

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Policy Session Worksheet

**Presentation Date:** 03/23/2021 **Approx Start Time:** 2:30 pm **Approx Length:** 30 mins

**Presentation Title:** BCS - County Parks Fine for Public Urination and Defecation and Code Policy Discussion

**Department:** Business and Community Services (BCS), County Parks Division

**Presenters:** Tom Riggs, Parks and Forestry Manager  
Sarah Eckman, BCS Deputy Director

**Other Invitees:** Laura Zentner, BCS Director

### **WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

Affirm \$115 Fine amount for 6.06.050.L.4 (Public Urination and Defecation) as posted, and move proposed Code changes to future Consent Agenda for approval.

### **EXECUTIVE SUMMARY:**

BCS - County Parks brings forward two issues to discuss:

- 1) Affirmation of a \$115 per violation fine for public urination and defecation
- 2) Approval of revisions to County Code pertaining to County Parks

### **Affirmation of a \$115 per violation fine for public urination and defecation**

In 2019, the Board approved Code Changes to Title 6.06 Park Rules to include 6.06.050.L.4 No person shall urinate or defecate in public in any park area. This rule was proposed following the court ruling in State v Corcilius (2018) which removed "offensive littering" as an enforcement mechanism for public urination or defecation.

At the 2/9/21 Issues session, BCS/Parks requested the Board assign a \$115 fine for violations of 6.06.050.L.4, believing it had been overlooked in the updating and adoption of fines in 2020 as there was an omission on the fine spreadsheet. The Board had questions regarding how the rule would be applied and enforced, especially in regard to parks that didn't provide restroom facilities, and asked staff to come back to a Policy session to discuss the issue.

In preparing for the Policy session, staff discovered that the 6/6/19 Ordinance enacting 050.L.4 already listed a \$150 fine amount, but also found that the current posted County Code Appendix B: Fines lists a \$115 fine, which is consistent with staff recommendation. Finding the existing fine published changes our request from an approval of a fine amount to an affirmation of the existing \$115 fine amount.

County Parks currently manages 20 properties: 12 have restroom facilities available year-round, 3 have seasonal restroom availability (porta-potties May through Sept), 1 has no restroom facilities, and 4 are not developed as parks and not currently open to the public. The parks with seasonal restroom availability are river access sites with very seasonal use patterns. They get some visitors in the off-season but usually for very short stays, whereas in the summer, they are

destinations for wading and swimming, where visitors may spend much of the day. We provide porta-potties during the peak use season to accommodate that influx of visitors. Ed Latourette County Park is the one park that is open to the public but has no restroom facilities any time of year. It is on the Sandy River, but is mostly undeveloped and sees little public use, as it is only ¼ mile from Dodge Park, which has developed facilities and much better river access.

We have not expanded the locations or seasons of our porta-potties, as providing them year-round at underutilized facilities is cost prohibitive. Also, much like a neighborhood park or vacant lot that people use for recreation, we presume a short-stay visitor could simply head home or to some other facility to use a restroom. We do recognize that visitors to these parks without restroom facilities could choose to violate the rule against public urination or defecation, but County Parks also emphasizes education in our Patrol Procedures, resorting to citation only when needed to correct visitor behavior. As such, our intent is not to be harshly enforcing the prohibition, but rather to have it as a management tool when needed.

To support the discussion of how the rule would be applied and enforced, staff has prepared the attached presentation to provide information about and discuss restroom facilities in County Parks.

### **Approval of revisions to County Code pertaining to County Parks**

Staff has other proposed County Code changes that have been recommended for adoption by the Parks Advisory Board. Changes included for your consideration are:

- 1) Currently the Definitions section (6.06.020.G) references a “Parks Director”, but we don’t have a Parks Director per se, so we are changing that to “Parks Manager” to distinguish between the “Director” (of BCS) and the “Manager” (of Parks). There are 13 other references to “Parks Director” throughout the code, all changing to be consistent with the Definitions section.
- 2) There is an odd formatting issue in 6.06.030.D with a paragraph break part-way through the section. We are changing that to a numbered sub-section list (D.1-D.3) to make it easier to read and reference.
- 3) The inclusion of a new section 6.06.090 which spells out our exclusion process, about which 6.06 was previously fairly silent. This language, approved by the Code Committee, is essentially the current practice on park exclusions that has been utilized for years, but the new language changes the appeal process. Previously, appeals of exclusions were sent to the Parks Manager, who made a ruling. This produced a process whereby Parks was making the decision of whether Parks properly excluded someone from our parks. After discussion with the County Administrator, it was agreed that having the appeals go to their office created a better process with more accountability.

### **FINANCIAL IMPLICATIONS (current year and ongoing):**

N/A – this is a change in code and fine amount to allow better management of parks, no specific costs to the County associated with these changes. Enforcement would be carried out by staff currently providing that service for other violations.

**Is this item in your current budget?**       YES       NO

**What is the cost?** No additional cost

**What are the funding sources?** NA

**STRATEGIC PLAN ALIGNMENT:**

- **How does this item align with your Department’s Strategic Business Plan goals?**

Affirming this fine and implementing these Code Changes aligns with the BCS strategic result of maintaining clean, safe, healthy parks by providing a mechanism to fine park customers who engage in prohibited behavior, ultimately discouraging the behavior, and providing clarity in park rules and processes.

- **How does this item align with the County’s Performance Clackamas goals?**

Affirming this fine and implementing these Code Changes aligns with the Performance Clackamas strategic priority of Honoring our Natural Resources by providing ways to encourage clean, safe and healthy parks and natural resources, and with Building Public Trust through Good Government by clarifying issues in County Code for efficient and accountable management of Parks.

**LEGAL/POLICY REQUIREMENTS:**

6.06.090 Code Addition was reviewed and approved by the Code Committee. Other Code changes were submitted to Counsel, but deemed housekeeping and not necessary for review.

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

These proposed changes have been reviewed by the Parks Advisory Board and recommended for approval.

**OPTIONS:**

- 1) Affirm existing listed Fine amount of \$115 for violations of 6.06.050.L.4 and approve proposed Code changes as presented
- 2) Restore originally assigned Fine amount of \$150 for violations of 6.06.050.L.4 and approve proposed Code changes as presented
- 3) Assign a lower Fine amount of \$80 (consistent with other lower level park violations, such as dog off leash) and approve proposed Code changes with any BCC edits
- 4) Remove 050.L.4 from Code and remove the corresponding Fine amount, provide direction and send remaining Code changes back to staff for revision

**RECOMMENDATION:**

Staff recommends Option 1: Affirm existing listed Fine amount of \$115 for violations of 6.06.050.L.4 and approve proposed Code changes as presented

**ATTACHMENTS:**

2021 Proposed Changes to Title 6  
Proposed Park Code Changes BCC (slide presentation)  
County Code Appendix B – Fines page 12

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_  
Department Director/Head Approval *Laura Zentner* 3/18/2021  
County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments,  
please contact Tom Riggs at 503-742-4345

## Chapter 6.06

### 6.06 PARK RULES

#### 6.06.010 Policy and Purpose

The purpose of this chapter is to protect County parks, forest and recreational areas, protect the health, safety and welfare of the public using such areas, and insure the best use of and benefits from such areas. The numbering system for this chapter is necessarily *unique* because of the requirements of the County and State criminal justice systems.

[Codified by Ord. 05-2000, 7/13/00; renumbered from 6.06.02 by Ord. 04-2013, 8/22/13]

#### 6.06.020 Definitions

- A. APPROVED CAMPING SHELTER means ground tents, vehicle tents, motorhomes, travel trailers, vans and camper units designed specifically for overnight, outdoor camping, such as Class A, B or C vehicles, towables, and truck campers.
- B. BOARD means the Board of County Commissioners of Clackamas County.
- C. DIVISION means the Clackamas County Parks Division of the Business and Community Services Department and its employees.
- D. ANIMAL, as per ORS 167.310, means any non-human mammal, bird, reptile, amphibian or fish. LIVESTOCK, as per ORS 609.125 means any ratites (large flightless birds), psittacines (parrot & macaw type birds), horses, mules, jackasses, cattle, lamas, alpacas, sheep, goats, swine, domesticated fowl and any fur bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches.
- E. PARK AREA means any County park, forest or recreational area under the jurisdiction of the board, but not any residence located thereon.
- F. PARK EMPLOYEE means a County employee, caretaker, host, or agent.
- G. ~~PARKS DIRECTOR AND/OR THEIR DESIGNEE~~ PARKS MANAGER means the person designated by the Board or the Department of Business and Community Services to administer the County's programs and policies for County parks, forests, and recreation areas.
- H. PEACE OFFICER means a Sheriff, deputy sheriff, constable, marshal, municipal police officer, Oregon State Police officer, and such other persons as may be designated by law.
- I. PROHIBITED ARTICLES means fireworks, weapons, glass, and alcoholic beverages under this Chapter.
- J. RESERVATION includes, but is not limited to, calling, booking online or by email, in advance to obtain a campsite or day-use area.
- K. Other terms shall be defined as set forth in the Oregon Vehicle Code, ORS Chapter 801, unless specifically provided otherwise in this Chapter.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07; Renumbered from 6.06.03 and amended by Ord 04-2013, 8/22/13; Amended by Ord. 01-2016, 3/24/16; Amended by Ord. 07-2018, 6/28/18]

#### 6.06.030 Opening, Closing, Entry Into Parks

- A. The Division is hereby authorized to close to the public any County Park area or portion thereof, restrict the times when any County park area shall be open to such use, and limit or prohibit a recreation use whenever such action is necessary to protect the health or safety of the public, or the safety of the park area or its facilities. Cause for park area closure or limitation, or prohibition, on park area or recreational use includes, but is not limited to: Fire hazard, dangerous weather, water conditions, sanitary protection of the watershed, park area construction or repairs, conservation of fish and wildlife, excessive 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 conditions.
- B. Any County employee designated by the Director of Business and Community Services Department or any peace officer may request, as a condition of the license or permit to enter the County's park areas, that persons entering or about to enter allow inspections of all backpacks, briefcases, suitcases, athletic bags, packages, duffle bags, coolers, ice chests, picnic baskets, and other containers capable of concealing prohibited articles:
1. Inspections under this section may occur anywhere on park property. Persons possessing containers subject to inspection shall be informed that they are free to decline the inspection and then must immediately leave the park area.
  2. If a person already inside the park area possesses a prohibited article, that person shall be considered to have violated the license to enter and use the park area. The person's license is automatically revoked and the person shall be requested to leave immediately.
  3. Any person in violation of park rules is subject to citation and immediate trespass.
- C. The County shall display signs at entrances to the park area that generally identify prohibited articles and provide notification of the request for inspection. The signs shall generally describe prohibited articles, explain the potential request for inspection and the right-to-decline options. Similar explanations may be printed on parking receipts and where available may be displayed at ticket windows on County property where parking passes or admissions are regularly sold.
- D. Fees Required.
1. No person shall enter or use any County park area or any of its facilities without first paying the required fee, if any, unless such entry or use is otherwise authorized by a valid existing permit in the name of said person.
  2. Any permit for entry or receipt for the use of any County park shall be displayed in a way that makes it easily visible from outside the vehicle. Failure to display a permit or receipt in a visible manner is a violation of this section requiring payment.
  3. For all misplaced or stolen parking permits, there shall be a nominal fee for replacement.
- ~~Any permit for entry or receipt for the use of any County park shall be displayed in a way that makes it easily visible from outside the vehicle. Failure to display a permit or receipt in a visible manner is a violation of this section requiring payment.~~
- E. Any County employee designated by the Director of Business and Community Services Department or any peace officer may revoke any permit that has been issued erroneously or where there is reasonable cause to believe the permit holder or any person in his or her custody, control, or family, has violated any of the provisions of these rules or any State, County or federal law. Any person whose permit has been revoked and all other persons in his or her custody, control, and family shall immediately leave the park area.
- F. Any person who violates any of these Park Rules, or who violates any state statute (including the vehicle chapter), County ordinance or code while in a County park, may be ordered to leave the park area.

- G. No person who has been ordered to leave a County Park area shall remain therein or return thereto.
- H. The Division may refuse to admit into a park area any person who has been previously ordered to leave a County park.
- I. The daily opening and closing times for each Clackamas County Park, including but not limited to Barlow Wayside, Barton, Boones Ferry Marina, Boring Station, Carver, Eagle Fern, Feyrer, Hebb, Knights Bridge, Madrone Wall, Metzler, Ed Latourette, Feldheimer, Wagon Wheel, and Wilhoit Springs, shall be established by the ~~Parks Director~~ Parks Manager and/or their designee and posted at the entrance to the park.
- J. Except for authorized overnight camping in accordance with these rules, no person, other than peace officers or authorized County personnel or agents, shall enter or remain in any park area after the daily closing time and before the daily opening time, without prior written authorization.
- K. User fees for campsites are due and shall be paid prior to each day's use. The fee covers use of facilities and services until the vacating time of 1:00 p.m. the following day.
- L. The person registering for the campsite is responsible for all persons using the campsite adhering to all park area rules, but this shall not provide a defense to any person who actually causes, or participates in causing, a violation of said rules.
- M. Campers must maintain campsites in a clean, sanitary, and safe manner.
- N. Unless otherwise posted at the entrance to the park campground, campsites may be occupied only as assigned by a reservation or at the campground registration area.
- O. No more than two (2) vehicles are allowed in a single campsite. The first vehicle is included in the campsite fee. All excess vehicles will be charged an additional fee and may need to be parked in designated overflow parking.
- P. In order to avoid unnecessary congestion of campground roadways and overloading of campground water and sanitation facilities, a park employee may prohibit entry of non-camper vehicles into the campground area. The park employee may issue temporary entry permits to non-camper vehicles when, in their opinion, such entry will not unnecessarily disrupt the operation, safety, and sanitation facilities of the campground.
- Q. Campsites may be accommodated with any approved camping shelter except those areas that have specific designated usage, i.e., RV only, tent only.
- R. Individual campsites are designed to serve one family unit. The following capacities shall apply:
1. Not more than two (2) tents OR one (1) recreation vehicle and one (1) tent per campsite, except where otherwise designated.
  2. A maximum occupancy of 8 persons per site.
  3. No person under the age of 18 shall camp overnight unless accompanied by an adult.
  4. ADA accessible campsites are designed for campers with mobility challenges. Campers with DMV placards or license plates are given priority in these sites. Unless otherwise noted below persons registering for, or occupying, accessible campsite(s) must clearly display an appropriate placard or plate during their stay.  
*Note: Large group reservations of all campsites in a campground loop or park are exempt from this rule.*
- S. Parks with accessible campsites for Persons with Disabilities shall:

1. Hold all reserved site(s) for the date(s) of reservation unless notified by the Parks Office to release the site;
2. Hold unreserved accessible sites site(s) for qualified drop-in campers until 7:00 p.m. daily;
3. Release unreserved accessible site(s) for first come, first served use after 7:00 p.m. for one (1) night only stay if no qualified users have registered.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07; Renumbered from 6.06.03 and amended by Ord. 04-2013, 8/22/13; Amended by Ord. 05-2015, 5/14/15; Amended by Ord. 01-2016, 3/24/16; Amended by Ord. 07-2018, 6/28/18]

#### **6.06.040 Reservations And Check In/Out Times**

- A. All persons making reservations must be 18 years of age or older.
- B. Online reservations for camp sites, sheltered and non-sheltered picnic areas must be made a minimum of 3 days in advance. Payment for reservations of picnic areas and campsites are due in full at the time of booking unless booking ten (10) or more campsites.
  1. Reservations for ten (10) or more campsites must be made through the Parks Administration Office and requires a deposit of the reservation fee and first night's rental fee due at the time of booking the reservation. The remaining balance is due thirty (30) days after making the reservation. The Parks Division reserves the right to cancel a reservation of ten (10) or more campsites, without notification, if the final payment has not been paid as per policy.
  2. No group may book more than thirty (30) campsites for the same date(s) in any one park on Memorial Day weekend or from July 1 through Labor Day weekend.
- C. Cancellations and refunds:
  1. For campsites (full hook-up, partial hook-up, primitive) and bunkhouse:
    - a. If cancellation is made four (4) or more days in advance of the arrival date, a refund will be issued by the Parks Division less the reservation fee and a cancellation fee.
    - b. If cancellation is made within three (3) days of the arrival date, a partial refund will be issued by the Parks Division less the reservation fee, a cancellation fee and the first night's camping fee.
  2. For sheltered and non-sheltered picnic areas:
    - a. If cancellation is made fifteen (15) days or more in advance of the reserved use date, a refund will be issued less the reservation fee and a cancellation fee.
    - b. If cancellation is made within fourteen (14) days of the reserved use date, no refunds will be issued..
  3. Reservation and transaction fees are non-refundable.
  4. If days are removed from the front of a reservation, resulting in the new arrival date being more than one year from when the original reservation was made, the County reserves the right to cancel the entire reservation and retain the reservation fee and first night's camping fee.



- D. Changes to overnight camping reservations and day use reservations, such as a reduction in the number of campsites, or a change in the location or date, can be made at any time, except as noted in subsection (C)(4), but a change fee is required and will be charged at the time of the change request.
- E. Check-in time for all overnight camping sites is established at 3:00 p.m. and check-out time is established at 1:00 p.m. the following day. Campsites not vacated by 1:00 p.m. shall be subject to charge of fees for an additional night, if the campsite is available and not reserved for that time period.
- F. If a campsite has been reserved for use by another party for that night, and the campsite has not been vacated by the non-reserved party by check-out time:
  - 1. The non-reserved party shall vacate the site immediately or be subject to eviction;
  - 2. The non-reserved party shall be subject to exclusion from Clackamas County parks pursuant to this chapter;
  - 3. Any vehicle occupying the campsite after check-out time other than a vehicle of the reserved party is parked in violation of this chapter, and may be immediately towed away without prior notice at the owner's expense under the provisions of the Clackamas County Vehicle Parking and Towing Chapter; and
  - 4. Park employees may remove any personal property remaining on the campsite other than property of the reserved party.
- G. Individual campers or small groups reserving ADA accessible sites must provide documentation upon making the reservation or the reservation may be forfeited. *Note: Large group reservations of all campsites in a campground loop or park are excluded from this rule.*

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07; Renumbered from 6.06.14; amended by Ord. 04-2013, 8/22/13; amended by Ord. 02-2014, 5/22/14; Amended by Ord. 01-2016, 3/24/16; Amended by Ord. 04-2017, 5/4/17; Amended by Ord. 07-2018, 6/28/18]

#### **6.06.050      Violations**

- A. No person shall park a vehicle on any Clackamas County park property before the posted opening time or after the posted closing time. Vehicles parked in violation of this section shall be towed or booted in accordance with the Clackamas County Parking and Towing Chapter.
- B. No person shall expose his or her genitalia or breasts, or be completely nude (full nudity) while in a public place or place visible from a public place, if the public place is open or available to persons of the opposite sex or children.
- C. No person shall, while in, or in view of, a public place, perform an act of sexual intercourse or an act of oral or anal sexual intercourse; or an act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person, as defined in ORS 163.465.
- D. No person shall have in his or her possession any glass beverage container without first obtaining a permit from the County Parks Department. Permits will be issued upon payment for use of designated campsites and group picnic areas. Permits for possession of glass beverage containers will not be issued for day-use areas.
- E. Fires

1. Fires in park areas shall be confined to:
  - a. Fire rings, fire pits, or fireplaces provided for such purposes;
  - b. Portable stoves in established campsites and picnic areas where fires are permitted.
2. No person shall leave any fire unattended, and every fire user shall extinguish the fire before leaving the park area.
3. No person shall build, light or maintain any fire so as to constitute a hazard to any pile of wood, grass, tree, underbrush, or other flammable material.
4. No person shall move a park fire ring, fire pit, or fireplace from its designed location in any day use area or campground.

F. Fireworks and Weapons

1. No person shall hunt, pursue, trap, kill, injure, or molest any bird or animal in any park area.
2. No person shall discharge in any park area any firearm, pellet gun, bow and arrow, slingshot, paintball gun, or other weapon capable of injuring any person, bird, or animal.
3. No person shall possess in any park area any: loaded firearm, loaded pellet gun; paintball gun; bow and arrow; slingshot; other weapon capable of injuring any person, bird or animal; provided however that the prohibition of loaded firearms does not apply to or affect:
  - a. a law enforcement officer or authorized agent in the performance of official duty,
  - b. a member of the military in the performance of official duty,
  - c. a person licensed to carry a concealed handgun, or
  - d. a person authorized to possess a loaded firearm while in a public building under ORS 166.370.
4. No person shall possess or use fireworks or other explosives in any park area, except as designated, without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.

G. Alcoholic Beverages

1. No person shall possess alcoholic beverages in any general day use area in any county park. Permits may be issued for designated reservable group picnic areas when requested and approved and upon payment for the group picnic area. Permits for the possession of alcoholic beverages in reserved campsites are not required. Violations shall be treated as a rule violation, and any person authorized to enforce park rules is authorized to confiscate and destroy any alcohol and its container.

H. Park Property & Property Destruction

1. No person shall mutilate, deface, damage, or remove any table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility of any kind in any park area.
2. No person shall dig up, deface, or remove any dirt, stones, rock or other substance whatever, make any excavation, quarry any stone, lay or set off any blast, roll any stones or other objects, or cause or assist in doing any of said things, in any park area.

3. No person shall erect temporary signs, markers, or inscriptions of any type in any park area, without permission from the ~~Parks Director~~ Parks Manager and/or their designee.
4. No person shall set up or use a public address system in any park area without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.
5. No person shall wash any clothing or other materials, or clean any fish, in a lake, stream, river, or pond, in any park area.
6. No person shall use abusive or threatening language or gestures, create any public disturbances, or engage in riotous behavior, in any park area.
7. No person shall operate or use any noise-producing machine, vehicle, device, or instrument in any park area in a manner that is disturbing to other park area visitors.
8. No person shall operate any remote control device in any park area (i.e., drones, airplanes, cars, etc.).
9. No person shall pick, cut, mutilate, or remove any flowers, shrubs, foliage, trees, or plant life or products of any type in any park area.

I. Concessions and Solicitations

1. No person shall operate a concession, either fixed or mobile, in any park area without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.
2. No person shall solicit, sell or offer for sale, peddle, hawk, or vend any goods, wares, merchandise, food, liquids, or services in any park area without the written permission of the ~~Parks Director~~ Parks Manager and/or their designee.
3. No person shall advertise any goods or services in any park area without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.
4. No person shall distribute any circulars, notices, leaflets, pamphlets, or written or printed material of any kind in any park area by leaving or placing the material on a person's vehicle or property without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee

J. Animals

1. No person shall ride, drive, lead, or keep livestock or animals, other than cats and dogs, in any park area not designated for their use (e.g., equestrian trails/facilities) without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.
2. No dog or cat shall be brought into or kept in a park area unless confined or controlled on a maximum 6-foot long leash. A Park Employee may undertake, or require the person keeping the animal to take any measures, including removal of the animal from the park area, deemed necessary to prevent interference by the animal with the safety, comfort, and wellbeing of park area users, and the appearance or sanitary condition of the park area. No animals, other than service dogs for the disabled, shall be allowed in any park area building.
3. No person shall allow any animal in his or her custody or control to annoy, molest, attack, or injure any person or animal in the park area.
4. No person shall tie up any animal in his or her custody or control and leave such animal unattended.
5. All animal fecal matter shall be put in a bag or container and left in a designated waste receptacle.
6. No person shall have or allow more than two (2) domestic pets or other animals in any campsite.

K. Motor Vehicles

1. No person shall operate any vehicle in any park area in violation of the Oregon State Vehicle Code, County ordinance, code or other laws.
2. No person shall operate any motor vehicle in any park area at a speed in excess of 10 miles per hour, unless otherwise designated. In addition, no person shall operate any motor vehicle in any park area at a speed greater than is reasonable and prudent, having due regard to all of the following:
  - a. The traffic;
  - b. The surface and width of the highway;
  - c. The hazard at intersections;
  - d. Weather;
  - e. Visibility; and
  - f. Any other conditions then existing.
3. No person shall park a vehicle:
  - a. In violation of any “No Parking” signs or markings authorized by the ~~Parks Director~~ Parks Manager and/or their designee;
  - b. In any location within a park, other than officially designated parking lots and parking spaces;
  - c. On grass, dirt, or landscaped areas that have not been designated for parking;
  - d. Beyond the edges of curbing or parking lots; or
  - e. In any designated staging area or timed parking area for longer than the maximum time limit stated on the posted sign.
4. No vehicle shall be parked in an emergency access area or travel lane of any park. Any vehicle parked in an emergency access area or travel lane of any park will be towed under the provisions of the Clackamas County Parking and Towing Chapter.
5. No person shall operate a motor vehicle on any park trail, or on any area within a park, which is not paved or graveled unless specifically marked as an area for motor vehicles.
6. No person shall operate any Off Highway Vehicle (OHV), All Terrain Vehicle (ATV) or any other vehicle not legal for street riding in any park area not designated for their use without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.

L. Waste Disposal

1. All bottles, cans, ashes, waste, paper, garbage, sewage, and other rubbish or refuse shall be left only in receptacles designated for that purpose.
2. No person shall bring into a park area any trash, refuse, garbage, litter, waste material, or vehicles for the purpose of disposing them there.
3. No person shall use kitchen or toilet facilities in a camping vehicle in the park unless the person makes provision for holding sewage and other waste materials in watertight and sanitary containers. Such containers shall not be emptied in the park except at an officially designated dump station.
4. No person shall urinate or defecate in public in any park area.

M. Camping Rules

1. No person may camp overnight in a park area other than in an officially designated and numbered overnight camping space.
2. No person may camp in any one park area for more than fourteen (14) days in one eighteen (18) day period of time. No person may camp for more than twenty-eight (28) days total in the County Parks system as a whole, in any one camping season from May 1 to November 30, without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.
3. Persons who share a campsite will be considered to be of the same camping party, and stay limit for all party members shall be calculated from the first party member's arrival.
4. Campers are required to maintain reasonable quiet between the hours of 10:00 p.m. and 7:00 a.m. and to respect the rights of other campers to peace and quiet during these hours.
5. No person shall camp overnight without an approved camping shelter.
6. No person shall wash a vehicle or trailer in any campsite.
7. No swimming pools of any size shall be filled with water in the campground without the written permission of the ~~Parks Director~~ Parks Manager and/or their designee.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07; Amended by Ord. 04-2013, 8/22/13; Amended by Ord. 04-2017, 5/4/17; Amended by Ord. 07-2018, 6/28/18]

#### **6.06.060 Enforcement and Penalties**

- A. Any County employee or agent designated by the Director of the Business and Community Services Department, and any peace officer may enforce these park rules, order any person violating these rules to leave the park areas, and issue citations for violations of these rules, except that only a person expressly authorized under the Clackamas County Parking and Towing Chapter may enforce the towing or booting provision of that chapter. Caretakers and Camp hosts who are appointed by the County may notify persons of the requirements of these rules, seek voluntary compliance, and order any person violating the rules to leave the park areas.
- B. Violation of any of the foregoing rules is subject to citation and punishable by a fine as set forth below.
- C. Form of citation:
  1. Description of the specific violation alleged;
  2. The date, time, and location of its occurrence;
  3. The maximum amount of the fine for the violation alleged;
  4. A statement that the fine must be paid or a hearing requested within 20 days, and that upon failure to do so within 20 days opportunity for a hearing is forfeited and the fine doubles;
  5. A form for either admitting the violation alleged and paying the fine, or denying the violation alleged, paying the equivalent bail, and requesting a hearing;
  6. The address to which the form should be sent;
  7. The telephone number of the person or facility which may be contacted for information;
  8. The name and address of the violator, or in the case of a parking violation where the operator of the vehicle is not present, the license plate and vehicle number of the vehicle (if visible); and
- D. Upon receiving a citation under this chapter, the cited person may:

1. Within 20 days, deliver to the Sheriff's Office the form provided with the citation, admitting the violation(s), forfeiting and paying the amount of the fine(s) indicated on the citation by credit card; forfeiture may be made by mail but must be actually received by the Sheriff within 20 days from the date of the citation; or
2. Within 20 days, deliver to the Sheriff's Office the form provided with the citation, denying all or part of the violation(s), and posting bail by paying a refundable deposit equivalent to the amount of fine(s) indicated on the citation; response may be made by mail, but must be actually received by the Sheriff within 20 days from the date of the citation.

Upon receipt of a denial, the Sheriff's Office shall inform the Hearings Officer. The Hearings Officer shall set a hearing within 30 days of the Sheriff's Office receipt of the denial and bail, and shall mail notice to the cited person and the issuer of the citation of the hearing date, time and place within 15 days of the Sheriff's Office receipt of the denial of bail.

3. Failure to perform any part of either subsection 1 or 2, including failure to respond within 20 days, shall be presumed an admission of the violation(s) cited, and the fine(s) shall be doubled.

E. Hearing Process.

The hearing shall afford a reasonable opportunity for the person(s) requesting it to present evidence that the citation was invalid or unjustified.

1. The Hearings Officer may administer oaths and take the testimony of witnesses. The Hearings Officer may issue subpoenas in accordance with Oregon Rules of Civil Procedure 55, provided that subpoena requests be received in writing no later than 5 days before the scheduled hearing. If the person charged with the violation(s) requests a subpoena, the person shall pay a deposit for each witness in an amount set by resolution of the Board of County Commissioners. Witnesses appearing by subpoena shall be allowed the same fees and mileage as allowed in civil cases in circuit court, to be paid by the person requesting the subpoena.
2. A person who receives a citation may be represented by an attorney or other person at any hearing, provided that in the case of representation by an attorney, the person gives written notice to the Hearings Officer two days prior to the hearing so that the County may, at its discretion, arrange for representation by an attorney on its behalf.
3. If the Hearings Officer, after due consideration, determines that the violation(s) alleged has been established, then the Hearings Officer shall issue a decision that the citation is valid and make brief findings of fact, and shall order the person cited to pay the appropriate fine to the County general fund. The decision and order may be oral and issued at the conclusion of the hearing, but in all cases must be recorded in the record of the hearing. The Hearings Officer will also determine the amount of witness fees to be paid out of any deposit, or refunded.
4. The decision of the Hearings Officer is final.

[Codified by Ord. 05-2000, 7/13/00; Renumbered from 6.06.15 and amended by Ord. 04-2013, 8/22/13; amended by Ord. 02-2014, 5/22/14; Amended by Ord. 04-2017, 5/4/17; Amended by Ord. 07-2018, 6/28/18]

**6.06.04.01**[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Amended by Ord. 03-2010, 2/25/10; Repealed by Ord. 04-2013, 8/22/13]

**6.06.07.01**[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Amended by Ord. 03-2010, 2/25/10; Repealed by Ord. 04-2013, 8/22/13]

**06.06.07.02** [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Deleted by Ord. 03-2010, 2/25/10]

#### **6.06.070 Vehicle Towed**

A vehicle registered to a person who has failed to respond or pay fines as required by this chapter to three or more vehicle parking citations, may be towed from any park area or booted, without prior notice, in accordance with the Clackamas County Parking and Towing Chapter, and held until the amounts owing have been paid.

[Codified by Ord. 05-2000, 7/13/00; Renumbered from 6.06.11 by Ord. 04-2013, 8/22/13]

#### **6.06.080 Fines**

All fines shall be set by ordinance of the Board of County Commissioners.

[Added by Ord. 5-2003, 3-13-03; Renumbered from 6.06.17 and amended by Ord. 04-2013, 8/22/13]

#### **6.06.090 Exclusions**

Any peace officer or agent providing security services on behalf of County Parks, may issue a written exclusion notice to any person violating County Park rules within Chapter 6.06, or who violates any state statute (including the vehicle chapter), County ordinance, or code while in a County park.

A. An exclusion may be issued for up to one (1) year per violation.

B. A peace officer or agent providing security services on behalf of County Parks will provide a person who is excluded from a County park an exclusion notice. The exclusion notice shall specify the basis for the exclusion, which County parks the person is excluded from, the period of the exclusion, the time the exclusion is to commence, and a statement of the person's right to appeal the exclusion to the County Administrator.

C. The individual who is excluded for a period exceeding thirty (30) days shall have the right to appeal the exclusion. An appeal must be filed, in writing, with the County Administrator within five (5) calendar days of the exclusion notice's issuance. The notice of appeal shall state the following:

1. The appellant's name;
2. The appellant's address and a telephone number where they can be reached;
3. A concise statement as to why the exclusion was in error; and
4. Attach a copy of the exclusion notice.

E. A person appealing an exclusion may request a hearing. The County Administrator may hold a hearing on the exclusion if there are any disputed issues of fact. If permitted, a hearing on the appeal shall be held no more than thirty (30) calendar days after the filing of the appeal, except in the event the County Administrator determines otherwise. The hearing shall afford a reasonable opportunity for the person requesting it to present and rebut evidence that the exclusion is invalid or unjustified.

F. The County shall have the burden to show by a preponderance of evidence that the exclusion is based on conduct prohibited under Chapter 6.06.

G. Copies of any and all County documents used by the County at the hearing shall be made available to the person appealing the exclusion upon written request.

H. The exclusion shall remain in effect during the pendency of the appeal.

I. The County Administrator will issue a final, written decision on an exclusion appeal.



# BCS/County Parks Policy Discussion

- 1) County Code 6.06.050.L.4 No person shall urinate or defecate in public in any park area.
  - a. Listed fine amount \$115
  - b. Public urination and defecation in other jurisdictions
  - c. Purpose for County Parks Code
  - d. Question about County Park restroom availability
  
- 2) Other proposed County Code changes
  - a. Housekeeping changes to definitions and formatting
  - b. Process revision to the Exclusion policy

# Public Urination and Defecation in other Jurisdictions

Oregon State Parks: ORS 736-010-0040 Visitor Conduct

(5) A person shall in no manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, or other offensive matter or any abandoned property or material to be placed or left at a park property

Washington State Parks: WAC 352-32-180 Sanitation

No person shall, in any state park area: (5) Urinate or defecate except in designated facilities.

Portland Municipal Code: 17.43.040 Unlawful Urination or Defecation.

No person shall urinate or defecate in any pedestrian plaza except in a convenience station designed for that purpose

Oregon City Ordinances: 9.12.030 - Obscene conduct.

It is unlawful for any person to urinate or defecate in any place open to the public or in the public view.

City of Gresham Ordinances: 7.10.075 Public Urination or Defecation.

(1) No person may urinate or defecate in view of a public place including in view of a residential area.

(2) Violation of any provision of this section may be subject to a fine or penalty in the maximum amount of \$1,000



# Excerpts from County Parks Patrol Procedures

## II. Purpose

The purpose of enforcing rules and law within Clackamas County Parks is to protect the health, safety, and welfare of the public using the parks, and to protect the parks, forests, and recreational resources and facilities from damage or misuse. The focus of enforcement should be assuring continued opportunity for enjoyable recreation for the general public.

## VI. Patrol Actions

### E. Citations

Citations are issued in an attempt to correct negative visitor behavior.

Generally, citations should only be issued after education has proven ineffective, but there are a few factors that can lead to exceptions:

2. Violations that are blatant or egregious often justify going straight to citation, and utilizing the fine or penalty as a deterrent to future violations.

3. When violations occur that significantly impact other visitors, a citation may be appropriate to lend clarity to the event and who was at fault.



Parks with restroom facilities available year-round when park is open

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Barlow Wayside  
Barton  
Boones Ferry  
Boring Station  
Carver  
Eagle Fern  
Feyrer  
Hebb  
Metzler  
Madrone Wall  
Stone Creek  
Wilhoit Springs

Parks open year-round with only seasonally available restrooms (porta-potties)  
May through Sept

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Feldheimer  
Knights Bridge  
Wagon Wheel

Parks open year-round with no available restrooms

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Ed Latourette

Properties not developed as parks and therefore not open to the public

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Billy Goat  
Fishermen's Bend  
Hoodland  
Wetten

# Other Proposed Parks County Code Changes

## Summary:

- 1) Modifying terms to differentiate between “Director” of Business and Community Services and “Manager” of Parks
- 2) Reformatting to provide section title, remove paragraph spacing, and make it easier to read and reference
- 3) Adding Exclusion language that codifies current practice on exclusions, but changes the appeal process
  - a) Current practice appeal goes to Parks Manager
  - b) New process appeal goes to County Administrator

## 2021 Proposed Policy Change Summary – *Clarifying Terms/Housekeeping*

### 6.06.020 Definitions

G. ~~PARKS DIRECTOR AND/OR THEIR DESIGNEE~~ **PARKS MANAGER** means the person designated by the Board or the Department of **Business and Community Services** to administer the County’s programs and policies for County parks, forests, and recreation areas.

There are 13 other existing references to “Parks Director and/or their designee”, two in 030, the rest in 050, and all existing references will be changed ~~Parks Director~~ **Parks Manager** and/or their designee. Examples from 050 include:

3. No person shall erect temporary signs, markers, or inscriptions of any type in any park area, without permission from the ~~Parks Director~~ **Parks Manager** and/or their designee.
4. No person shall set up or use a public address system in any park area without the written permission from the ~~Parks Director~~ **Parks Manager** and/or their designee.

Contextual note: There are also 3 existing distinct references to the Director of Business and Community Services, that all refer to the Director granting authority to employees, agents, or peace officers, for enforcement actions: alcohol inspections (030.B), permit revocation (030.E), and enforcing the rules in general (060.A). Those references to “Director of Business and Community Services” would not be changed.

## 2021 Proposed Policy Change Summary – **Formatting**

- D. No person shall enter or use any County park area or any of its facilities without first paying the required fee, if any, unless such entry or use is otherwise authorized by a valid existing permit in the name of said person. For all misplaced or stolen parking permits, there shall be a nominal fee for replacement.

Any permit for entry or receipt for the use of any County park shall be displayed in a way that makes it easily visible from outside the vehicle. Failure to display a permit or receipt in a visible manner is a violation of this section requiring payment.

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D. **Fees Required.**

1. No person shall enter or use any County park area or any of its facilities without first paying the required fee, if any, unless such entry or use is otherwise authorized by a valid existing permit in the name of said person.
2. Any permit for entry or receipt for the use of any County park shall be displayed in a way that makes it easily visible from outside the vehicle. Failure to display a permit or receipt in a visible manner is a violation of this section requiring payment.
3. For all misplaced or stolen parking permits, there shall be a nominal fee for replacement.

~~Any permit for entry or receipt for the use of any County park shall be displayed in a way that makes it easily visible from outside the vehicle. Failure to display a permit or receipt in a visible manner is a violation of this section requiring payment.~~



## **6.06.090 Exclusions**

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2. The appellant's address and a telephone number where they can be reached;
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F. Copies of any and all County documents used by the County at the hearing shall be made available to the person appealing the exclusion upon written request.

G. The exclusion shall remain in effect during the pendency of the appeal.

H. The County Administrator will issue a final, written decision on an exclusion appeal.

APPENDIX B - FINES

DEPARTMENT/DIVISION	AUTHORIZING LEGISLATION	Fine set by ORS	ORS auth. fine	Code auth. fine	FINE AMOUNT
Tying up an animal and leaving them unattended	Code §6.06.050.J.4			x	\$115
Failure of owner to contain/remove animal wastes	Code §6.06.050.J.5			x	\$115
No person shall allow more than 2 domestic pets in any campsite	Code §6.06.050.J.6			x	\$80
Operating any vehicle in violation of Oregon Vehicle Code or other laws	Code §6.06.050.K.1			x	\$115
Violation of maximum speed limit or traveling in excess of reasonable and prudent speed:	Code §6.06.050.K.2			x	
1-10 mph in excess of limit					\$80
11-20 mph in excess of limit					\$115
21-30 mph in excess of limit					\$190
30+ mph in excess of limit					\$350
Parking a vehicle any place other than areas designated as parking, or in violation of signs	Code §6.06.050.K.3			x	\$80
Parking in an emergency access area or travel lane	Code §6.06.050.K.4			x	\$115
Operating a motor vehicle in area not designated for motor vehicle use	Code §6.06.050.K.5			x	\$115
Operating any OHV or ATV or any other vehicle not legal for street riding	Code §6.06.050.K.6			x	\$115
Leaving bottles, cans, ashes, waste, etc. in non-designated locations	Code §6.06.050.L.1			x	\$115
Bringing into a park area any trash, etc. for the purpose of leaving it there	Code §6.06.050.L.2			x	\$300