



May 16, 2019

Board of County Commissioners
Clackamas County

Members of the Board:

First Reading of an Ordinance Amending Chapter 6.06,
Park Rules, of the Clackamas County Code

Purpose/Outcomes	Provides for certain revisions to Code language to ensure continued public safety and improve the customer experience in county parks.
Dollar Amount and Fiscal Impact	A fine of \$150 will be imposed under 6.06.050.L.4 for public urination and/or defecation.
Funding Source	n/a
Duration	In effect until further amended or repealed.
Strategic Plan Alignment	1. Build Public Trust through Good Government 2. Honor, Utilize, Promote and Invest in our Natural Resources.
Previous Board Action	The BCC approved proposed amendments to County Code 6.06 at its April 16, 2019 Policy Session.
Contact Person	Rick Gruen, BCS County Parks & Forest Manager, x4345

BACKGROUND:

Business and Community Services County Parks manages nearly 1,000 acres of park lands including 3 campgrounds, 209 campsites, 11 day use areas and 4 public boat ramps. The public values fair and equitable access to clean and safe parks as demonstrated in recent park user surveys and through review and input provided by the County Parks Advisory Board.

Amendments to Chapter 6.06, Park Rules, of Clackamas Code include: 1) Large group bookings (over 30 campsites) will be restricted during peak season dates and require advance payment (County Code 6.06.040.B.2); 2) Year-in-advance reservations that are partially cancelled will be subject to cancellation penalties (County Code 6.06.040.C.4); and 3) Public urination and defecation shall be explicitly prohibited, with the fine amount of \$150 to be codified under County Code 6.06.050.L.4.

Staff desires to have these changes in effect prior to the beginning of Parks' busiest season (typically early July) in order to begin applying the new standards for reservations and to enforce the new prohibitions. As such, staff further requests that the Board find an emergency so that the

amendments take immediate effect following the second reading as opposed to the 90-day effective date.

The second reading by Title Only shall be held on Thursday, June 6, 2019.

County Counsel has reviewed and approved the language of Chapter 6.06 Code Amendments.

RECOMMENDATION:

Staff respectfully requests that the Board approve the Ordinance changes amending Chapter 6.06, Park Rules, and declare an emergency so that the amendments take effect immediately upon their adoption.

Respectfully submitted,

Laura Zentner, Director
Business and Community Services

ORDINANCE NO. _____

**An Ordinance Amending
Chapter 6.06, Parks Rules, of the Clackamas County Code, and declaring
an emergency.**

WHEREAS, Business and Community Services County Parks is amending Chapter 6.06 Park Rules of the Clackamas County Code. The amendments to Chapter 6.06, Park Rules, of Clackamas Code include: 1) Large group bookings (over 30 campsites) will be restricted during peak season dates and require advance payment (County Code 6.06.040.B.2); 2) Year-in-advance reservations that are partially cancelled will be subject to cancellation penalties (County Code 6.06.040.C.4); and 3) Public urination and defecation shall be explicitly prohibited, with the fine amount of \$150 to be codified under County Code 6.06.050.L.4.

Now, therefore, the Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapter 6.06, Park Rules, of Clackamas County, is hereby amended as shown on Exhibit A, attached hereto and incorporated herein by this reference.

Section 2: Emergency Clause. The Board of Commissioners hereby finds and declares that due to the need to apply the new standards for reservations and to enforce the new prohibitions before Clackamas County Parks' summer season, an emergency exists that requiring the Ordinance to take immediate effect. Accordingly, this Ordinance shall be effective upon its adoption.

ADOPTED this 6th day of June, 2019.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

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. PARKS EMPLOYEE means ~~the individual in charge of and/or responsible for a County park area~~ a County employee, caretaker, host, or agent.
- G. PARKS DIRECTOR AND/OR THEIR DESIGNATEE 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.
- 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, ~~or conveying in writing (fax, email, US mail)~~ 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 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.
- 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. 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.

- 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 ~~Boat Ramp~~, Wagon Wheel, and Wilhoit Springs, shall be established by the Parks Director and/or their designate 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, ~~ground~~-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.
 - 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 ~~prior to the arrival date~~ 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 during the peak season from July 1 though 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.

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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.

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- 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 and/or their designatee.

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 isare 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.

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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 ~~the written~~ permission from the Parks Director 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 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 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 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 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 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 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 ~~County Parks e~~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 and/or their designatatece;
 - 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.
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 and/or their designatatece.

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 and/or their designatee.
3. 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.
4. No person shall camp overnight without an approved camping shelter.
5. No person shall wash a vehicle or trailer in any campsite.
6. 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 designatee.

[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]



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 16, 2019

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of a Board Order Transferring Jurisdiction from
Clackamas County to the City of Wilsonville for a portion of
Stafford Road (Market Rd. No. 12 - County Rd. No. 1208)**

Purpose/Outcomes	Jurisdictional transfer of a portion of Stafford Road to the City of Wilsonville.
Dollar Amount and Fiscal Impact	Cost savings in the form of staff time and Maintenance monies used on a County maintained portion of road located entirely within the City of Wilsonville.
Funding Source	N/A
Safety Impact	N/A
Duration	Upon execution; permanent.
Previous Board Action	N/A
Strategic Plan Alignment	Build a strong infrastructure. Build public trust through good government.
Contact Person	Rick Maxwell, Engineering Tech; 503-742-4671
Counsel Review	Reviewed and approved on 05/07/19

BACKGROUND:

There are certain County roads, such as Stafford Road in Wilsonville, that are wholly, mostly, or partially within various Cities throughout Clackamas County. Fragmented jurisdiction over these roads often results in differing road maintenance activities and confusion by the public as to which agency is responsible for the operation and maintenance of the roads. Clackamas County and the City of Wilsonville propose to transfer a portion of Stafford Road, currently under the jurisdiction of the County, to the City with the intent of eliminating confusion to the public and to improve the efficiencies of maintenance and public service.

The portion of Stafford Road proposed to be transferred contains approximately 74,280 square feet of Right-of-Way. The portion of Stafford Road to be transferred was recently annexed within Wilsonville city limits. By accepting jurisdiction over this portion of Stafford Road, the City becomes the "Road Authority" responsible for all maintenance of drainage systems, improvements, permitting and road standard activities.

The City has formally requested that the County fully transfer jurisdiction of Stafford Road over to the City pursuant to ORS 373.270(6), (see attached Resolution 2739). Pursuant to ORS 373.270(6), the County may finalize the transfer by adopting the proposed order that is attached to this report.

RECOMMENDATION:

Staff respectfully requests that the Board approve this Board Order between Clackamas County and the City of Wilsonville related to the transfer of jurisdiction of a portion of Stafford Road.

Respectfully submitted,

Michael Bays
Survey Group Supervisor
Transportation and Development

Attachments:
Board Order;
Exhibit A – Map;
Exhibit B - Description
City Resolution #2739

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of transferring to the City of Wilsonville, jurisdiction over a portion of Stafford Road, Market Rd No. 12, County Road No. 1208, DTD No.30054



Board Order No. _____
Page 1 of 2

This matter coming before the Board of County Commissioners as a result of the City initiating action pursuant to ORS 373.270(6) on March 18, 2019 through Resolution No. 2739 to surrender jurisdiction of a county road within the boundary of the City of Wilsonville, and the preceding negotiation between the City of Wilsonville and Clackamas County Department of Transportation and Development to transfer portions of the following road:

<u>Road Name</u>	<u>Cnty #</u>	<u>DTD #</u>	<u>From</u>	<u>To</u>	<u>Square Feet</u>
Stafford Road, Market Rd No. 12	1208	30054	MP 0.09	MP 0.23	74,280 sf

It further appearing to the Board that said transfer of jurisdiction has been recommended by Dan Johnson, Director of the Department of Transportation and Development; and,

It further appearing to the Board that said transfer of jurisdiction is in the best interest of the citizens of Clackamas County; and,

It further appearing to the Board that pursuant to ORS 373.270, notice of the hearing on this matter was provided by publication in the Wilsonville Spokesman on 04/10/19, 04/17/19, 04/24/19 and 05/01/19; now therefore,

IT IS HEREBY ORDERED that Clackamas County surrender jurisdiction over a portion of Stafford Road, Market Rd No. 12 to the City of Wilsonville such that full and absolute jurisdiction of said portions of roadway for all purposes of repair, construction, improvement and the levying and collection of assessments therefor be transferred to the City of Wilsonville and shall vest as of the date of this order; and,

IT IS FURTHER ORDERED that, the portion of the roadway described herein, 74,280 square feet, more or less, be removed from the County's Road Inventory; and,

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of transferring to the
City of Wilsonville, jurisdiction over a
portion of Stafford Road, Market Rd No.
12, County Road No. 1208, DTD No.30054



Board Order No. _____

Page 2 of 2

IT IS FURTHER ORDERED that
copies of this Order be submitted to the Clackamas County Clerk's office for recording and that
copies be subsequently sent without charge to the Clackamas County Surveyor, Tax Assessor,
Finance/Fixed Asset Offices, and DTD Engineering.

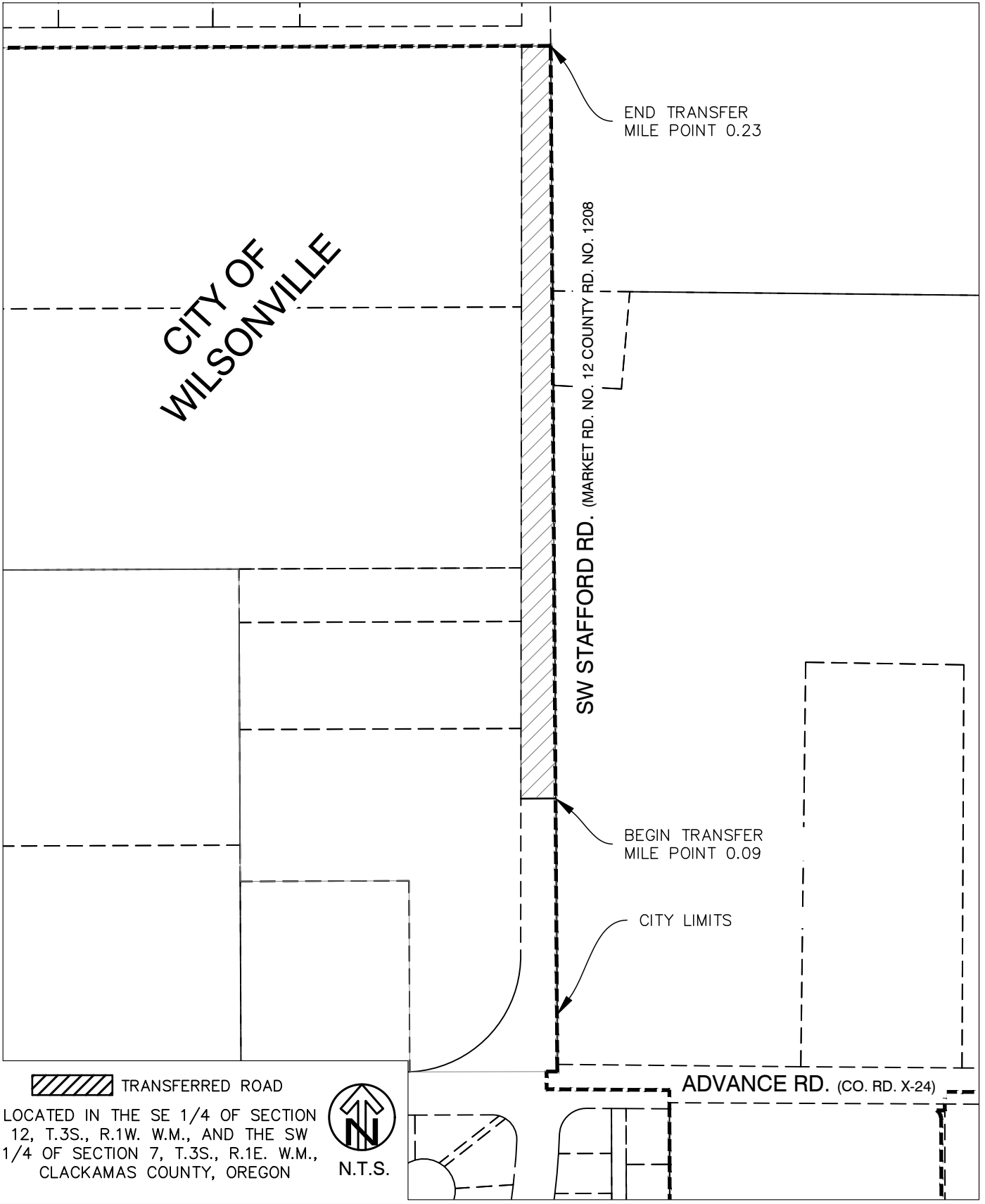
ADOPTED this _____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

EXHIBIT "A"



 TRANSFERRED ROAD

LOCATED IN THE SE 1/4 OF SECTION 12, T.3S., R.1W. W.M., AND THE SW 1/4 OF SECTION 7, T.3S., R.1E. W.M., CLACKAMAS COUNTY, OREGON



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
150 BEAVERCREEK ROAD
OREGON CITY, OR 97045



BY: R. MAXWELL DATE: 04/11/2019
JURISDICTIONAL TRANSFER OF A PORTION OF SW STAFFORD ROAD
MARKET RD. NO. 12 COUNTY RD. NO. 1208

SHEET
1 OF 1

EXHIBIT "B"

Transfer Stafford Road:

A portion Stafford Road, Market Road No. 12 - County Road No. 1208, Department of Transportation and Development maintenance No. 30054; Situated in the southeast 1/4 of Section 12, T. 3S., R. 1W. W.M. and the southwest 1/4 of Section 7, T. 3S., R. 1W. W.M., as depicted on Exhibit A, attached hereto, lying north of the current Wilsonville jurisdiction (mile point 0.09) extending to (mile point 0.23), being a total of approximately 1,238 feet long, 60 feet in width. Containing 74,280 square feet, more or less.

RESOLUTION NO. 2739

A RESOLUTION OF THE CITY OF WILSONVILLE REQUESTING TRANSFER OF ROADWAY AUTHORITY ON A PORTION OF STAFFORD ROAD FROM CLACKAMAS COUNTY TO THE CITY OF WILSONVILLE.

WHEREAS, Clackamas County (County) is the current roadway authority on this section of Stafford Road; and

WHEREAS, the Council approved adoption of the Frog Pond West Master Plan via Ordinance 806 on July 17, 2017; and

WHEREAS, the Council approved adoption of *The Methodology for the Preliminary Frog Pond West Infrastructure Supplemental Fee* (Resolution No. 2649, August 7, 2017), which includes future improvements to this section of Stafford Road; and

WHEREAS, the City's Development Review Board approved the Frog Pond Meadows development (February 11, 2019); and

WHEREAS, the Council approved the first reading of Ordinance No. 832, annexation of property for the Frog Pond Meadows development (March 4, 2019); and

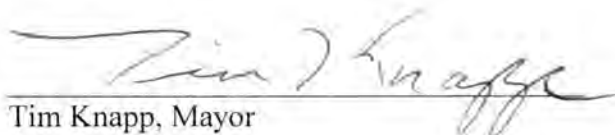
WHEREAS, the Frog Pond Meadows development is required to dedicate right-of-way frontage along Stafford Road, and roadway connections to Stafford Road will be required with development; and

WHEREAS, development adjacent to Stafford Road, and connections to Stafford Road are anticipated to be streamlined with the City being the roadway authority.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. To request transfer of roadway authority from Clackamas County to the City for an 819-foot section of Stafford Road.
2. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 18th day of March, 2019 and filed with the Wilsonville City Recorder this date.


Tim Knapp, Mayor

ATTEST:



Kimberly Veliz, City Recorder

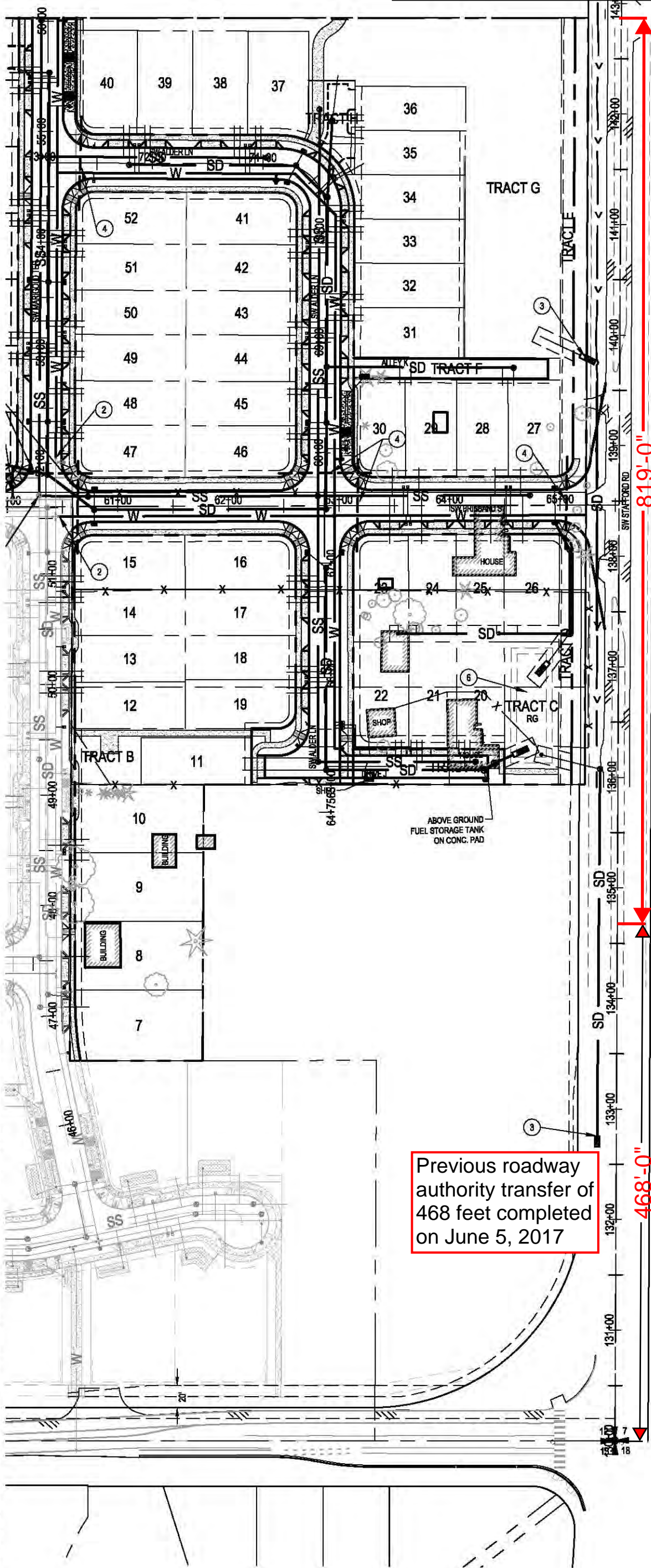
SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor West	Yes

Exhibit:

1. Stafford Road, Transfer of Roadway Authority

EXHIBIT 1 - Stafford Road, Transfer of Roadway Authority

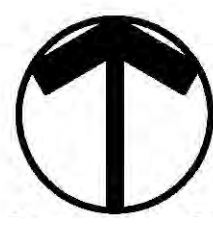


Current request for transfer of roadway authority of an additional 819 feet of Stafford Road.

Previous roadway authority transfer of 468 feet completed on June 5, 2017

LEGEND

STORM LINE	SD
STORM MANHOLE	⊙
STORM CURB INLET/CATCH BASIN	■
SANITARY LINE	SS
SANITARY MANHOLE	⊙
WATER LINE	W
FIRE HYDRANT	⌵
WATER METER	⊠
WATER BLOW-OFF	⊗
PUBLIC UTILITY EASEMENT	---
STREET LIGHT	⊙
VEGETATED SWALE (TO BE CONSTRUCTED WITH ROADWAY IMPROVEMENTS UNDER THIS PERMIT)	▨
IRRIGATION AND FRANCHISE UTILITY CROSSINGS. (NUMBER, SIZE T.B.D.)	---



Plotted: Mar 05, 2019 - 12:16pm L:\Project\191001\19106\CADD\Drawings\Exhibits\Advances Road Exhibit.dwg Layout Name: Layout1