

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 74

An ordinance regulating conduct in County parks, forests, and recreation areas; providing for enforcement; prescribing penalties for the violation of its provisions; repealing certain rules and regulations; and all other matters pertaining thereto; and declaring an emergency.

Multnomah County ordains as follows:

Section 1. Section Title and Pleading.

This ordinance shall be known as the Multnomah County Park Rules Ordinance, may be so pleaded, and shall be referred to herein as "this ordinance".

Section 2. Definitions.

- A. For the purposes of this ordinance, unless the context requires otherwise, the following terms are defined as follows:
1. Board: Board of County Commissioners of Multnomah County, Oregon.
 2. Director: The Director of the Department of Environmental Services of Multnomah County, and his authorized representatives.
 3. Multnomah County: The unincorporated areas of Multnomah County, Oregon.
 4. Park: A forest, reservation, playground, beach,

recreation center or any other area in Multnomah County, owned or used by Multnomah County, and devoted to active or passive recreation.

5. Person: An individual, partnership, company, association, corporation, or any other legal entity.
6. Vehicle: Any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled, including a bicycle. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of Multnomah County parks.

Section 3. Policy.

The Board has determined that it is necessary to adopt regulations in order to insure the efficient operation, protection and maintenance of County parks and to protect the health, safety and welfare of the people of Multnomah County and this ordinance shall be liberally construed to effectuate this purpose.

Section 4. Responsibility of Enforcement.

The Director shall be responsible for the enforcement of this ordinance and may adopt supplemental regulations as provided by this ordinance.

Section 5. Unlawful Activity.

It shall be unlawful, as a violation of this ordinance, for any person to:

A. Park Property.

1. Buildings and Other Property.

- a. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, restroom, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notice or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, recreation facilities or park property or appurtenances whatsoever, either real or personal.
- b. Dig, or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

2. Trees, Shrubbery, Lawns.

- a. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant.
- b. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or gun carriages or upon any other property not designated or customarily used for such

purposes.

3. Animals, Birds and Fish.

- a. Hunt, molest, harm, frighten, kill, trap, chase, shoot or throw missiles at any animal, bird, fish or other living creature; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest or young of any reptile or bird.
- b. Give or offer to give to any animal or bird any tobacco, alcohol or other nauseous substances.

B. Sanitation.

1. Pollution of Waters.

Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park, any matter or thing, liquid or solid, which will or may result in the pollution of said waters.

2. Refuse and Trash.

Deposit, dump, place or leave any rubbish, bottles cans, garbage or refuse of any type regardless of its source in a county park or recreation area, except refuse, garbage or litter occasioned through use of such areas which shall be deposited in refuse receptacles provided for

such purposes.

C. Operation of Vehicles.

1. Traffic.

- a. Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances.
- b. Fail to obey all traffic officers and park attendants, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued by the Director.
- c. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.
- d. Drive any vehicle on any area except the park roads or parking areas, or such other areas as may be specifically designated by the Director.

2. Parking.

- a. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with instructions of any attendant who may be present.
- b. Double park any vehicle on a road or parkway unless directed by a park attendant.

D. Bicycles.

1. Operation.

- a. Ride a bicycle on other than a vehicular road or path designed for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.
- b. Ride a bicycle other than on the right hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their bicycles with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be

meeting.

- c. Leave a bicycle in a place other than a bicycle rack or such as provided and there is space available.
- d. Ride a bicycle on any road between thirty minutes after sunset and before thirty minutes before sunrise without an attached headlight plainly visible at least two hundred (200) feet in front of, and without a red taillight or reflector plainly visible from at least one hundred (100) feet from the rear of, such bicycle.

E. Recreational Activities.

1. Bathing and Swimming.

Swim, bathe, or wade in any waters or water-ways in or adjacent to Blue Lake Park, except in such waters and at such times and places as are designated therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted.

2. Boating.

Bring into or operate any boat, raft, or other watercraft, whether motor powered or not, upon Blue Lake Park waters, except those boats owned by property owners at Blue Lake and those boats or other watercraft for rent at the park. Such

boating activities shall be in accordance with applicable regulations of the County and the State of Oregon.

3. Fishing.

a. Fish in any designated swimming area.

4. Hunting and Fire Arms.

a. Discharge a fire arm, air rifle, spring gun, bow and arrow or other weapon in or over any park except for areas specifically designated therefore.

5. Camping.

Camp overnight or longer, and in no event longer than 5 consecutive days, in any park except at such times and places as shall be specifically provided for without first obtaining a camping permit from the Director. Persons under the age of majority must be accompanied by an adult.

6. Games.

Take a part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, sharp objects, javelins or model airplanes except in areas set apart for such forms of recreation.

7. Horseback Riding.

Ride a horse except on designated bridle trails.

Horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended.

F. Behavior.

1. Alcoholic Beverages.

a. Bring into or consume alcoholic beverages in any park; provided, however, that the Board may, from time to time, designate certain parks or park areas where beer and wine in containers designed for individual consumption, may be brought for use in meal preparation or consumption with meals, except as provided in Subsection b.

b. The Board may by its order allow on site consumption of alcoholic beverages in golf course club facilities when duly licensed by the Oregon Liquor Control Commission.

2. Fireworks and Explosives.

Bring, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

or non verbal noise.

8. Exhibit Permits.

Fail to produce and exhibit any permit from the Director he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

9. Interference with Permittees.

Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

G. Merchandizing and Signs.

1. Vending and Peddling.

Expose, advertise, or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is made as to any regularly licensed concessionaire acting by and under the written authority of the Board.

2. Signs.

Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatever on any public lands or

highways or roads adjacent to a park except upon permission of the Director. Exception is made as to any regularly licensed concessionaire acting by and under the written authority of the Board.

Section 6. Park Operating Policy.

- A. Hours. Except for unusual and unforeseen circumstances and emergencies, and those parks having overnight camping sites, parks shall be generally open to the public every day of the year from 6:00 A.M. to nightfall in the summer and from 8:00 A.M. to nightfall in the winter; provided, however, Oxbow Park shall be open from 7:00 A.M. to nightfall.
- B. Posting of Regulations. The regulations and provisions for use and administration of parks or notice of such regulations or summaries thereof shall be kept posted within the main entrance of each park or at such other locations suitable for that purpose.
- C. Closed Areas. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the

Director shall find reasonably necessary.

D. Lost and Found Articles. The finding of lost articles by park attendants shall be reported to the Director who shall make every reasonable effort to find and return lost articles and dispose of unclaimed articles as prescribed by law.

E. Permit.

1. A permit shall be obtained, as indicated, before participating in the following park activities:

a. Overnight Camping. In those parks where overnight camping is allowed a permit shall be obtained from the park attendant at the park.

b. Group Picnicking. A permit must be secured from the Director for any group picnic consisting of more than 50 persons.

c. Vending. Before a person may act as a concessionaire at a park he must submit an application to the Director in such form as the Director shall require. The application shall be presented to the Board for its consideration and the applicant will be notified as to the acceptance or rejection of his

application.

2. Revocation. The Director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

Section 7. Enforcement.

- A. Officials. The Director and his authorized representatives shall, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance.
- B. No person shall interfere with any authorized person in carrying out of the enforcement of these rules and regulations.
- C. Ejectment. The Director and his authorized representatives shall have the authority to eject from the park any person acting in violation of this ordinance or the criminal laws of the State of Oregon.
- D. Seizure of Property. The Director and any of his authorized representatives shall have the authority to seize and confiscate any property, thing or device in the park, or used, in violation of this ordinance.
 1. Persons who have had any property, thing or device confiscated pursuant to Section 7.D. may request an immediate hearing by

filing a written request for hearing with the Director.

- a. The Director shall, upon receipt of request for immediate hearing, promptly notify the Board and the Board shall set a time and place for hearing at the earliest possible time and promptly notify the person requesting hearing as to the time and place for such hearing.
- b. The person requesting the hearing and the Director may make argument, submit testimony and written briefs, cross-examine witnesses and submit rebuttal evidence on matters pertinent to the issue to be determined.
- c. All hearings shall be recorded in a manner which will allow for a written transcription to be made thereof and all materials submitted at the hearing shall be retained by the Board for a period of at least two years.
- d. Failure of the person requesting hearing to appear at the hearing shall constitute a waiver of the right to a hearing.
- e. If the Board determines there was a wrongful confiscation of property such

property shall be returned to the person requesting the hearing or if such property has been destroyed, restitution shall be made.

- f. The Board shall issue its order at the earliest possible time after the hearing and shall mail a copy of the order to the person requesting the hearing.

Section 8. Penalties.

Any person convicted of a violation of this ordinance shall be punished by a term of not more than one (1) year or by a fine of not more than Five Hundred Dollars (\$500.00), or both. Each day of a continuous violation of this ordinance shall be deemed a new, separate and distinct violation of such regulation.

Section 9. Prior Rules and Regulations Repealed.

All prior rules and regulations relating to the proscribing of conduct in county parks are repealed.

Section 10. Conformance With Law.

This ordinance shall in no way be a substitute for or eliminate the necessity of conforming with any and all state laws, rules and regulations, and other ordinances which are now or may be in the future in effect which relate to the activities herein regulated.

Section 11. Separability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or

unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions of this ordinance.

Section 12. Emergency Clause.

This ordinance being necessary for the efficient operation, protection, and maintenance of county parks and in order to protect the health, safety and welfare of the people of Multnomah County, an emergency is hereby declared to exist and this ordinance shall become effective on adoption by unanimous vote of the Board of County Commissioners for Multnomah County, Oregon.

ADOPTED THIS 2nd day of August, 1973, being the date of its first reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS

By M. James Gleason
Chairman