

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Policy Session Worksheet

**Presentation Date:** March 31, 2015      **Approx Start Time:** 10:30      **Approx Length:** 30 min

**Presentation Title:** County Parks' Proposed Fee and Fine Changes for FY 2015-16

**Department:** County Administration and County Parks

**Presenters:** Deputy County Administrator Laurel Butman

**Other Invitees:** Gary Barth & Rick Gruen

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

We are seeking preliminary approval of the comprehensive fee schedule for inclusion in Business & Community Services' FY 2015-16 budget proposal.

### **EXECUTIVE SUMMARY:**

Each year, the Board of County Commissioners sets fees and fines along with adoption of the budget for the coming fiscal year. Early review and preliminary approval of proposed fees and fines allows County departments to integrate those proposals into the requested budgets they submit to the County Administrator. This year County Parks is only proposing to raise its fines; the Board adopted Parks fee increases last fiscal year. Parks fines have not increased in over five years.

A summary of changes is as follows; the attachments listed below include the proposed fines and other pertinent information. County Parks is proposing several FINE adjustments for FY 2015-16. These increases are consistent with recent ordinance changes. Over half the proposed fines are within the currently established range and the changes simply adopt the fine at the top of the current range, which is the amount that Sheriff's deputies commonly enter on the citations. Approval of this fine schedule will also adjust the upper limits for some violations to make them consistent with existing civil fine amounts that deputies are familiar with. These increases are related to parking fees, noise, disturbance, and alcohol; many are outdated and well below similar civil fine amounts.

The proposed fine schedule also includes a *new violation* for failure to properly display a parking receipt or pay envelope. This change will also come to the Board for separate action as a Parks ordinance policy change recommendation. The rationale for clarifying this violation is that Parks has had a number of parking citations overturned by the Hearings Officer. While County Counsel has understood that a failure to properly display is consistent with failure to show proof of payment, the Hearings Officer is more literal and his findings state there is no ordinance and therefore no violation for not displaying parking receipts. Thus, there is the need to adopt an accompanying ordinance to establish the violation.

### **NOTES:**

**All fine changes that simply *adopt the top of the currently established fine range* are highlighted in **yellow** on the attachments.**

**All fine changes representing an *actual increase from the current range* are highlighted in **green** on the attachments.**

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

Fee and fine changes respond to constituent and market forces and demands as well as local, state, or other regulatory changes. For departments dependent on cost recovery to provide required levels of service, annual adjustments allow them to keep pace with economic changes.

**LEGAL/POLICY REQUIREMENTS:**

Unless otherwise delegated, the Board of County Commissioners establishes fees and fines as part of the annual budget adoption process.

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

The Budget Committee meets for several days of review and hearings in the spring. Fees and fines are at that point integrated into the Administrator’s Proposed Budget and subject to further review. The Board of County Commissioners formally sets the fees and fines at the budget adoption hearing in June.

**OPTIONS:**

- 1. Approve the proposed fees and fines for integration into departmental budgets.
- 2. Provide further direction to departments regarding proposed fees and fines.

**RECOMMENDATION:**

Staff respectfully recommends approval of proposed departmental fees and fines for integration into departmental budgets.

**ATTACHMENTS:**

- 1. Attachment A: County Parks Fine Changes for FY 2015-16
- 2. Attachment B: Citation Frequency Report

**SUBMITTED BY:**

Division Director/Head Approval     RG      
 Department Director/Head Approval   GB    
 County Administrator Approval     LB    

For information on this issue or copies of attachments, please contact Laurel Butman @ 503-655-8893

**Fiscal Impact Statement**

**RESOURCES:**

Is this item in your current work plan and budget?

- YES
- NO (but to be included in requested budgets for FY 2015-16)

**START-UP EXPENSES AND STAFFING (if applicable):** N/A

**ONGOING OPERATING EXPENSES/SAVINGS AND STAFFING (if applicable):** N/A

**ANTICIPATED RESULTS:** Noted in worksheet and attachments

**COSTS & BENEFITS:** Noted in worksheet and attachments

## Attachment A – County Parks **FINE** Changes for FY 2015-16

VIOLATION DESCRIPTION	AUTHORIZING LEGISLATION	Fine set by ORS	ORS auth. fine	Code auth. fine	CURRENT Fine Amount 2014-2015	PROPOSED Fine amount
Entering, using park area or facilities without first paying the required fee	Code §6.06.030.D			X	\$20-\$34	\$40
Failure to properly display parking permit (NEW FINE)	Code §6.06.030.D			X	n/a	\$40
Remaining in or returning to a park area after being ordered to leave	Code §6.06.030.G			X	\$25-\$100	\$100
Entering, remaining in park or leaving vehicle in a park between posted closing/opening time, except when overnight camping permitted	Code §6.06.030.J			X	\$25-\$55	\$55
Failure to maintain campsite in clean, sanitary and safe manner	Code §6.06.030.M			X	\$20	\$34
Occupying a campsite assigned to another person	Code §6.06.030.N			X	\$20	\$34
More than two vehicles in a campsite	Code §6.06.030.O			X	\$20	\$34
Entering campground in unauthorized vehicle	Code §6.06.030.P			X	\$20	\$34
Occupying trailer campsite in shelter other than trailer/camper	Code §6.06.030.Q			X	\$20	\$34
Occupying campsite by more than 1 family without permission	Code §6.06.030.R			X	\$20	\$34
Camping overnight under the age of 18, unless accompanied by an adult	Code §6.06.030.R.3			X	\$20	\$34
Failure to vacate campsite by checkout time	Code §6.06.040.E			X	\$55	\$55
Entering, remaining in park after hours	Code §6.06.050.A			X	\$55	\$55
Exposing genitalia in public	Code §6.06.050.B			X	\$55-\$150	\$150
Performing sexual intercourse in public	Code §6.06.050.C			X	\$55-\$150	\$150
Possession of glass beverage containers without permit	Code §6.06.050.D			X	\$55	\$55
Building fires outside park camp stoves, fireplaces, portable stoves or permitted areas	Code §6.06.050.E.1			X	\$35-\$55	\$55
Leaving a fire unattended or failing to extinguish fire before leaving the park area	Code §6.06.050.E.2			X	\$35-\$55	\$55
Building a fire that constitutes a hazard to any pile of wood, grass, tree, underbrush, or other flammable material	Code §6.06.050.E.3			X	\$175-\$225	\$225
Moving a camp stove or fireplace	Code §6.06.050.E.4			X	\$35-\$55	\$55

<b>VIOLATION DESCRIPTION</b>	<b>AUTHORIZING LEGISLATION</b>	<b>Fine set by ORS</b>	<b>ORS auth. fine</b>	<b>Code auth. fine</b>	<b>CURRENT Fine Amount 2014-2015</b>	<b>PROPOSED Fine amount</b>
Hunting, etc, any bird or animal	Code §6.06.050.F.1			X	\$55-\$150	\$150
Discharging any firearms, pellet gun, bow & arrow, slingshot, paintball gun, or other weapon capable of injury	Code §6.06.050.F.2			X	\$250-\$500	\$250-\$500
Possessing a pellet gun, bow & arrow, slingshot, other weapon capable of injury or a loaded firearm	Code §6.06.050.F.3			X	\$55-150	\$150
Possessing or using fireworks or other explosives	Code §6.06.050.F.4			X	\$34	\$150
Possessing alcohol in prohibited areas without permit	Code §6.06.050.G			X	\$55	\$150
Causing public disturbance	Code §6.06.050.H			X	\$55	\$150
Mutilate, deface, etc., any structure, facility or sign in park area	Code §6.06.050.H.1			X	\$20-\$34	\$55
Less than \$100 damage	Code §6.06.050.H.1				\$25-\$55	\$55
More than \$100 damage	Code §6.06.050.H.1				\$150-\$207	\$207
Dig up, deface, etc., any dirt, stone, rock or other substance in park area	Code §6.06.050.H.2			X	\$20-\$34	\$55
Lay/set off blast in park area	Code §6.06.050.H.2				\$25-\$55	\$55
Roll any stones, etc.	Code §6.06.050.H.2				\$25-\$55	\$34
Erecting temporary signs, markers, or inscriptions in park area without permission from a County Park employee	Code §6.06.050.H.3			X	\$10-\$20	\$55
Set up, use public address system without permission from Park Administrator	Code §6.06.050.H.4			X	\$20-\$34	\$55
Washing clothing or cleaning fish in lake, stream, river or pond	Code §6.06.050.H.5			X	\$10-\$20	\$34
Using abusive/threatening language or gestures, creating public disturbances, riotous behavior	Code §6.06.050.H.6			X	\$25-\$55	\$55
Operating, using any noise producing machine, vehicle, etc. in a manner that is disturbing to other park visitors	Code §6.06.050.H.7			X	\$20-\$34	\$55
Picking, cutting, etc. any flowers, shrubs, trees, etc.	Code §6.06.050.H.8			X	\$20-\$34	\$34
Operating a concession in park area without written consent	Code §6.06.050.I.1			X	\$20-\$34	\$55
Solicitation or offering for sale any goods without consent from Park Administrator	Code §6.06.050.I.2			X	\$10-\$20	\$55

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Advertising any goods or services without written consent	Code §6.06.050.I.3			X	\$20-\$34	\$55
Distributing any circulars, notices, etc. on property without permission	Code §6.06.050.I.4			X	\$20-\$34	\$55
Riding, driving, leading, or keeping a horse in any park without written consent	Code §6.06.050.J.1			X	\$20-\$34	\$55
Bringing in or keeping any animal in park area unless controlled on a maximum 6 foot leash or allowing animals other than seeing eye dogs in park area buildings	Code §6.06.050.J.2			X	\$20-\$34	\$55
Allowing any animal to annoy, molest, attack, or injure any person or animal in park area	Code §6.06.050.J.3			X	\$25-\$55	\$55
Tying up an animal and leaving them unattended	Code §6.06.050.J.4			X	\$20-\$34	\$55
Failure of owner to contain/remove animal wastes	Code §6.06.050.J.5			X	\$20-\$34	\$55
No person shall allow more than two domestic pets in any campsite	Code §6.06.050.J.6			X	\$20-\$34	\$55
Operating any vehicle in violation of Oregon Vehicle Code or other laws	Code §6.06.050.K.1			X	\$55	\$55
Violation of maximum speed limit or traveling in excess of reasonable and prudent speed:	Code §6.06.050.K.2			X	See below:	
1-10 mph in excess of limit	Code §6.06.050.K.2			X	\$72	\$72
11-20 mph in excess of limit	Code §6.06.050.K.2			X	\$104	\$104
21-30 mph in excess of limit	Code §6.06.050.K.2			X	\$170	\$170
30+ mph in excess of limit	Code §6.06.050.K.2			X	\$290	\$290
Parking a vehicle any place other than areas designated as parking, or in violation of signs	Code §6.06.050.K.3			X	\$15-\$25	\$34
Parking in an emergency access area or travel lane	Code §6.06.050.K.4			X	\$15-\$25	\$55
Operating a motor vehicle in area not designated for motor vehicle use	Code §6.06.050.K.5			X	\$25-\$55	\$55
Operating any OHV or ATV or any other vehicle not legal for street riding	Code §6.06.050.K.6			X	\$25-\$55	\$55
Leaving bottles, cans, ashes, waste, etc. in non-designated locations	Code §6.06.050.L.1			X	\$25-\$55	\$55
Bringing into a park area any trash, etc. for the purpose of leaving it there	Code §6.06.050.L.2			X	\$25-\$55	\$55

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Kitchen or toilet waste violation	Code §6.06.050.L.3			X	\$55-\$100	\$100
Camping in a non-designated area	Code §6.06.050.M.1			X	\$20-\$34	\$55
Camping in any one park area for more than 10 days in a 14-day period, or in the park system for more than 20 days total from 5/1 to 9/30	Code §6.06.050.M.2			X	\$35-\$55	\$55
Making excessive noise between the hours of 10:00 pm. & 7:00 am	Code §6.06.050.M.3			X	\$25-\$55	\$55
Camping overnight without an approved shelter	Code §6.06.050.M.4			X	\$10-\$20	\$34
Washing vehicle or trailer in campsite	Code §6.06.050.M.5			X	\$15-\$25	\$34
Filling swimming pool in campground	Code §6.06.050.M.6			X	\$15-\$25	\$34

**Attachment B**

**Clackamas County Parks Citations**

**2010-2014**

**Clackamas County Parks Citations  
2010 - 2014**

Violation	2010	2011	2012	2013	2014	Total	Current Fine	Proposed Fine
6.06.10.1 No leash on pet	1					1	\$ 34	\$ 55
CCC 6.06.04.02 Entering park without payment	42	57	13	63	276	451	\$ 34	\$ 40
CCC6.06.04.07 Entering or remaining in park after hours	5	4		2	17	28	\$ 55	\$ 55
CCC6.06.07.01 Alcohol in prohibited area	34	9	7	100	156	306	\$ 55	\$ 150
CCC6.06.11.02 Speeding 10mgp/unsafe speed				3		3	\$ 72	\$ 72
CCC6.06.11.03 Posted no-parking signs/Parking in non-designated areas	7	29	1	6	7	50	\$ 25	\$ 34
CCC6.06.11.04 Vehicle parked in emergency access or travel lane		10		3	1	14	\$ 25	\$ 55
CCC6.06.11.06 Use of off Highway Vehicle (OHV) in non-designated areas without proper consent		4				4	\$ 55	\$ 55
CCC6.08.06 Causing a public disturbance				4		4	\$ 55	\$ 150
ORS811.615 Failure to display disabled parking permit			4	1		5	N/A	N/A
Subsection 04.09 Vehicle parked after hours	10	2				12	\$ 55	\$ 55
UNKNOWN (not indicated in data entry)			3	5	3	11	N/A	N/A
<b>Total:</b>	99	115	28	187	460	889		