ord. 2004-01-03, 2004)

12.12.090 Parks board--Compensation and expenses. The members of the parks board shall receive no compensation for services provided as members, except for reimbursement of actual and necessary travel and other expenses incurred in the performance of their duties that are preapproved by the director. Request for reimbursement of expenses shall be submitted to the director. (Ord. 82-7-2 §3.25, 1982; Ord. 2014-12-01, 2014)

12.12.100 Director--Appointment. The director of the department shall be appointed by the board of commissioners to administer the department and the provisions of this chapter. The board of commissioners shall review recommendations of the parks board prior to making the appointment. The director shall serve at the pleasure of the board of commissioners. (Ord. 82-7-2 §4.05, 1982)

12.12.110 Director--Authority and duties. The director or director's designees shall have the authority and duty to enforce the provisions of this chapter and to perform the following acts: (Ord 2001-4-1 §4, 2001)

- A. Review and make recommendations to the parks board and the board of commissioners on all matters pertaining to parks and recreational areas, the department and this chapter; (Ord. 96-3-2 §6, 1996)
- B. Supervise the department and employ persons in the department;
- C. Negotiate and recommend contracts for personal services, maintenance and repairs to the board of commissioners for final approval and execution;
- D. Issue permits pursuant to this chapter;

E. Establish, collect and disburse fees and deposits for permits and rentals of campgrounds, Helleck Hall, pavilions, YURTS, mobile homes, cabins and parking; (Ord. 90-5-2, §2, 1990; Ord. 2001-4-1, §4, 2001; Ord. 2014-12-01, 2014)

F. Purchase or lease equipment needed for the department;

G. Post signs for the classification and use of parks and recreational areas in accordance with this chapter; (Ord. 96-3-2 §6, 1996)

H. Execute agreements under the department's "adopt-a-park program" for maintenance of county parks and recreational areas without remuneration. (Ord. 95-7-1 §1, 1995)

I. Perform any and all acts necessary to enforce the provisions of this chapter and applicable state laws. (Ord. 82-7-2 §4.10, 1982; Ord. 95-7-1 §1, 1995; Ord. 2001-4-1, §4, 2001)

J. To revoke any permit when the director or director's designee has reasonable cause to believe that the permit holder is in violation of any provisions of this chapter or state law; (Ord. 2001-4-1, §4, 2001)

K. To order persons to leave park and recreation facilities when the director or director's designee has reasonable cause to believe that the persons are in violation of any provisions of this chapter or state law; (Ord. 2001-4-1, §4, 2001)

L. To refuse to admit into a park or recreation facility persons whom the director or director's designee has reasonable cause to believe has been previously ordered to leave a park or recreation facility. (Ord. 2001-4-1, §4, 2001)

M. To impose a reimbursement fee, in the amount of actual cleanup costs, for failure to clean up after use of Helleck Hall, pavilions, YURTS, mobile homes and cabins. (Ord. 2001-4-1, §4, 2001; Ord. 2014-12-01, 2014)

12.12.120 Permit-Issuance. The director or director's designee shall have the authority to issue temporary permits for the following activities:

A. To secure temporary entry into a designated camping area;

B. To camp overnight at any one park facility up to the following maximum number of days: Fourteen consecutive days (Ord. 2014-12-01, 2014).

For purposes of limit computations, the first day of camping determines the applicable limit. (Ord. 2001-4-1, §5, 2001)

C. To secure county resident discount permits for overnight camping;

D. To conduct any special events or group activities within park facilities. Application must be made thirty days in advance and shall be accompanied by a cleanup deposit; (Ord. 2014-12-01, 2014)

F. To permit a handicapped person to operate a motor vehicle within areas where vehicles are otherwise prohibited if such operation is necessary for use and enjoyment of the park and would not damage park facilities or endanger others. (Ord. 96-3-2 §7, 1996)

G. To operate or use a public address or amplified sound system.

H. To consume alcoholic beverages in Green Oaks Park. (Ord. 2001-4-1, §5, 2001)

I. Parking. (Ord. 2014-12-01, 2014).

J. After hours fishing. (Ord. 2014-12-01, 2014).

K. To allow charter fisherman to camp overnight at Windy Cove A and B for up to 90 days during fishing season at the coast. (Ord. 2014-12-01, 2014)

No person shall engage in any activity described in this section without first obtaining a permit. The director may require reasonable terms and conditions for the issuance of permits which are not inconsistent with the terms of this chapter. The duration for the permit shall be set by the director. (Ord. 86-12-1 §1, 1986; Ord. 82-7-2 §5.05, 1982)(Ord. 88-9-1 §1, 1988; Ord. 90-5-2, §3, 1990)

12.12.130 Permit--Fees and deposits. Fees and deposits for permits, camping and rental of park and recreational facilities and parking shall be posted in each park and recreational area and may be established by the Director for the following purposes: (Ord. 96-3-2 §8, 1996; Ord. 2014-12-01, 2014; Ord. 2011-03-01 §1, 2011)

- A. Camping.
 - 1. Campsite providing hookups.
 - 2. Campsite without hookups.
 - 3. Shower facilities.
 - 4. Extra vehicle within campsite.
 - 5. Cabins (Ord. 2014-12-01, 2014)
 - 6. YURTS (Ord. 2014-12-01, 2014)
 - 7. Mobile Homes (Ord. 2014-12-01, 2014)
- B. Temporary entry permit to campsite area.
- C. County resident discount permit for overnight camping.
- D. Cleanup deposits for special events, group activities or use of pavilions or other facilities.
- E. Fee for Pavilions.
 - 1. One-half of any pavilion per day or portion thereof;
 - 2. Any entire pavilion per day or portion thereof. (Ord. 82-7-2 §5.10, 1982; Ord. 83-12-4 §1, 1983; Ord. 84-5-1 §1, 1984; Ord 90-5-1 §4 1990)
- G. Parking. (Ord. 2014-12-01, 2014)
- H. Fee for Helleck Hall. (Ord. 2014-12-01, 2014)

12.12.140 Discount for county resident. The director shall have the authority to grant a discount on the amount of the fee which would otherwise be charged for use of park facilities pursuant to Section 12.12.130 of this Chapter, to any person who is a resident of the county. The amount of the discount shall be determined by the director and approved by the parks board. (Ord. 82-7-2 §5.11, 1982; Ord. 83-4-7 §1, 1983; Ord. 2007-07-02, 8-15-2007)

12.12.150 Intergovernmental agreement for additional fees. Notwithstanding the provisions of Section 12.12.130 of this chapter, the board of commissioners may enter into an intergovernmental agreement with the city of Reedsport to charge an additional fee for the use of park facilities at Windy Cove Park in western Douglas County. Additional revenue generated by the fee increase may be paid by the county to the city of Reedsport on the condition that such revenue is used by the city to promote tourism in western Douglas County. (Ord. 83-4-7 §2, 1983: Ord. 82-7-2 §5.12, 1982)

12.12.160 Park hours. All parks and recreational areas shall be open daily for use from sunrise to sunset unless posted otherwise by the director and except as provided in this chapter. The hours of sunrise and sunset shall be computed according to the Astronomical Applications Dept. Table for the Rise and Set for the Sun for the current year of the U. S. Naval Observatory Washington, DC 20392 currently found online at http://aa.usno.navy.mil/data/docs/RS_OneYear.php. All park areas shall be closed daily at sunset except those areas designated for overnight camping, after hours fishing, and the Ben Irving Reservoir recreation area which shall remain open 24 hours for fishing recreation only. All boats and motor vehicles shall be removed from all water areas prior to park closure except with approval of the director. (Ord. 82-7-2 §5.15, 1982; Ord. 88-9-1 §2, 1988; Ord. 96-3-2 §9, 1996; Ord. 2001-4-1, §6, 2001; Ord. 2014-12-01, 2014)

12.12.170 Park closure. The director or director's designee is authorized to close or restrict public use of any park or recreational area or a portion thereof when it is deemed necessary to protect the public health, safety or welfare, or for the protection of the park or recreational area facilities. (Ord. 82-7-2 §5.20, 1982; Ord. 96-3-2 §10, 1996)

12.12.180 Prohibited acts. It is unlawful for any person to commit any of the following acts in a park or recreational area:

A. To fail to pay any fees, deposits, rentals or costs assessed for use or rental of park or recreational facilities; (Ord. 96-3-2 §11, 1996)

B. To fail to secure a permit or to violate the terms of any permit required by Section 12.12.120 of this chapter;

C. To disregard, deface, remove, tamper or damage any sign or notice posted or erected by the department;

D. To leave a fire or portable stove while in operation unattended;

E. To build a fire or operate a portable stove outside designated areas;

F. To camp in areas not designated for overnight camping;

G. To operate or park a motor vehicle, bicycle or trailer outside designated areas or in a manner that prevents access to park or recreational facilities or endanger others; (Ord. 96-3-2 §11, 1996)

H. To erect, place, post or maintain any advertising matter, sign or printed matter other than legal notices without approval of the director; (Ord. 96-3-2 §11, 1996)

I. To solicit, sell, offer for sale, peddle or vend any food, liquids, goods, merchandise, services or any other items without approval of the director;

J. To allow any animal:

1. To run at large, (Ord. 96-3-2 §11, 1996)

2. To be present or remain inside any park building except dog guides,

3. To be present or remain outside areas designated for use of such

animals,

4. To be present or remain within the boundaries of River Forks Park between May 15th to September 15th of each year except dog guides;

K. To dump any animal or animal carcass. (Ord. 2001-4-1, §7, 2001)

L. To operate or use a public address or amplified sound system unless permitted under §12.12.120.

M. To leave, deposit, or scatter waste, refuse or garbage, including but not limited to, a person's residential waste, refuse or garbage;

N. To remain in or enter any park when it is not open as provided in Sections 12.12.160 or 12.12.170. (Ord. 82-7-2 §5.25, 1982; Ord. 86-5-1 §1, 1986; Ord. 86-12-1 §3, 1986)

O. To expose his or her genitalia or buttocks or for any female person to wholly or substantially expose her breast, except while breast-feeding a child, while in a public place, or in a place visible from a public place, if the place is open or available to persons of the opposite sex. (Ord.88-9-1 §3, 1988)

P. To consume alcoholic beverages in Green Oaks Park without a permit issued by the director; (Ord. 2001-4-1 §7, 2001)

Q. To leave a boat unattended at a launching dock for more than 15 minutes; (Ord. 2001-4-1 §7, 2001)

R. To swim or fish from boat launching docks; (Ord. 2001-4-1 §7, 2001)

S. To fail to observe reasonable quiet in overnight facilities between the hours of 10:00 p.m. and 7:00 a.m. (Ord. 2001-4-1 §7, 2001)

T. To fail to clean up after use, or to damage during the course of use, Helleck Hall, cabins, mobile homes, pavilions and YURTS. (Ord. 2001-4-1 §7, 2001; Ord. 2014-12-01, 2014)

U. To possess a beverage which is defined as an alcoholic beverage by State Law, on or within 200 feet of all designated off-road vehicle areas or within lands administered as such, including dispersed off road vehicle campsites on any lands designated by the Board of County Commissioners by Order dated June 23, 2004, as being managed as Park land by the Douglas County Parks Department. (Ord. 2006-02-01, 2006)

V. To park, leave or fail to remove any vehicle, trailer or property overnight in any park or recreational area, except for areas designated for overnight camping with required permits. (Ord. 2014-12-01, 2014)

12.12.200 Jurisdiction. The Circuit Court for the State of Oregon for the County of Douglas has jurisdiction over any and all violations of the County Parks Ordinance. Jurisdiction and venue for violation proceedings shall be as set forth in ORS 153.036. (Ord. 2001-6-3, §2, 2001)

12.12.210 Violation Proceedings.

A. The Director is delegated the authority to designate, from time to time, specific designees that are authorized to issue citations for the commission of violations of the County Parks Ordinance. The Director and designees shall be deemed to be enforcement officers, within the meaning of ORS 153.005 to 153.121. (Ord. 2001-6-3, §2, 2001; Ord. 2014-12-01, 2014)

B. Violations of the County Parks Ordinance shall be deemed to be violations, within the meaning of ORS 153.008. Violations of the County Parks Ordinance are punishable by fines as established for unclassified violations. (Ord. 2001-6-3, §2, 2001; Ord. 2014-12-01, 2014)

C. The sentence to pay a fine for a violation committed by a corporation shall be in an amount twice the fine established for a violation by an individual. (Ord. 2001-6-3, §2, 2001)

D. Violation proceedings shall follow the process set forth in ORS 153.005 to 153.121. (Ord. 2001-6-3, §2, 2001; Ord. 2014-12-01, 2014)

12.12.220 Remedies Not Exclusive. None of the remedies available to the County as set forth in the County Parks Ordinance are exclusive. Nothing in the County Parks Ordinance shall preclude any remedy otherwise available to the County, either in law or equity. (Ord. 2001-6-3, §2, 2001)

12.12.230 Public Nuisance. Any violation of the County Parks Ordinance shall be deemed a nuisance and may be enjoined, abated, or removed. (Ord. 2001-6-3, §2, 2001)

12.12.240 Meetings and Records.

A. All meetings and minutes of meetings of the parks board shall be subject to the Oregon Public Meetings Law, ORS 192.610 to 192.690.

B. All records of the parks board shall be subject to the Oregon Public Records Law, ORS 192.410 to 192.505. (Ord. 2014-12-01, 2014)

12.12.250 Restrictions on Authority of the Parks Board. Except as specifically provided in this chapter, the parks board shall have no executive or administrative powers. The board of commissioners reserves exclusive authority to approve or enter into contracts on behalf of the county and to delegate contracting authority to county officers and agents. (Ord. 2014-12-01, 2014)

12.12.260 Tort Claims. Within the limits of, and subject to all of the terms, conditions, and restrictions of, the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, parks board members shall be deemed to be agents of the county for tort claims. (Ord. 2014-12-01, 2014)

12.12.270 Government Ethics. Parks board members shall be deemed to be public officials for purposes of the Government Ethics Law, ORS chapter 244. (Ord. 2014-12-01, 2014)