

W. H. a.

AGENDA COVER MEMO

Memorandum Date: August 30, 2006
Ordinance Date: September 13, 2006 First Reading
September 27, 2006 Second Reading Public Hearing

TO: Lane County Board of Commissioners

DEPARTMENT: Lane County Sheriff's Office

PRESENTED BY: Sgt. Byron Trapp and Lt. Bill Thompson, Lane County Sheriff's Office/Police Services/Special Operations

AGENDA ITEM TITLE: **ORDINANCE NO. 7-06/IN THE MATTER OF AMENDING CHAPTER 6 OF LANE CODE TO PROVIDE FOR REGULATION OF PARKING AT OR NEAR PUBLIC BOAT RAMPS (LC 6.430 AND LC 6.475)**

I. MOTION

MOVE APPROVAL OF ORDINANCE NO. 7-06 IN THE MATTER OF AMENDING CHAPTER 6 OF LANE CODE TO PROVIDE FOR REGULATION OF PARKING AT OR NEAR PUBLIC BOAT RAMPS (LC 6.430 AND LC 6.475)

II. AGENDA ITEM SUMMARY

The Board is being asked to approve amendments to Lane Code Chapter 6 that will regulate parking on or near any public boat launch ramp. Lane Code 6.530 addressing park rules prohibits parking in Lane County Parks in areas other than designated for parking, which includes boat ramps but that only address 66 out of 137 ramps in the county. The remaining ramps have no restrictions related to parking or blocking. The Sheriff's Office has no remedy to cite or impound vehicles obstructing boat ramps.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Lane Code Chapter 6.430 Prohibited Parking or Standing was last amended in November 1988 to enact traffic and parking regulations and offenses.

B. Policy Issues

Ordinance No. 7-06 amends Lane Code Chapter 6.430 by adding to the list of areas where parking or standing is prohibited. Ordinance No. 7 prohibits parking or standing on or near any public boat launch ramp in a manner that obstructs the use of the boat ramp, except when a vehicle is attended and is engaged in loading or unloading watercraft.

Ordinance No. 7-06 also amends Lane Code 6.475 Impoundment of Vehicles by adding impound provisions which provide that vehicles left unattended and violating the parking laws on or near public boat ramps may be towed and stored at the expense of the vehicle owner.

C. Board Goals

According to the Lane County Strategic Plan, Lane County Government exists to ensure the safety and wellbeing of the people who live, work, and visit our communities. That takes into account personal safety, security of property, preservation of infrastructure, health safety, and assisting in providing for our citizens' basic needs.

This also includes ensuring the public's safety with regard to emergency preparedness and regional cooperative policing through law enforcement, intervention, prosecution, incarceration, and parole and probation, while protecting individual's constitutional rights. In addition, this includes contributing to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management, and land development as well as maintaining a healthy environment with regard to air quality, water quality, waste management, land use and parks.

One of Lane County's Core Strategies is to build and maintain credibility and respect. We must continually improve our services and allocate our resources wisely. We must listen carefully to our citizens and do our best to effectively inform them how our actions are addressing their concerns.

Providing a way to enforce parking in and around boat ramps to allow more easy access to the public and emergency responders for launching and removing their boats from the water is consistent with the strategic goals and core strategies stated above.

D. Financial and/or Resource Considerations

The enforcement of the additional parking regulations will not incur additional expenditures in the Sheriff's Office. If signs are placed at all of the estimated 137 boat ramps, the cost estimate for manufacturing the signs ranges from \$2,000 to \$3,000. According to Public Works Traffic Engineer Ed Chastain, only signing within County Road right-of-way would be Road Fund eligible. At other locations the costs would have to be incurred by other sources. Lane County has 66 boat ramps. The other jurisdictions that own and administer boat ramps within Lane County will be contacted regarding the new regulations and cost of signage and installation will be discussed.

E. Analysis

According to the Deputy Sheriffs in Marine Patrol, boat ramps are often blocked by parked cars. This is not a new problem, but one that the Sheriff's Office has not had any remedy for preventing or solving the problem.

Lane Code 6.530, which addresses park rules, prohibits parking on boat ramps in Lane County parks. This rule addresses 66 of the 137 ramps in the county. The remaining ramps have no restrictions related to parking or blocking.

During the summer of 2005, there were several occasions where parked vehicles on or near boat ramps restricted or totally blocked access to the ramp by boaters. Sheriff's Office personnel personally observed parked vehicles blocking Richardson Park boat ramps on Fern Ridge, Hayden Bridge and Bellinger Landing on the McKenzie River and Clear Water Landing on Willamette River.

The most significant event this summer took place at Clear Water Landing on the Willamette River near Jasper Road. This is a Willamalane Park facility, not a Lane County Park. In mid July, Deputy Sheriff Paul Vitus and Sgt. Byron Trapp responded to an emergency water rescue on the Willamette River downstream from Clear Water Landing. The quickest response to the rescue required launching a Sheriff's Office rescue watercraft at Clear Water Landing. Sheriff's Office staff determined Clear Water Landing was the safest location to put in because the next closest ramp downstream would have required negotiating rougher areas of the Willamette River not suitable for the rescue boat.

The rescue call reported three young men stranded in the water on a 'strainer,' which consists of downed trees and branches in the water, that typically can trap persons and cause them to be held under the current. They are very difficult to escape. It is common for persons caught in strainers to drown. Additionally, there were two young women in the same area stranded on the shore line and in distress. The nature of the call necessitated an emergency and timely response.

When Sgt. Trapp and Deputy Vitus arrived at Clear Water Landing, the ramp access was completely blocked by several vehicles including a large van. All of the vehicles were unattended and the operators were recreating on the river banks in the area. By the time the Sheriff's Office was able to locate all the vehicle operators and have them move their vehicles in order to allow access to the ramp with the rescue boat, approximately 30 minutes had passed. The operator of the van was less than cooperative in moving his truck and there were no enforcement options short of an arrest for obstructing governmental administration.

After launching the rescue boat all five victims were successfully rescued. If Ordinance 7-06 had been enacted, there may have been signage in place to deter the parking issue the Sheriff's Office encountered. Boat ramp parking restrictions will allow the Sheriff's Office to take enforcement actions at times not involving an emergency, reducing the likelihood of violations occurring during an emergency.

Fortunately in this case, all of the persons were successfully rescued. The delay added to their distress and exposure to the cold waters but could certainly have been the difference between life and death if the circumstances were different. While this is a rare example of a major life threat caused by persons blocking the ramp, most of the incidents are more of a nuisance to boaters attempting to access the ramps. The nuisance events typically lead to disputes and other tumultuous behavior when tempers flare over long waits at the ramps.

F. Alternatives/Options

By passing Ordinance 7-06, the Board will provide Sheriff's Office deputies with a tool for enforcing parking violations on or near boat ramps. This will help solve the problem of people leaving vehicles unattended and parked on boat ramps, which blocks entrance to and from the water. It is the goal of the Sheriff's Office to educate via citations those parking offenders who make the boat ramps unusable for others, including Sheriff's Office Marine Patrol and other emergency responders.

If the Board chooses not to pass Ordinance 7-06, the Sheriff's Office will not have a remedy to cite and/or tow and impound vehicles blocking boat ramps access.

V. TIMING/IMPLEMENTATION

The ordinance will go into effect 30 days after the Board takes action to pass the ordinance.

VI. RECOMMENDATION

The Sheriff's Office recommends approving the motion to adopt Ordinance 7-06, which would provide deputies with a tool for enforcing parking violations on or near boat ramps.

VII. FOLLOW-UP

Deputies will begin enforcing the Lane Code revisions when the ordinance goes into effect, 30 days after the Board takes action. The Sheriff's Office will coordinate with the Public Works Department in order to make and place appropriate signage. The Sheriff's Office will coordinate with other jurisdictions to inform them of the changes to the parking ordinance and collaborate on appropriate signing.

VIII. ATTACHMENTS

1. Ordinance No. 7-06
2. Lane County Boat Launch Ramps

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 7-06

IN THE MATTER OF AMENDING CHAPTER 6 OF
LANE CODE TO PROVIDE FOR REGULATION OF
PARKING AT OR NEAR PUBLIC BOAT RAMPS (LC
6.430 and LC 6.475)

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)

6.430
as located on page 6-5
(a total of 1 page)

6.475
as located on page 6-6
(a total of 1 page)

INSERT THESE SECTION(S)

6.430
as located on page 6-5
(a total of 1 page)

6.475
as located on page 6-6
(a total of 1 page)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to provide for regulation of parking at or near public boat ramps.

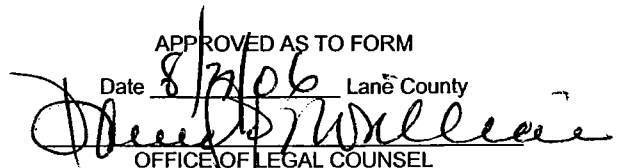
ENACTED this _____ day of _____ 2006.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 8/7/06 Lane County


OFFICE OF LEGAL COUNSEL

6.425 Method of Parking.

(1) When parking spaces are designated on a street, no person shall park or stand a vehicle other than in the direction of the traffic flow and in such a manner that the front vehicle tire closest to the curb is located within 12 inches of the curb and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.

(2) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street or public lot has priority to park in that space, and no other vehicle operator shall attempt to interfere.

(3) When the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless directed otherwise by police or fire officers.

(4) Motorcycles may be parked in a street perpendicular to the edge of the roadway provided, however, that such cycles shall be parked within designated vehicle parking spaces and shall not be parked so as to interfere with the safety or operation of vehicles parked in adjacent parking spaces.

(5) Violation of this section is a Class D traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

6.430 Prohibited Parking or Standing.

In addition to the prohibitions of the Oregon Vehicle Code, no person shall park or stand a vehicle and no owner shall allow a vehicle to be parked or left standing:

(1) On a street in violation of a lawfully erected traffic control device giving notice of any regulations or restrictions on the parking or standing of vehicles.

(2) In an alley, except for a stop of not more than 30 consecutive minutes for loading or unloading persons or material.

(3) On or near any public boat launch ramp in a manner that obstructs or impedes the use of the boat launch ramp, except while the vehicle is attended and actively engaged in the loading or unloading of watercraft.

(4) Violation of this section is a Class D traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

6.435 Prohibited Practices.

(1) No person shall park or stand a vehicle, and no owner shall allow a vehicle to be parked or left standing, on a street or other public property for the principal purpose of:

(a) Displaying the vehicle for sale.

(b) Repairing or servicing the vehicle, except while making repairs necessitated by an emergency.

(c) Selling merchandise from the vehicle.

(2) Violation of this section is a Class D traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

6.440 Use of Loading Zone.

(1) No person shall park or stand a vehicle, and no owner shall allow a vehicle to be parked or left standing in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed 30 minutes.

(2) Violation of this section is a Class D traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

6.445 Lights on Parked Vehicle.

No lights need be displayed on a vehicle that is parked in accordance with applicable law on a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

6.450 Exemptions.

The provisions of LC 6.425 through 6.440 that regulate the parking or standing of vehicles do not apply to:

(1) A city, County, state or public utility vehicle being used for public works maintenance, construction or repair work.

(2) A vehicle owned by the United States and being used for collection, transportation or delivery of mail.

(3) A vehicle of a disabled person who complies with the provisions of ORS 801.235 and 811.602 through 811.640. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

6.460 Owner Responsibility.

The owner of an unattended vehicle that is parked in violation of a parking restriction imposed by LC 6.425 through LC 6.440 shall be responsible for the offense unless the operator used the vehicle without the owner's consent. In all prosecutions of the owner of a vehicle found in violation of LC 6.425 through 6.440, it shall be sufficient to charge the defendant in the manner provided in ORS 810.425. *(Revised by Ordinance No. 9-88, Effective 6.1.88)*

6.465 Registered Owner Presumption.

In a proceeding charging violation of a parking restriction imposed by LC 6.425 through 6.440 against a vehicle owner, proof that the vehicle was registered to the defendant at the time of the violation constitutes a presumption that the defendant was the owner. *(Revised by Ordinance No. 9-88, Effective 6.1.88)*

6.475 Impoundment of Vehicles.

(1) Disposition of a vehicle towed and stored under provisions of state law for the removal of hazardous vehicles shall be in accordance with provisions of state law and County ordinance on impoundment and disposition of abandoned vehicles.

(2) Impoundment of a vehicle does not preclude issuance of a citation for violation of a provision of this ordinance.

(3) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner in accordance with state law governing custody and disposition of stolen vehicles.

(4) Vehicles left unattended on or near any public boat ramp in violation of Lane Code 6.430 (3) may be towed and stored at the expense of the vehicle owner in accordance with state law governing custody and removal of vehicles constituting a hazard. *(Revised by Ordinance No. 9-88, Effective 6.1.88)*

6.480 Non-Motorized Traffic Prohibitions.

(1) Except for those persons engaged in obtaining emergency services for a disabled motor vehicle, those persons performing duties in connection with repair and maintenance of the road or other lawful governmental function, or those persons that have received a permit from the Director, Lane County Department of Public Works, no person shall walk or go upon the following described area in non-motorized vehicles:

Any part of the right-of-way which is enclosed by fences or which is 80 feet from the centerline of that portion of Delta Highway commencing at the point at which Delta Highway intersects County Road No. 515, commonly known as Country Club Road, then continuing northerly to the point at which Delta Highway passes over Beltline Road.

| At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
6.425 Lane Code

**LEGISLATIVE
FORMAT**
6.435

6.425 Method of Parking.

(1) When parking spaces are designated on a street, no person shall park or stand a vehicle other than in the direction of the traffic flow and in such a manner that the front vehicle tire closest to the curb is located within 12 inches of the curb and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.

(2) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street or public lot has priority to park in that space, and no other vehicle operator shall attempt to interfere.

(3) When the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless directed otherwise by police or fire officers.

(4) Motorcycles may be parked in a street perpendicular to the edge of the roadway provided, however, that such cycles shall be parked within designated vehicle parking spaces and shall not be parked so as to interfere with the safety or operation of vehicles parked in adjacent parking spaces.

(5) Violation of this section is a Class D traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

6.430 Prohibited Parking or Standing.

In addition to the prohibitions of the Oregon Vehicle Code, no person shall park or stand a vehicle and no owner shall allow a vehicle to be parked or left standing:

(1) On a street in violation of a lawfully erected traffic control device giving notice of any regulations or restrictions on the parking or standing of vehicles.

(2) In an alley, except for a stop of not more than 30 consecutive minutes for loading or unloading persons or material.

(3) **On or near any public boat launch ramp in a manner that obstructs or impedes the use of the boat launch ramp, except while the vehicle is attended and actively engaged in the loading or unloading of watercraft.**

(34) Violation of this section is a Class D traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

6.435 Prohibited Practices.

(1) No person shall park or stand a vehicle, and no owner shall allow a vehicle to be parked or left standing, on a street or other public property for the principal purpose of:

(a) Displaying the vehicle for sale.

(b) Repairing or servicing the vehicle, except while making repairs necessitated by an emergency.

(c) Selling merchandise from the vehicle.

(2) Violation of this section is a Class D traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

6.440 Use of Loading Zone.

(1) No person shall park or stand a vehicle, and no owner shall allow a vehicle to be parked or left standing in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed 30 minutes.

| At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
6.435

Lane Code

**LEGISLATIVE
FORMAT**
6.435

(2) Violation of this section is a Class D traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

| At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
6.445 Lane Code

**LEGISLATIVE
FORMAT**
6.480

6.445 Lights on Parked Vehicle.

No lights need be displayed on a vehicle that is parked in accordance with applicable law on a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

6.450 Exemptions.

The provisions of LC 6.425 through 6.440 that regulate the parking or standing of vehicles do not apply to:

- (1) A city, County, state or public utility vehicle being used for public works maintenance, construction or repair work.
- (2) A vehicle owned by the United States and being used for collection, transportation or delivery of mail.
- (3) A vehicle of a disabled person who complies with the provisions of ORS 801.235 and 811.602 through 811.640. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

6.460 Owner Responsibility.

The owner of an unattended vehicle that is parked in violation of a parking restriction imposed by LC 6.425 through LC 6.440 shall be responsible for the offense unless the operator used the vehicle without the owner's consent. In all prosecutions of the owner of a vehicle found in violation of LC 6.425 through 6.440, it shall be sufficient to charge the defendant in the manner provided in ORS 810.425. *(Revised by Ordinance No. 9-88, Effective 6.1.88)*

6.465 Registered Owner Presumption.

In a proceeding charging violation of a parking restriction imposed by LC 6.425 through 6.440 against a vehicle owner, proof that the vehicle was registered to the defendant at the time of the violation constitutes a presumption that the defendant was the owner. *(Revised by Ordinance No. 9-88, Effective 6.1.88)*

6.475 Impoundment of Vehicles.

- (1) Disposition of a vehicle towed and stored under provisions of state law for the removal of hazardous vehicles shall be in accordance with provisions of state law and County ordinance on impoundment and disposition of abandoned vehicles.
- (2) Impoundment of a vehicle does not preclude issuance of a citation for violation of a provision of this ordinance.
- (3) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner in accordance with state law governing custody and disposition of stolen vehicles.
- (4) **Vehicles left unattended on or near any public boat ramp in violation of Lane Code 6.430 (3) may be towed and stored at the expense of the vehicle owner in accordance with state law governing custody and removal of vehicles constituting a hazard.** *(Revised by Ordinance No. 9-88, Effective 6.1.88)*

6.480 Non-Motorized Traffic Prohibitions.

- (1) Except for those persons engaged in obtaining emergency services for a disabled motor vehicle, those persons performing duties in connection with repair and maintenance of the road or other lawful governmental function, or those persons that

| At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
6.480 Lane Code

**LEGISLATIVE
FORMAT**
6.480

have received a permit from the Director, Lane County Department of Public Works, no person shall walk or go upon the following described area in non-motorized vehicles:

Any part of the right-of-way which is enclosed by fences or which is 80 feet from the centerline of that portion of Delta Highway commencing at the point at which Delta Highway intersects County Road No. 515, commonly known as Country Club Road, then continuing northerly to the point at which Delta Highway passes over Beltline Road.

Lane County Boat Launch Ramps

Responsible Agency or Administrator

City:	3
Lane County: *	66
Port Commission:	2
Parks & Rec. District:	2
Oregon State Parks:	10
Oregon Fish & Wildlife:	18
U.S. Forest Service:	14
U.S. Corps of Engineers:	5
Bureau of Land Management:	1
Water & Power Agency:	3
Private / Public Access:	13
Total Boat Launch Ramps:	137

Information obtained from *Oregon Boating Facilities Guide*
An Oregon State Marine Board publication and
Lane County Parks Department

* *Oregon Boating Facilities Guide* lists 28 Lane County Ramps, while
Lane County Parks Dept. lists 66 ramps under their authority