

W. Q. C.

AGENDA COVER MEMO

Date: February 15, 2006

TO: Board of County Commissioners

DEPARTMENT: Public Works, Parks Division

PRESENTED BY: Todd Winter, Parks Division Manager

AGENDA ITEM TITLE: **ORDINANCE NO. 3-06/IN THE MATTER OF AMENDING CHAPTER 6 OF LANE CODE TO ESTABLISH VIOLATIONS FOR PARKING IN A COUNTY PARK WITHOUT A PERMIT AND FOR NONPAYMENT OF CAMPING FEES (LC 6.530 AND LC 6.580)**

I. MOTION

Move to adopt Ordinance No. 3-06 amending Lane Code Chapter 6.

II. ISSUE OR PROBLEM

On December 14, 2005, Parks staff reported back to the Board of County Commissioners regarding fee collection activities in Parks. At that time, the Board recommended Parks proceed with amending Lane Code, Chapter 6 to add provisions addressing parking in Parks fee areas without paying the required parking fees. The fine for violation of this new code would constitute a Class D violation with a minimum fine amount of \$94, and be consistent with Oregon State Parks.

III. DISCUSSION

A. Background

Lane Code was amended on 10/11/01, adding LC 6.580 – Non-Payment of Fees as a Class C violation largely to address an ongoing problem of non-payment of camping fees. This code was also used, including the 2005 season, to address non-payment of parking fees in day use fee areas.

Failure to pay the parking fee in a County Park during collection times pursuant to current Lane Code is a violation of section 6.580 Non-Payment of Fees. A violation of this section is a Class C violation with a minimum fine of \$141.00. The Oregon Legislature sets the minimum fine amounts.

(4) Violation of this subsection constitutes a Class A violation. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 2-82, 4.9.82; 21-83, 11.29.83; 6-89, 5.24.89; 1-00, 4.12.00; 2-03, 5.1.03)*

6.515 Hunting and Fishing.

(1) No person shall hunt, pursue, trap, molest, injure or kill any game or non-game wildlife within a County Park.

(2) Notwithstanding the provisions of LC 6.515(1), fishing is permitted in accordance with the rules and regulations of the State Department of Fish and Wildlife.

(3) Activities otherwise prohibited by LC 6.515(1) and not permitted by LC 6.515(2) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.

(4) Violation of this subsection constitutes a Class A violation. *(Revised by Ordinance No. 6-89, Effective 5.24.89; 1-00, 4.12.00)*

6.520 Destruction of Property.

(1) No person shall deface, damage, destroy or remove any County Park structure, sign, facility, plant, tree, wood, soil, gravel, sand or other substance, except duly authorized County employees or agents in the performance of their duties.

(2) Activities otherwise prohibited by LM 6.520(1) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.

(3) Violation of this subsection constitutes a Class A violation. *(Revised by Ordinance No. 6-89, Effective 5.24.89; 1-00, 4.12.00)*

6.525 Sales.

(1) No person shall operate a concession or engage in the business of advertising, soliciting or selling any goods or services, within a County Park.

(2) Activities otherwise prohibited by LC 6.525(1) are permitted with specific written authorization from the Board or its duly authorized agent pursuant to LM 18.140.

(3) Violation of this subsection constitutes a Class C violation. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 10-77, 9.30.77; 2-82, 4.9.82; 6-89, 5.24.89; 1-00, 4.12.00)*

6.530 Vehicle Operation and Parking.

No person shall:

(1) Operate any vehicle, including, but not limited to, automobiles, trucks, motorcycles, motorbikes, trail bikes, mountain bikes and off-road vehicles within a County Park on other than established vehicular roads, parking areas or boat ramps or in areas specifically designated and posted for such use. Violation of this subsection constitutes a Class C violation.

(2) Park or leave unattended any vehicle or trailer within a County Park in other than those areas designated for such parking. Violation of this subsection constitutes a Class D violation.

(3) Operate a vehicle at a speed greater than 15 miles per hour unless designated and posted otherwise. Violation of this subsection constitutes a Class B violation.

(4) **Park any vehicle in a designated parking area within a County Park, during such times as fees are required, without properly displaying a valid parking permit. Violation of this subsection constitutes a Class D violation.**

(45) Activities otherwise prohibited by LC 6.530(1) and (2) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 2-82, 4.9.82; 6-89, 5.24.89; 1-00, 4.12.00)*

6.565 Camping.

- (1) No person shall camp or park overnight in any area within a County park.
- (2) Notwithstanding the provisions of LC 6.565(1), camping is permitted in areas specifically designated as public campgrounds.
- (3) No person shall camp in a designated public campground in a County Park for a period longer than 14 days in any 30 consecutive day period.
- (4) Activities otherwise prohibited by LC 6.565(1) and (3) and not permitted by LC 6.565(2) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.
- (5) Violation of this subsection constitutes a Class B violation. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 2-82, 4.9.82; 21-83, 11.29.83; 6-89, 5.24.89; 1-00, 4.12.00)*

6.570 After Hours.

- (1) No person shall enter or remain in any County Park between the daily closing time and the daily opening time, except duly authorized County employees or agents in the performance of their duties.
- (2) Notwithstanding the provision of LC 6.570(1) moorage holders and/or their guests may remain on their boats after hours.
- (3) Activities otherwise prohibited by LC 6.570(1) and not permitted by LC 6.570(2) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.
- (4) Violation of this subsection constitutes a Class A violation *(Revised by Ordinance No. 6-89, Effective 5.24.89; 8-89, 7.12.89; 1-00, 4.12.00)*

6.573 Interference with Official Duties.

Any person who obstructs, harasses, or interferes with the official duties of an enforcement officer, commits a Class A violation. *(Revised by Ordinance No. 3-01, Effective 10.11.01)*

6.575 Failure to Identify.

No person shall, within an County Park, refuse to disclose that person's identity to an enforcement officer who so requests for the purpose of issuance of a citation. *(Revised by Ordinance No. 3-01, Effective 10.11.01)*

6.578 False Information.

- (1) A person commits the violation of giving false information to an enforcement officer if the person knowingly uses or gives a false or fictitious name, address, or date of birth, to any enforcement officer.
- (2) A violation of LC 6.578 constitutes a Class A violation. *(Revised by Ordinance No. 3-01, Effective 10.11.01)*

6.580 Non-Payment of Fees.

- (1) No person shall knowingly fail to pay an authorized ~~park entrance~~ **Resident Camping fee or Campsite Rental fee.**
- (2) A violation of this section is a Class C violation. *(Revised by Ordinance No. 3-01, Effective 10.11.01)*

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 3-06

IN THE MATTER OF AMENDING CHAPTER 6 OF
LANE CODE TO ESTABLISH VIOLATIONS FOR
PARKING IN A COUNTY PARK WITHOUT A PERMIT
AND FOR NONPAYMENT OF CAMPING FEES (LC
6.530 and LC 6.580)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 6 of Lane Code is hereby amended by deleting, substituting, and adding new sections as follows:

DELETE THESE SECTION(S)

6.530
as located on page 6-8)
(a total of one page)

6.580
as located on page 6-10
(a total of one page)

INSERT THESE SECTION(S)

6.530
as located on page 6-8
(a total of one page)

6.580
as located on page 6-10
(a total of one page)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to establish violations for parking in a county park without a permit and for nonpayment of camping fees (LC 6.530 and LC 6.580).

ENACTED this _____ day of _____ 2006.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 2-15-06 Lane County



OFFICE OF LEGAL COUNSEL

(4) Violation of this subsection constitutes a Class A violation. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 2-82, 4.9.82; 21-83, 11.29.83; 6-89, 5.24.89; 1-00, 4.12.00; 2-03, 5.1.03)*

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During the 2005 fee collection season many park visitors were cited under LC 6.580 for non-payment of fees in day use park areas. Further discussion of this issue, at the conclusion of the 2005 fee season, prompted the Board to recommend a Lane Code change to include specific language to address parking violations.

B. Analysis

In 2003, legislation passed that raised the minimum amounts of all four classes of violations (A-D) and added regulations to the amount that the courts could lower the fine. Class C violations had the minimum fine amount raised to \$141 and subsequently the minimum fine amount for a Class D violation was set at \$94.

In December 2005, the Board agreed that a new code was needed to specifically address non-payment of parking fees in County Park fee areas. The recommended new Lane Code language is attached.

C. Alternatives and Options

1. Approve the Lane Code change as amended.
2. Do not approve Lane Code change as amended.

D. Recommendations

Staff recommends option 1.
New Lane Code language for Chapter 6 is attached.

E. Timing

Parks staff will implement change once approved by the Board.

IV. IMPLEMENTATION

Parks staff will implement once approved by the Board.

V. ATTACHMENTS

Ordinance No. 3-06
Proposed Lane Code Chapter 6 revision.