



**OFFICE OF COUNTY COUNSEL**

**PUBLIC SERVICES BUILDING  
2051 KAEN ROAD | OREGON CITY, OR 97045**

August 1, 2013

**Stephen L. Madkour**  
County Counsel

Board of County Commissioner  
Clackamas County

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Members of the Board:

Amend Park Rules Section 6.06 of the Clackamas County Code to Allow for Administrative Inspections

<b>Purpose/Outcomes</b>	Amend the Code section applicable to county parks to allow for the inspection of personal property items and other containers capable of concealing prohibited items.
<b>Dollar Amount and Fiscal Impact</b>	No immediate fiscal impact. However, increased enforcement efforts would result in increased personnel costs.
<b>Funding Source</b>	County General Fund, Parks, and Sheriff's Office
<b>Safety Impact</b>	The amended ordinance is necessary to address issues at county parks, specifically Barton and Carver, concerning the consumption of alcohol, and resulting litter,
<b>Duration</b>	Indefinite duration
<b>Previous Board Action</b>	The possession of alcohol has been prohibited in county parks since 2010. The board discussed the issues involving Barton and Carver Parks at two previous study sessions: July 16 and 29, 2013.
<b>Contact Person</b>	Stephen L. Madkour, County Counsel 503/655-8362

**BACKGROUND:**

During the summer months the Clackamas River experiences heavy usage from boaters and rafters. The majority of river users access the river at County owned Barton and Carver Parks. Heavy use on the river results in these parks operating at or near maximum capacity, with overflow parking on the shoulder of county roads. Park rules prohibit the possession of alcohol on park property. However, river users will frequently run the river with coolers of beer, and based on current observation the majority of empty cans and bottles are discarded along the river.

The current proposal would amend county parks rules set forth in Chapter 6.06 of the County Code to specifically provide authority for the sheriff's office, and other individuals designated by the Parks Director, to perform visual inspections of personal property items, such as coolers. Those refusing inspection would be directed to leave the park premises. The amendments

would establish a properly authorized administrative program, designed and systematically administered to provide clear authority to conduct administrative inspections of prohibited items. Administrative searches are conducted for purposes other than law enforcement, such as courthouse and airport security, fire safety, mobile homes, and elevators. As such, they are a well recognized exception to warrant requirement rule.

The amendments would also clarify the hearing process available to challenge the citation, and also include minor grammatical and numerical edits.

**RECOMMENDATION:**

Staff recommends the Board approval this amendment and schedule the proposed ordinance for a public hearing.

Respectfully submitted,

Stephen L. Madkour,  
County Counsel

## Chapter 6.06

### 6.06 PARK RULES

#### 6.06.02 Policy and Purpose

The purpose of this chapter is to protect County park, 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]

#### 6.06.03 Definitions

**6.06.03.01 APPROVED CAMPING SHELTER** means 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.  
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.03.02 BOARD** means the Board of County Commissioners of Clackamas County.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.03.03 DIVISION** means the Clackamas County Parks Division of the Business and Community Services Department and its employees.  
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.03.04 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.  
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.03.05 PARK AREA** means any County park, forest or recreational area under the jurisdiction of the board, but not any residence located thereon.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.03.06 PARKS EMPLOYEE** means the individual in charge of and/or responsible for a County park area.  
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.03.07 PARKS DIRECTOR AND/OR THEIR DESIGNATE** means the person designated by the Board or the Department to administer the County's programs and policies for County parks, forests, and recreation areas.

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[Codified by Ord. 05-2000, 7/13/00]

**6.06.03.08** 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.  
[Codified by Ord. 05-2000, 7/13/00]

6.06.03.09 PROHIBITED ARTICLES means fireworks and weapons under 6.06.06, and alcoholic beverages under 6.06.07.

**6.06.03.10** RESERVATION includes, but is not limited to, calling or conveying in writing (fax, email, US mail) in advance to obtain a campsite or day-use area.  
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.03.11** 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]

**6.06.04 Opening, Closing, Entry Into Parks, Other Rules**

**6.06.04.01**

A. The Division is hereby authorized to close to the public use of 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.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 08-2007, 7/18/07, Amended by Ord. 03-2010, 2/25/10]

B. Section 6.06.07.01 permits possession of alcoholic beverages in reserved campsites and group areas, but not in day-use areas. Violations shall be treated as a rule violation for the purposes of Section 6.06.15, and any person authorized to enforce park rules is authorized to confiscate and destroy any alcohol and its container.

[Added by Ord. 08-2007, 7/18/07; Amended by Ord. 03-2010, 2/25/10]

**6.06.04.02**

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.

[Codified by Ord. 05-2000, 7/13/00]

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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.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.04.04**

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.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.04.05**

No person who has been ordered to leave a County Park area shall remain therein or return thereto.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.04.06**

The Division may refuse to admit into a park area any person who has been previously ordered to leave a County park.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.04.07**

Except for authorized overnight camping in accordance with these rules, no person, other than peace officers or authorized County personnel, shall enter or remain in any park area after the daily closing time and before the daily opening time.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.04.08**

The daily opening and closing times for each Clackamas County Park (Barton, Boones Ferry Marina, Carver, Eagle Fern, Feyrer, Hebb, Metzler, Ed Latourette, Feldheimer Boat Ramp, Oak Grove Boat Ramp, Wagon Wheel, and Wilhoit) shall be established by the Parks Director and/or their designate and posted at the entrance to the park.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.04.09**

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.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.04.10**

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No person shall expose his or her genitalia 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. [Codified by Ord. 05-2000, 7/13/00]

**6.06.04.11**

No person shall, while in, or in view of, a public place, perform an act of sexual intercourse or deviate sexual intercourse, as defined in the Oregon Revised Statutes (ORS Chapter 163). [Codified by Ord. 05-2000, 7/13/00]

**6.06.04.12**

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:

- (a) 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.
- (b) A person discovered during an inspection to possess a prohibited article shall be offered the choice of discarding the articles in a public trash receptacle or of returning the prohibited articles to a vehicle or otherwise legally disposing of it.
- (c) A person who discards the articles or prohibited items or returns them to a vehicle without inspection is eligible to enter the park area without such items.
- (d) 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.
- (e) Any person in violation in violation of park rules is subject to citation and immediate trespass.

**6.06.04.13**

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.

**6.06.05 Fires**

**6.06.05.01**

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.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.05.02**

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No person shall leave any fire unattended, and every fire user shall extinguish the fire before leaving the park area.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.05.03**

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.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.05.04**

No person shall move a park fire ring, fire pit, or fireplace from its designed location in any day use area or campground.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.06 Fireworks and Weapons**

**6.06.06.01**

No person shall hunt, pursue, trap, kill, injure, or molest any bird or animal in any park area.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.06.02**

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. [Codified by Ord. 05-2000, 7/13/00]

**6.06.06.03**

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 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.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.06.04**

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 and/or their designate.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.07 Alcoholic Beverages**

**6.06.07.01**

No person shall possess alcoholic beverages in any county park without first obtaining a permit from the County Parks Department. Permits will be issued upon payment for use of designated

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campsites and group picnic areas. Permits for possession of alcohol will not be issued for day-use areas. Persons requesting an alcohol permit when reserving a group picnic area must also deposit with a park employee a refundable security deposit in an amount set by resolution of the Board of County Commissioners. The purpose of the deposit is to guarantee that litter from consumption of alcoholic beverages is not left in the park area, to defray damage costs, if any, and to designate the person responsible. Upon leaving the park area, the depositor may ask the park employee to check his or her area and refund the deposit. If, in the opinion of the park employee, the area used is not in an orderly, clean and/or undamaged condition, the deposit shall be forfeited to defray cleanup or restoration expenses.

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

**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]

#### **6.06.08 Park Property & Property Destruction**

##### **6.06.08.01**

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.

[Codified by Ord. 05-2000, 7/13/00]

##### **6.06.08.02**

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.

[Codified by Ord. 05-2000, 7/13/00]

##### **6.06.08.03**

No person shall erect temporary signs, markers, or inscriptions of any type in any park area, without the written permission from the Parks Director and/or their designate or designate.

[Codified by Ord. 05-2000, 7/13/00]

##### **6.06.08.04**

No person shall set up or use a public address system in any park area without the written permission from the Parks Director and/or their designate.

[Codified by Ord. 05-2000, 7/13/00]

##### **6.06.08.05**

No person shall wash any clothing or other materials, or clean any fish, in a lake, stream, river, or pond, in any park area.

[Codified by Ord. 05-2000, 7/13/00]

##### **6.06.08.06**

No person shall use abusive or threatening language or gestures, create any public disturbances, or engage in riotous behavior, in any park area.

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[Codified by Ord. 05-2000, 7/13/00]

**6.06.08.07**

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. [Codified by Ord. 05-2000, 7/13/00]

**6.06.08.08**

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.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.09 Concessions and Solicitations**

**6.06.09.01**

No person shall operate a concession, either fixed or mobile, in any park area without the written permission from the Parks Director and/or their designate.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.09.02**

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 and/or their designate.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.09.03**

No person shall advertise any goods or services in any park area without the written permission from the Parks Director and/or their designate.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.09.04**

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 and/or their designate

[Codified by Ord. 05-2000, 7/13/00]

**6.06.10 Animals**

**6.06.10.01**

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 (eg: equestrian trails/facilities) without the written permission from the Parks Director and/or their designate.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.10.02**

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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 County Parks 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 well being 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.  
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.10.03**

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.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.10.04**

No person shall tie up any animal in his or her custody or control and leave such animal unattended.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.10.05**

All animal fecal matter shall be put in a bag or container and left in a designated waste receptacle.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.10.06**

No person shall allow more than two (2) domestic pets in any campsite.  
[Added by Ord. 06-2007, 6/28/07]

**6.06.11 Motor Vehicles**

**6.06.11.01**

No person shall operate any vehicle in any park area in violation of the Oregon State Vehicle Code, County ordinance, code or other laws.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.11.02**

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.

[Codified by Ord. 05-2000, 7/13/00]

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**6.06.11.03**

No person shall park a vehicle:

- A. In violation of any "No Parking" signs or markings authorized by the Parks Director and/or their designate;
- 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 graveled and 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.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.11.04**

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.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.11.05**

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. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.11.06**

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 and/or their designate.

[Added by Ord. 06-2007, 6/28/07]

**6.06.12 Waste Disposal**

**6.06.12.01**

All bottles, cans, ashes, waste, paper, garbage, sewage, and other rubbish or refuse shall be left only in receptacles designated for that purpose.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.12.02**

No person shall bring into a park area any trash, refuse, garbage, litter, waste material, or vehicles for the purpose of disposing them there.

[Codified by Ord. 05-2000, 7/13/00]

**6.06.12.03**

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

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containers. Such containers shall not be emptied in the park except at an officially designated dump station.

[Codified by Ord. 05-2000, 7/13/00]

### **6.06.13 Camping Rules**

#### **6.06.13.01**

No person may camp overnight in a park area other than in an officially designated and numbered overnight camping space.

[Codified by Ord. 05-2000, 7/13/00]

#### **6.06.13.02**

No person may camp in any one park area for more than ten (10) days in one 14-day period of time. No person may camp for more than 20 days total in the County Parks system as a whole, in any one camping season from May 1 to September 30, without the written permission from the Parks Director and/or their designate.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

#### **6.06.13.03**

User fees for campsites are due and shall be paid each day. The fee covers use of facilities and services until the vacating time of 1:00 p.m. the following day.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

#### **6.06.13.04**

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.

[Codified by Ord. 05-2000, 7/13/00]

#### **6.06.13.05**

Campers must maintain campsites in a clean, sanitary, and safe manner.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

#### **6.06.13.06**

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. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

#### **6.06.13.07**

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.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

#### **6.06.13.08**

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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. [Codified by Ord. 05-2000, 7/13/00]

**6.06.13.09**

Unless a campsite is designated RV only, the site may be accommodated with any approved camping shelter.  
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.13.10**

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. [Codified by Ord. 05-2000, 7/13/00]

**6.06.13.11**

Individual campsites are designed to serve one family unit. The following capacities shall apply:  
A. Not more than two (2) tents OR one (1) recreation vehicle and one (1) tent per campsite.  
B. A maximum occupancy of 8 persons per site.  
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.13.12**

No person under the age of 18 shall camp overnight unless accompanied by an adult. [Codified by Ord. 05-2000, 7/13/00]

**6.06.13.13**

No person shall camp overnight without an approved camping shelter.  
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.13.14**

No person shall wash a vehicle or trailer in any campsite.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.13.15**

No swimming pools of any size shall be filled with water in the campground without the written permission of the Parks Director and/or their designate.  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.13.16**

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.*

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Parks with accessible campsites for Persons with Disabilities shall:

- A. Hold all reserved site(s) for the date(s) of reservation unless notified by the Parks Office to release the site;
- B. Hold unreserved accessible sites site(s) for qualified drop-in campers until 7:00 p.m. daily;
- C. 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]

#### 6.06.14 Reservations And Check In/Out Times

##### 6.06.14.01

Reservations for camping and picnicking must be made a minimum of two (2) weeks in advance. The Division reserves the right to cancel any reservation, without notification, that has not been paid as per contract.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

##### 6.06.14.02

Reservations for picnic shelters and areas may be made if the required fees are paid to the Division within 14 days after the date the reservation is made or 14 days prior to the arrival date, whichever comes first. Cancellations must be made at least three (3) weeks prior to the reserved date in order for the deposit to be refunded.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

##### 6.06.14.03

Reservations for campsites may be made if the required fees are paid to the Division within 14 days after the date the reservation is made or 14 days prior to the arrival date, whichever comes first. Cancellations or reductions in the number of reserved campsites must be made at least three (3) weeks prior to the reserved date in order for the deposit to be refunded.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

##### 6.06.14.04

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.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

##### 6.06.14.05

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:

- A. The non-reserved party shall vacate the site immediately or be subject to eviction;
- B. The non-reserved party shall be subject to exclusion from Clackamas County parks per 6.06.04.04 of this chapter;
- C. 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

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without prior notice at the owner's expense under the provisions of the Clackamas County Vehicle Parking and Towing Chapter; and

- D. Park employees may remove any personal property remaining on the campsite other than property of the reserved party. [Codified by Ord. 05-2000, 7/13/00]  
[Codified by Ord. 05-2000, 7/13/00]

**6.06.14.06**

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]

**6.06.15 Enforcement and Penalties**

**6.06.15.01**

Any County employee 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.  
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07]

**6.06.15.02**

Violation of any of the foregoing rules is subject to citation and punishable by a fine as set forth below. [Codified by Ord. 05-2000, 7/13/00]

**6.06.15.03**

Form of citation:

- A. Description of the specific violation alleged;
- B. The date, time, and location of its occurrence;
- C. The maximum amount of the fine for the violation alleged;
- D. 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;
- E. A form for either admitting the violation alleged and paying the fine, or denying the violation alleged, paying the equivalent ball, and requesting a hearing;
- F. The address to which the form should be sent;
- G. The telephone number of the person or facility which may be contacted for information;
- H. 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

[Codified by Ord. 05-2000, 7/13/00]

**6.06.15.04**

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A. Response to Citation

1. Unless an appearance before a Hearings Officer is mandatory, any person who has received a citation may respond by:
  - a. Appearing personally before the Hearings Officer on the cited appearance date and either admit or deny the violation; or
  - b. Prior to the appearance date return a signed copy of the citation to the Division admitting the violation, along with a check or money order payable to Clackamas County for the total base fine amount; or
  - c. Prior to the appearance date, return a signed copy of the citation to the Division denying the violation and requesting a hearing. The Division will set a time and place for the hearing and notify the Hearings Officer, and cited person.
3. Failure to Respond to Citation. If a person cited fails to respond to a citation as required by this chapter then the person shall be deemed to have waived his/her right to contest the citation. Following proof of sufficient evidence that the person has committed the cited violation(s) the Hearings Officer may enter a Final Order against the person for an amount up to the maximum fine, in addition to any applicable fees, costs or expenses, and any other imposition consistent with this chapter. A copy of the Final Order shall be sent to the person cited by regular mail.

D. Hearing Process.

1. Informal Disposition. The County and cited person may agree to an informal and final disposition of any violation before a Hearings Officer issues a Final Order.
2. Burden of Proof. The burden will be on the County to prove that the violation occurred by a preponderance of the evidence.
3. Testimony of Witnesses and Parties. The Hearings Officer shall have the authority to administer oaths or affirmations and take testimony of and question witnesses and parties. Parties may offer witness testimony on their own behalf. Written testimony must be submitted by sworn affidavit and may be admitted into the record subject to exclusion by the Hearings Officer and objections by the opposing party.
4. Cross-Examination of Witnesses. The person cited and attorneys may examine or cross-examine witnesses.
5. Evidence. Reliable and relevant evidence shall be admitted subject to the rules of privilege recognized by law. The burden of presenting evidence to support a fact or position shall be on the offering party. The Hearings Officer may establish procedures for the presentation of evidence to ensure that the hearing record reflects a full and fair inquiry into the facts necessary to determine the matter alleged. The Hearings Officer shall have the discretion to exclude any material or testimony that is accumulative, repetitious, irrelevant or immaterial.
6. Objections. Objections to admission of evidence shall be noted in the record and will be considered with respect to the weight to be given the particular evidence offered. The Hearings Officer shall have the discretion to admit or exclude any

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evidence presented and may reserve the ruling on the admissibility or exclusion of evidence until the time the Final Order is issued.

7. Subpoenas. The Hearings Officer may issue subpoenas to parties when a request is supported by a showing of general relevance and reasonable scope of the evidence sought. Witnesses appearing pursuant to subpoena, other than the parties, peace officers or employees of the County, shall be paid the same witness fees and mileage as allowed in civil cases from the party requesting the subpoena to be paid at the time the subpoena is issued. The party requesting the subpoena will be responsible for its service in accordance with the Oregon Rules of Civil Procedure.
8. Representation. The person cited may represent him/herself or may be represented by counsel at personal expense. The County may be represented at the hearing by any employee of the County. If the employee is not an attorney, the employee shall not present legal argument, examine or cross-examine witnesses, present rebuttal evidence or give legal advice to the Hearings Officer conducting the hearing.
9. Record. A verbatim written or mechanical record shall be made of all hearings. The record may be transcribed at the request of a party upon payment in advance of the cost of transcription.
10. Final Order. At the conclusion of the hearing the Hearings Officer shall issue a Final Order based upon reliable, relevant and substantial evidence which shall be the County's final determination. A Final Order shall be effective on the date that it is issued unless otherwise provided by the Hearings Officer. The order may be oral or written, but in all cases must be recorded in the record of the proceeding. The Hearings Officer may impose fines, fees, costs, expenses, conditions or restrictions and any other imposition authorized by this Chapter. Monetary obligations are due and payable on the effective date of the Final Order unless otherwise provided.
11. Judicial Review. Review of a Final Order of the Hearings Officer may be made by any party by writ of review as provided in ORS 34.010-34.100.
12. Enforcement of Final Order. The County may maintain civil proceedings in law or equity in a court of competent jurisdiction to enforce any provision of a Hearings Officer's Final Order.

[Codified by Ord. 05-2000, 7/13/00]

#### 6.06.15.07

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]

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**6.06.17 Fines**

All fines shall be set by ordinance of the Board of County Commissioners.  
[Added by Ord. 5-2003, 3-13-03]

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