

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Amending the “Yamhill County Parks Code” and the “Wheatland Boat Ramp Parking Regulations”; Repealing the “Rogers Landing Park Fee Schedule”; Declaring an Emergency and Setting the Effective Date

ORDINANCE NO. 941

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on April 3, 2025, Commissioners Kit Johnston, Mary Starrett, and David “Bubba” King being present.

THE BOARD ADOPTS THE FOLLOWING FINDINGS:

WHEREAS, The Yamhill County Parks Code (YCC 6.05) was last amended in 1998 via Ordinance No. 619; and

WHEREAS, The Wheatland Boat Ramp Regulations (YCC 6.10) was last amended in 1988 via Ordinance No. 457; and

WHEREAS, YCC 6.05 and YCC 6.10 each require both substantive changes and housekeeping amendments to align them with current practices and procedures; and

WHEREAS, The Rogers Landing Park Fee Schedule (YCC 6.15) was last amended in 2005 via Ordinance No. 770; and

WHEREAS, The Board wishes to incorporate all parks fees into a single document that can be amended via Board Order from time to time; and now, therefore

THE BOARD ORDAINS AS FOLLOWS:

Section 1. Amendments to the “Yamhill County Parks Code”. The Yamhill County Parks Code, codified as YCC 6.05, is hereby amended as provided in Exhibit A, attached hereto and incorporated herein.

Section 2. Amendments to the “Wheatland Boat Ramp Regulations”. The Wheatland Boat Ramp Regulations, codified as YCC 6.10, is hereby amended as provided in Exhibit B, attached hereto and incorporated herein.

Section 3. Repeal of the “Rogers Landing Park Fee Schedule”. The Rogers Landing Park Fee Schedule, codified as YCC 6.15, is hereby repealed in its entirety.

Section 4. Severability. Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining sections or parts of sections thereto.

Section 5. Emergency Clause; Effective Date. Pursuant to the provisions of ORS 203.045(4)-(9), an emergency has been declared to exist. This Ordinance shall therefore become effective upon passage.

DATED this 3 day of April, 2025, at McMinnville, Oregon.



YAMHILL COUNTY BOARD OF COMMISSIONERS

ATTEST

KERI HINTON
County Clerk

By: Carolina Rook
Deputy CAROLINA ROOK

FORM APPROVED BY:

Jodi Gollehon
JODI GOLLEHON
Assistant Yamhill County Counsel

KIT JOHNSTON AYE NAY
Chair KIT JOHNSTON X _____

MARY STARRETT AYE NAY
Commissioner MARY STARRETT X _____

DAVID KING AYE NAY
Commissioner DAVID “BUBBA” KING X _____

Approved by the Yamhill County Board of
Commissioners on 04/03/2025
via Board Order B.O. 25-090

YAMHILL COUNTY CODE

TITLE 6: PARKS AND PUBLIC SPACES

Chapter 6.05: Yamhill County Parks Code

TABLE OF CONTENTS

<i>Section</i>	<i>Title</i>
I.	POLICY, PURPOSE, AND TITLE
	6.05.01.01 Policy and Purpose
	6.05.01.02 <u>Short Title</u>
II.	RULES OF CONSTRUCTION
	6.05.02.01 Rules of Construction
III.	DEFINITIONS
	6.05.03.01 Definitions
IV.	ADMINISTRATION AND ENFORCEMENT
	6.05.04.01 Administration
	6.05.04.02 Authority
	6.05.04.03 Enforcement
	6.05.04.04 <u>[REPEALED] Duties of the Sheriff</u>
	6.05.04.05 <u>Parks Fees</u>
V.	ESTABLISHMENT OF RULES FOR USE OF PARK AREAS
	6.05.05.01 Establishment of Rules for Use of Park Areas
VI.	PROHIBITIONS
	6.05.06.01 Prohibitions Relating to Motor Vehicles
	6.05.06.02 Prohibitions Relating to Pets and Other Animals
	6.05.06.03 Prohibitions Relating to Vandalism, <u>Waste</u> , and Litter
	6.05.06.04 Prohibitions Relating to Camping
	6.05.06.05 Prohibitions Relating to Hunting and Firearms
	6.05.06.06 Prohibitions Relating to Fires
	6.05.06.07 General Prohibitions
VII.	SPECIAL PROVISIONS FOR SEIZURE OF WEAPONS; TOWING OF VEHICLES
	6.05.07.01 Seizure of Weapons
	6.05.07.02 Towing of Vehicles
VIII.	<u>EJECTIONS; EXCLUSIONS</u>
	6.05.08.01 <u>Ejections and Exclusions Generally</u>
	6.05.08.02 <u>Oral Warnings</u>
	6.05.08.03 <u>Ejections</u>
	6.05.08.04 <u>Exclusions</u>
IX.	PENALTIES; BAIL SCHEDULES; DISTRIBUTION OF PROCEEDS

- 6.05.09.01 Penalties
- 6.05.09.02 ~~[REPEALED] Bail Schedule~~
- 6.05.09.03 Distribution of Amounts received for Payment of Fines
- X. PROCEDURE FOR CITATION; JURISDICTION; VENUE; PROSECUTION
 - 6.05.10.01 Procedure
 - 6.05.10.02 Jurisdiction
 - 6.05.10.03 Venue
 - 6.05.10.04 Prosecution
- XI. SPECIAL USES
 - 6.05.11.01 Special Use Events
 - 6.05.11.02 Special Use Permit Conditions and Requirements
- XII. SEVERABILITY
 - 6.05.12.01 Severability

LEGISLATIVE HISTORY

APPENDIX A: PARKS FEE SCHEDULE

SECTION 1 - POLICY, PURPOSE, AND SHORT TITLE

6.05.01.01 Policy and Purpose. The Board finds that it is necessary to regulate activities in Yamhill eCounty parks to ensure the public’s safety and enjoyable use of ~~county~~ park areas and facilities and to protect park facilities and natural features. Enforcement of the rules established ~~by this ordinance under this Chapter~~ should be accomplished in an understandable manner which allows prompt adjudication of violations of the Parks Code under the ordinance.

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98 AMENDED VIA ORDINANCE NO. XXX eff XX/XX/XX]

6.05.01.02 Short Title. This Chapter, YCC 6.05, ordinance may be cited as the “Yamhill County Parks Code Ordinance” or simply as the “Parks Code”.

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. XXX eff XX/XX/XX]

SECTION 2 - RULES OF CONSTRUCTION

6.05.02.01 Rules of Construction. For the purposes of administration and enforcement of this ~~Chapter ordinance~~, unless otherwise stated in this Chapter, the following rules of construction shall apply:

- a) In case of any difference of meaning or implication between the text of this ~~Chapter ordinance~~ and any caption, illustration, summary table, or illustrative table, the text shall control.
- b) The word “shall” is always mandatory and not discretionary; the word “may” is permissive.
- c) Words used in the present tense shall include the future; words used in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary; and use of the masculine gender shall include the feminine gender.
- d) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or” or “either... or”, the conjunction shall be interpreted as follows:
 - (i) “And” indicates that all the connected terms, conditions, provisions or events shall apply.
 - (ii) “Or” indicates that the connected items, conditions, or provisions or events may apply singly or in any combination.

- (iii) “Either... or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- e) The word “includes” shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. XXX eff XX/XX/XX]

SECTION 3 - DEFINITIONS

6.05.03.01 Definitions. As used in this Chapter, the terms defined in this section shall have the defined meanings unless the context requires otherwise. The following definitions shall apply:

- a) An “**authorized person**” is a person authorized by the Board governing body of the entity that owns or controls the park to grant relief from the prohibitions of the Yamhill County Parks Code as provided hereunder this ordinance where the prohibition specifically bestows that authority on the person.
- b) The “**Board**” means the Yamhill County Board of Commissioners.
- c) “**Camp**” or “**Camping**” means the use of camping equipment within a park area.
- d) “**Camping equipment**” means personal property which has the purpose of being used to provide food, heat, and/or shelter.
- e) “**County**” means Yamhill County.
- f) “**Park**” or “**Park areas**” shall include all parcels of land or bodies of water owned, leased, controlled, or administered by Yamhill the County for recreation or open space purposes which have been designated by the County as a “park” or as “park areas.” If an agreement adopted by Yamhill the County and another entity so provides, “park areas” shall also include all parcels of land or bodies of water owned, leased, controlled, or administered by the other entity for recreation or open space purposes which have been designated by the other entity as a “park” or as a “park area.”
- g) “**Parks Board**” means the Yamhill County Park and Recreation Board appointed by the Board.
- h) “**Parks Manager**” means the County employee assigned to oversee and administer the Yamhill County Parks.
- i) “**Sheriff**” means the Yamhill County Sheriff or the Sheriff’s duly appointed deputies.

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. XXX eff XX/XX/XX]

SECTION 4 - ADMINISTRATION AND ENFORCEMENT

6.05.04.01 Administration.

- a) The Sheriff and the Parks Board, under the direction of the Board, and the Parks Manager shall be responsible for the administration and execution enforcement of the Yamhill County Parks Code this ordinance.
- b) The Parks Manager shall maintain a complete list of all real property designed by the Board as a County forest, park, or recreational area pursuant to ORS 275.320.

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. XXX eff XX/XX/XX]

6.05.04.02 Authority.

- a) The Sheriff Parks Board, under the direction of the Board, and the Parks Manager shall have the authority to do all things necessary to administer the provisions of the Parks Code this ordinance and the rules and regulations adopted under it.
- b) The Parks Manager, or other authorized person, may close all or any portion of a park open to public presence, or restrict in any manner any uses on such property, when in the discretion of the Parks Manager, the public may be endangered by use or presence on such property.

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. XXX eff XX/XX/XX]

6.05.04.03 Enforcement.

- a) The Parks Manager, or designee thereof, the Sheriff, or designee thereof, and other authorized persons shall have authority to enforce all provisions of this Chapter.

- b) Except where otherwise provided, enforcement of this Chapter shall be done in accordance with YCC 1.10, the Yamhill County Code Enforcement Code.
- c) The enforcement of the Parks Code ~~this ordinance~~ by the Sheriff is not intended to limit the legal jurisdiction of any federal, state, county, or local enforcement agency created by law, including but not limited to a rural fire protection district charged with providing fire protection for park areas.

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; ~~AMENDED VIA ORDINANCE NO. XXX eff XX/XX/XX~~]

6.05.04.04 [REPEALED] Duties of the Sheriff. ~~The Sheriff shall have authority to enforce all provisions of this ordinance.~~

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; ~~REPEALED VIA ORDINANCE NO. 941 eff XX/XX/XX~~]

6.05.04.05 Parks Fees. Parks fees shall be as set forth in Appendix A. The Board shall regularly review Appendix A and amend it as needed by order of the Board.

[ADOPTED VIA ORDINANCE NO. 941 eff XX/XX/XX]

SECTION 5 - ESTABLISHMENT OF RULES FOR USE OF PARK AREAS

6.05.05.01 Establishment of Rules for Use of Park Areas; Statutory Authority.

a) Upon recommendation of the Sheriff Parks Manager or Parks Board, or upon its own motion, the Board may, by Board Order, promulgate rules and regulations pertaining to the administration and enforcement of this Chapter ordinance and to carry out its purposes. Any rules existing at the time of adoption of this ordinance shall remain in effect until specifically repealed.

b) This Chapter is enacted pursuant to:

(i) General authority granted to county governing bodies in ORS 203.035 to exercise authority within the county over matters of county concern; and

(ii) Specific authority granted in ORS 275.320 to 275.370.

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; ~~AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX~~]

SECTION 6 - PROHIBITIONS

6.05.06.01 Prohibitions Relating to Motor Vehicles.

a) No person shall operate a motor vehicle in contravention of the Oregon motor vehicle laws, codified under Oregon Revised Statutes, Volume 19, Title 59, Chapters 801 – 826 (the “Oregon Vehicle Code”). ~~Motor Vehicle Code.~~ A violation of this provision is punishable as a {“Class D Park Violation.”}

b) No person may operate a motor vehicle off roads or outside parking areas constructed or designated for motor vehicle use. A violation of this provision is punishable as a {“Class B Park Violation.”}

c) Except where specifically allowed by order of the Board, no person shall allow a vehicle to remain in a park area during the time the park is closed. A violation of this provision is punishable as a {“Class E Park Violation.”}

d) No person shall park an automobile, trailer, or other vehicle in any place other than a designated parking area. A violation of this provision is punishable as a {“Class D Park Violation.”}

e) Unless otherwise authorized by the entity controlling the park, no person shall operate a motor vehicle within a park area at a speed in excess of 10 miles per hour. A violation of this provision is punishable as a {“Class C Park Violation.”}

f) No person shall operate a motorized all-terrain vehicle within a park area. A violation of this provision is punishable as a {“Class C Park Violation.”}

g) No person shall fail to obey any posted traffic control signs or properly noticed traffic control rules and regulations established by the County. A violation of this provision is punishable as a “Class D Park Violation.”

h) All vehicles, boats, trailers, and recreational vehicles located within a park must have applicable required legal licensing and registration. A violation of this provision is punishable as a “Class D Park Violation.”

- i) No person shall bring, or cause to bring, any inoperable or functionally deficient motor vehicle, boat, recreational vehicle, trailer, fifth wheel, or other vehicle into any park. A violation of this provision is punishable as a “Class B Park Violation.”

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.06.02 Prohibitions Relating to Pets and Other Animals.

- a) No person shall bring any dog, cat, or other pets into a park area unless the animal is safely contained in a vehicle or on a leash not more than six (6) feet long and is kept under physical control at all times. A violation of this provision is punishable as a (“Class ~~E~~ D Park Violation.”)
- b) No person shall fail to immediately remove solid animal wastes left by an animal that person brought into a park area. A violation of this provision is punishable as a (“Class D Park Violation.”)
- e) ~~No person shall allow an animal to go within the park areas not designated for animal use. Class D Park Violation.)~~
- d) Except where specifically authorized by order of the Board, no person shall bring a horse or other livestock into a park area. A violation of this provision is punishable as a (“Class D Park Violation.”)
- e) No person shall allow any animal in the person’s custody to annoy or molest any person or other pet. A violation of this provision is punishable as a “Class D Park Violation.”
- f) No person shall fail to remove any animal from a park that has been deemed to be aggressive by the Parks Manager or other law enforcement officer. A violation of this provision is punishable as a “Class B Park Violation.”

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.06.03 Prohibitions Relating to Vandalism, Waste, and Litter.

- a) No person shall pick, cut, mutilate, remove, or uproot plant life or natural resources of any type from any park area without written consent of the Parks Manager or other authorized person ~~from the authority governing the park area.~~ A violation of this provision is punishable as a (“Class B Park Violation.”)
- b) No person shall place or leave materials for recycling, garbage, sewage, refuse or waste within a park area except in containers provided for that purpose. A violation of this provision is punishable as follows: (Class C Park Violation.)
- (i) For litter amounts less than ten (10) pounds or ten (10) cubic feet, punishable as a “Class C Park Violation.”
- (ii) For litter amounts greater than ten (10) pounds or ten (10) cubic feet, punishable as a “Class A Park Violation.”
- c) No person shall deposit waste not generated by park use, including household, commercial, or industrial waste, sewage, or refuse, ~~within waste containers in a park area.~~ A violation of this provision is punishable as a (“Class C Park Violation.”)
- d) No person shall alter, mutilate, burn, deface, damage, or remove any ~~property, structure, or facility~~ trail, road, parking lot, bridge, fence, building, sign, barrier, or other facility or structure of any kind within a park area. A violation of this provision is punishable as a (“Class A Park Violation.”)
- e) No person shall dig up, deface, or remove any dirt, stones, rock, or other substance whatever, may any excavation, quarry any stone, lay or set off any blast, or cause or assist in doing any of these things, within a park area, except by special permit from an authorized person. A violation of this provision is punishable as a (“Class C Park Violation.”)
- f) No person shall urinate or defecate in any park except in a fixture within a public restroom or a facility specifically designed for toileting purpose. A violation of this provision is punishable as a “Class D Park Violation.”

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.06.04 Prohibitions Relating to Camping. Except as specifically authorized in writing by ~~an~~ the Parks Manager or other authorized person, no person shall camp within a park ~~area.~~ A violation of this provision is punishable as a (“Class ~~E~~ D Park Violation.”)

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.06.05 Prohibitions Relating to Hunting and Firearms.

- a) No person shall hunt, pursue, trap, kill, injure, harass, or molest any wildlife within a park area. A violation of this provision is punishable as a (~~“Class B Park Violation.”~~)
- b) No person shall disturb any wildlife habitat within a park area. A violation of this provision is punishable as a (~~“Class C Park Violation.”~~)
- c) No person shall remove any wildlife animal from a park area. A violation of this provision is punishable as a (~~“Class C Park Violation.”~~)
- d) No person within a park area shall discharge or fire any firearm, bb or pellet gun, bow and arrow, slingshot, or other weapon capable of injuring any person or wildlife. A violation of this provision is punishable as a (~~“Class A Park Violation.”~~)

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.06.06 Prohibitions Relating to Fires.

- a) Unless permitted by an authorized person, no person shall start or operate a fire within a park area except within park camp stoves or fireplaces provided for such purposes or within portable stoves in established park picnic areas. A violation of this provision is punishable as a (~~“Class ~~D~~A Park Violation.”~~)
- b) No person shall leave a fire unattended within a park area. A violation of this provision is punishable as a (~~“Class A Park Violation.”~~)
- c) No person shall allow a fire to cause damage to park facilities or areas. A violation of this provision is punishable as a (~~“Class A Park Violation.”~~)
- d) No person who starts a fire shall leave the park area without first extinguishing the fire. A violation of this provision is punishable as a (~~“Class ~~E~~A Park Violation.”~~)
- e) No person shall start or operate a fire within a park area in contravention of an order of the fire marshal or fire chief. A violation of this provision is punishable as a (~~“Class ~~D~~A Park Violation.”~~)

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.06.07 General Prohibitions.

- a) No person within a park area shall use or operate any noise producing machine, device, or instrument in a manner that, in the judgment of the Parks Manager, law enforcement officer, or other authorized person, substantially diminishes the ability of other park area visitors to enjoy the park or subjects persons occupying residences adjacent to or near the park to inconvenience, annoyance, or alarm. A violation of this provision is punishable as a (~~“Class C Park Violation.”~~)
- b) No person within a park area shall possess, discharge, or cause to be discharged any firecrackers, explosives, torpedoes, rockets, fireworks, or other incendiary materials ~~substances~~ within a park area without the written permission of the Parks Manager or other authorized person. A violation of this provision is punishable as a (~~“Class ~~D~~C Park Violation.”~~)
- c) Except as authorized by permit of the County, ~~governing body of the entity owning or controlling the park~~, no person within a park area shall use a public address system or other device to mechanically or electronically amplify sound. A violation of this provision is punishable as a (~~“Class D Park Violation.”~~)
- d) No person within a park area shall block, obstruct or interfere with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area. A violation of this provision is punishable as a (~~“Class D Park Violation.”~~)
- e) No person within a park area shall occupy or interfere with access to any structure, office, lavatory, or other facility in a manner which impairs the intended use of the structure or facility by park users. A violation of this provision is punishable as a (~~“Class D Park Violation.”~~)
- f) No person shall use alcohol or possess an open container of alcohol in a park area designated “Alcohol Free” by order of the Board, ~~governing body of the entity owning or controlling the park~~. A violation of this provision is punishable as a (~~“Class D Park Violation.”~~)
- g) Except as approved by an authorized person, no person shall remain within a park area between dusk and dawn. A violation of this provision is punishable as a (~~“Class E Park Violation.”~~)
- h) No person shall display, sell offer for sale, peddle, hawk, or vend any goods, wares, merchandise, food, liquids, or services within any park area without a permit or license from an authorized person. A violation of this provision is punishable as a (~~“Class D Park Violation.”~~)

- i) No person shall operate a concession, either fixed or mobile, within any park, except by special permit from an authorized person. A violation of this provision is punishable as a (“Class D Park Violation.”)
- j) No person shall erect any permanent signs or temporary signs of a commercial nature, or inscriptions of any type, within any park, except by special permit from the Parks Manager or other an authorized person. A violation of this provision is punishable as a (“Class D Park Violation.”)
- k) No person shall fly a self-propelled aircraft, including but not limited to remote controlled model aircraft and drones, in, on, or over any park, except in areas designated and identified for such purposes. A violation of this provision is punishable as a “Class D Park Violation.”
- l) No person shall engage in activities or conduct which constitutes a public nuisance. For the purposes of this subsection, a “public nuisance” means an action or condition that is injurious or detrimental to the public health, welfare, or safety. A violation of this provision is punishable as a “Class C Park Violation.”
- m) No person shall fight, promote, instigate, or encourage fighting or similar violent conduct which would threaten the physical wellbeing of any person located within a park. A violation of this provision is punishable as a “Class B Park Violation.”
- n) No person shall commit the act of public indecency, as defined under ORS 163.465, within a park. A violation of this provision is punishable as a “Class A Park Violation.”
- o) No person shall conduct or participate in a special use event unless the County has first issued a permit for the activity pursuant to Section 11. A violation of this provision is punishable as a “Class E Park Violation.”
- p) No person shall obstruct, harass, or interfere with the official duties of the Parks Manager, a County employee, or a law enforcement officer. A violation of this provision is punishable as a “Class D Park Violation.”
- q) No person may ignite or smoke any tobacco or tobacco product, or any other material, on any park trail, restroom, or in any fire risk area. A violation of this provision is punishable as a “Class E Park Violation”.

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

SECTION 7 - SPECIAL PROVISIONS FOR SEIZURE OF WEAPONS; TOWING OF VEHICLES

6.05.07.01 Seizure of Weapons. Upon issuance of a citation for violation of Section 6.05.06.05(d) of this ordinance, the peace officer-law enforcement officer, or other authorized person, issuing the citation shall immediately take the weapon into possession. The weapon shall be placed into evidence at the appropriate law enforcement agency. Upon conviction, the court may forfeit the weapon as a public nuisance or return the weapon to the defendant; provided, however, that the weapon shall not be returned if seizure is mandated by any provision of Oregon law.

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.07.02 Towing of Vehicles. Upon issuance of a citation for violation of Section 6.05.06.01(c) of this ordinance, the peace officer-Parks Manager, law enforcement officer, or other authorized person issuing the citation may authorize the offending vehicle to be removed if the peace officer-authorized person reasonably believes that the vehicle may be damaged if left within the park area. The removal of vehicles under this provision shall be done in accordance with ORS 98.805 – 98.840. The owner of the vehicle shall be responsible for all towing costs.

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

SECTION 8 - EJECTIONS; EXCLUSIONS

6.05.08.01 Ejections and Exclusions Generally.

- a) To ensure compliance with this Chapter, and to provide for a safe environment for County employees and users of County parks, and in addition to any other remedy or right of action allowed by law, ejections and exclusions from a park or park area are authorized in accordance with this Section 8.
- b) Nothing in this Section 8 shall be construed to authorize the ejection and/or exclusion of a person for lawfully exercising free speech rights or other rights protected by the State of Oregon or the United States Constitution.

However, a person lawfully exercising these protected rights, but who commits an act that is not otherwise protected, can be subject to ejection and/or exclusion as provided hereunder.

- b) All orders to eject or exclude must be thoroughly documented by the Parks Manager. Exclusion orders shall be kept on file by the Parks Manager during the term of the exclusion, with a copy being provided to the Sheriff's Office.

[ADOPTED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.08.02 Oral Warnings.

- a) County staff shall attempt to give a person who may be subject to an ejection and/or exclusion under this Section 8 an oral warning and a reasonable opportunity to stop engaging in the violation; provided, however, failure to give an actual oral warning does not nullify the effectiveness or enforceability of an ejection or exclusion.
- b) No oral warning is required before issuing an ejection or exclusion where the behavior, conduct, or activity constitutes dangerous or threatening behavior, or where the behavior includes the use and/or possession of a controlled substance.

[ADOPTED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.08.03 Ejections.

- a) Authorization to Eject. The Parks Manager, or other authorized person, or a law enforcement officer may order any person violating any of the provisions of this Chapter to immediately leave a park or park area for the remainder of the day. All orders to eject must be thoroughly documented by the County.
- b) Failure to Comply. If an individual fails to comply with an order to eject, the individual may then be subject to exclusion as provided in Section 6.05.08.04.
- c) Non-Exclusive Remedy. Ejection orders under this Section 6.05.08.03 are in addition to, and not in lieu of, any violation proceeding done pursuant to YCC 1.10.

[ADOPTED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.08.04 Exclusions.

- a) Authority to Exclude. The Parks Manager, or other authorized person, or any law enforcement officer may issue a written exclusion order to a person who:
- (i) Violates any of the provisions of this Chapter;
 - (ii) Refuses to leave a park or park area as provided under Section 6.05.08.03;
 - (iii) Uses or possesses any controlled substance within a park or park area; or
 - (iv) Violates any other local, state, or federal law.
- c) Length of Exclusion. An individual may be excluded from a park or park area in accordance with the following standards:
- (i) Class A Park Violation: Exclusion up to 365 days
 - (ii) Class B Park Violation: Exclusion up to 180 days
 - (iii) Class C Park Violation: Exclusion up to 90 days
 - (iv) Class D Park Violation: Exclusion up to 30 days
 - (v) Class E Park Violation: Exclusion up to 72 hours
 - (vi) Refusal to Comply with Ejectment Order: Exclusion up to 72 hours
- d) Written Exclusion Order. All exclusion orders shall be in writing and shall state the basis for the order, the park or park area to which the exclusion applies, the length of the exclusion, and the appeal information, as provided herein.
- e) Appeal. An exclusion order may be appealed by filing a notice of appeal with the Parks Manager no later than five (5) business days after being served with the exclusion order. Any such appeal shall be administered in accordance with the following procedures:
- (i) An exclusion order shall be stayed while an appeal is pending.
 - (ii) The County Administrator shall arrange for a hearing on the issue of the exclusion order. The hearing shall take place in front of the County Administrator or designee within five (5) business days of receiving the notice of appeal.

- (iii) During the hearing, the County Administrator or designee shall consider any evidence and/or justifications the Parks Manager or law enforcement official deems as relevant. This may include oral and/or written testimony, including affidavits or declarations from any involved persons, including hearsay deemed reliable by the County Administrator. The appellant may present evidence and/or submit testimony at the hearing in order to contest the validity of the exclusion or telephonic prohibition.
- (iv) The County Administrator shall uphold the exclusion order if, upon the County Administrator's de novo review, the preponderance of evidence indicates that, more likely than not, the person in fact committed the violation for which the person was excluded, and if the exclusion is otherwise in accordance with law.
- (v) The County Administrator or designee shall issue a written decision within five (5) business days of the hearing date. Such decision shall be final.
- f) Criminal Trespass. If a person to whom an exclusion order is directed remains or returns to excluded park property, that person may be subject to arrest for criminal trespass.
- g) Non-Exclusive Remedy. Exclusion orders under this Section 6.05.08.04 are in addition to, and not in lieu of, any violation proceeding done pursuant to YCC 1.10.

[ADOPTED VIA ORDINANCE NO. 941 eff XX/XX/XX]

SECTION 82 - PENALTIES; BAIL SCHEDULES; DISTRIBUTION OF PROCEEDS

6.05.09.01 Penalties. Violation of the Parks Code ~~this ordinance~~ shall be punishable, upon conviction, by a fine, the amount of which shall be determined as follows: ~~of not more than \$500 for a noncontinuing offense and a fine of not more than \$1,000 for a continuing offense.~~

a) Minimum Fines. The minimum fine for a violation under this Chapter is:

- (i) **Class A Park Code Violation:** The minimum fine for a Class A Park Code Violation under this Chapter is as provided in ORS 153.021(a).
- (ii) **Class B Park Code Violation:** The minimum fine for a Class B Park Code Violation under this Chapter is as provided in ORS 153.021(b).
- (iii) **Class C Park Code Violation:** The minimum fine for a Class C Park Code Violation under this Chapter is as provided in ORS 153.021(c).
- (iv) **Class D Park Code Violation:** The minimum fine for a Class D Park Code Violation under this Chapter is as provided in ORS 153.021(d).
- (v) **Class E Park Code Violation:** The minimum fine for a Class D Park Code Violation under this Chapter is as provided in ORS 153.021(e).

b) Maximum Fines. The maximum fine for a violation under this Chapter is:

- (i) **Class A Park Code Violation:** The maximum fine for a Class A Park Code Violation under this Chapter is as provided in ORS 153.018(a).
- (ii) **Class B Park Code Violation:** The maximum fine for a Class B Park Code Violation under this Chapter is as provided in ORS 153.018(b).
- (iii) **Class C Park Code Violation:** The maximum fine for a Class C Park Code Violation under this Chapter is as provided in ORS 153.018(c).
- (iv) **Class D Park Code Violation:** The maximum fine for a Class D Park Code Violation under this Chapter is as provided in ORS 153.018(d).
- (v) **Class E Park Code Violation:** The maximum fine for a Class D Park Code Violation under this Chapter is as provided in ORS 153.018(e).

c) Presumptive Fines. The presumptive fine for a violation under this Chapter is:

- (i) **Class A Park Code Violation:** The presumptive fine for a Class A Park Code Violation under this Chapter is as provided in ORS 153.019(a).
- (ii) **Class B Park Code Violation:** The presumptive fine for a Class B Park Code Violation under this Chapter is as provided in ORS 153.019(b).

- (iii) **Class C Park Code Violation:** The presumptive fine for a Class C Park Code Violation under this Chapter is as provided in ORS 153. 019(c).
- (iv) **Class D Park Code Violation:** The presumptive fine for a Class D Park Code Violation under this Chapter is as provided in ORS 153. 019(d).
- (v) **Class E Park Code Violation:** The presumptive fine for a Class D Park Code Violation under this Chapter is as provided in ORS 153. 019(e).

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.09.02 [REPEALED] Bail Schedule. ~~Bail for offenses stated in Section 6 shall be as stated in the following schedule:~~

- ~~d) Class A Park Violation: \$500~~
- ~~e) Class B Park Violation: \$250~~
- ~~f) Class C Park Violation: \$150~~
- ~~g) Class D Park Violation: \$99~~
- ~~h) Class E Park Violation: \$67~~

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; REPEALED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.09.03 Distribution of Amounts received for Payment of Fines. ~~Upon receipt of fFines imposed for violations of this Chapter ordinance, the Trial Court Clerk shall first deduct and retain the percentage amount otherwise provided for state administrative costs in connection with adjudication of county ordinance violations. The balance shall be deposited with the county treasurer, who shall credit the first \$25 or portion thereof to a dedicated fund for eCounty parks, and the remainder to the general fund.~~

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

SECTION 910 - PROCEDURE FOR CITATION; JURISDICTION; VENUE; PROSECUTION

6.05.10.01 Procedure. ~~A violation of Section 6 of this Chapter ordinance shall be prosecuted in the name of Yamhill County, Oregon, under YCC 1.10, the Yamhill County Code Enforcement Code. Citation Ordinance, No. 448.~~

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.10.02 Jurisdiction. ~~Jurisdiction for violations arising under this Chapter ordinance is vested in the Circuit Court for Yamhill County, Oregon. In the event a Justice Court shall be established in Yamhill County, Justice Court shall have concurrent jurisdiction.~~

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.10.03 Venue. ~~An action for an infraction arising under this Chapter ordinance shall be commenced in Yamhill County, including any offense committed on any body of water located in or adjacent to Yamhill County.~~

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.10.04 Prosecution. ~~At any trial involving a violation arising under this Chapter ordinance only, the Yamhill County Counsel, or designee thereof, prosecuting attorney may aid in preparing evidence and obtaining witnesses but shall not appear unless counsel for the defendant appears. As used in this subsection, the “prosecuting attorney” includes the district attorney, a city attorney or the county counsel.~~

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

SECTION 11 - SPECIAL USE EVENTS

6.05.11.01 Special Use Events.

- a) No person shall hold a special use event within a park without first obtaining a permit from the County for such use.

- b) “Special use events” means an organized group activity or event within a park that is:
- (i) Attended by over 200 people; and
 - (ii) One or more of the following conditions apply:
 - (iii) The activity or event will require use of a park, or a portion of a park, to the exclusion of other persons or the County;
 - (iv) The activity or event will result in the modification of, or embellishment to, park property, or it will place individual structures, such as tents, chairs, arches, and similar structures, on park property in a manner outside of normal recreational use, as determined by the Parks Manager or other authorized person;
 - (v) The activity or event will require use of a public-address, amplification, or lighting systems, other than those designed for personal use;
 - (vi) The applicant intends to charge money for participation or admission to the activity or event;
 - (vii) The activity or event will involve the sale of products or services;
 - (viii) The activity or event could disturb the natural, cultural, scenic, and recreational resources in the park or adjacent areas; or
 - (ix) The activity or event could pose a safety or access concern for other park users or for those involved in the event.
- a) Reservations may be required for activities or events within a park attended by less than 200 people. The policies and procedures for such reservations are at the discretion of the Parks Manager.

[ADOPTED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.05.11.02 Special Use Permit Conditions and Requirements.

- a) Upon the approval of a special use permit application, the County shall issue a special use permit with the terms of permit to be strictly observed by the applicant. The permit shall, at minimum, require that:
 - (i) The applicant assumes full responsibility and liability for damages or injury to any member of the public arising out of the activity or use, including personal injury and property damage, and for any damage to park property, including natural and cultural resources; and
 - (ii) The applicant shall indemnify and hold harmless the County, and its officers, agents, and employees against any and all damages, claims or causes of action arising from or in connection with the activity or use.
- b) Prior to the permit being issued, the applicant shall provide the County with proof of current liability insurance coverage which names the County and its officers, agents and employees as additional insureds. The insurance coverage shall have limits of not less than \$1,000,000. For activities or uses that are assessed as having high risk exposure (e.g., public firework displays), higher limits may be required at the discretion of the Parks Manager.
- c) At the discretion of the Parks Manager, the applicant may be required to deposit with the County a cash deposit, bond, or savings certificate in an amount as specified in the approved permit at least 72 hours prior to the planned special use event. This deposit, bond, or savings certificate shall be security for the applicant's faithful performance of all permit conditions and to cover any damages sustained by the County as a result of breach. The Parks Manager shall determine the amount of security, if any, based on exposure and potential for damages from the activity or use.
- d) The Parks Manager or other authorized person may establish an application fee for special use permits at the Parks Manager discretion. Any fee established under this subsection may in an amount necessary to recover the estimated costs to the County for processing, approving, and overseeing a special use permit.
- e) Special use permits may not be assigned to any other person unless otherwise authorized by the Parks Manager in writing.
- f) The County may, in its discretion, cancel a special use permit effective immediately on notice to the applicant in the event of any emergency, significant law enforcement problem, breach of permit conditions, or substantial threat to public welfare, safety, or park property arising from or affecting the special use activity.

- g) The County may stop the special use activity, and require the applicant to clear the special use area of visitors, in the event of any emergency, significant law enforcement problem, substantial threat to public safety or park resources, any breach of permit conditions, or a violation of park rules arising out of or related to the special use activity.
- h) The applicant shall terminate the special use activity immediately upon receipt of notice from the County that their permit has been cancelled and shall thereupon be responsible for the immediate cleanup and restoration of the park area.
- i) The County retains the right to enter onto any park property at any time for purposes of inspection or management.
- j) The permittee shall dispose of all solid and liquid waste in a manner approved by the County and shall not permit debris, garbage, or other refuse to accumulate or be discharged in violation of this Chapter.

[ADOPTED VIA ORDINANCE NO. 941 eff XX/XX/XX]

SECTION 120 - SEVERABILITY

6.05.12.01 Severability. If any clause, section, or provision of this Chapter ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

[ADOPTED VIA ORDINANCE NO. 619 eff 06/04/98; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

LEGISLATIVE HISTORY

Adopted via Ordinance No. 196 on 03/21/1979, effective 03/21/1979

Repealed via Ordinance No. 619 on 03/08/1998, effective 06/04/1998

Adopted via Ordinance No. 619 on 03/08/1998, effective 06/04/1998

Amended via Ordinance No. 941 on XX/XX/941X, effective XX/XX/941X

APPENDIX A: PARKS FEE SCHEDULE

[ADOPTED VIA BOARD ORDER NO. XX-941 eff XX/XX/XX]

PARK RESERVATION FEES PER DAY

- Ed Grenfell Park Picnic Shelter
 - 1-50 Attendees\$50
 - 51-100 Attendees\$75
 - 101-200 Attendees\$100
 - Refundable Cleaning Deposit.....\$100
- Lafayette Locks Park Picnic Shelter
 - 1-50 Attendees\$50
 - 51-100 Attendees\$75
 - Refundable Cleaning Deposit.....\$100
- Charles Metsker Park
 - 1-50 Attendees\$25
 - 51-100 Attendees\$50
 - 101-200 Attendees\$50
 - Refundable Key Deposit.....\$25
 - Refundable Cleaning Deposit.....\$100
- Other Group Picnic Area
 - 1-50 Attendees\$25
 - Refundable Cleaning Deposit.....\$100

ROGERS LANDING LAUNCH FEE

- Per Launch (both motorized and non-motorized vessels).....\$3
- Annual Pass (expiring one year from purchase date)\$30

YAMHILL COUNTY CODE

TITLE 6: PARKS AND PUBLIC SPACES

Chapter 6.10: Wheatland Ferry Boat Ramp Parking Regulations Code

TABLE OF CONTENTS

<i>Section</i>	<i>Title</i>
6.10.01	UNATTENDED VEHICLES
6.10.02	NOT APPLICABLE TO CITY, COUNTY, STATE, OR FEDERAL VEHICLES
6.10.03	PENALTIES
6.10.04	CITATION
6.10.05	SERVICE; <u>PROSECUTION</u>
6.10.06	REGISTERED OWNER RESPONSIBLE [REPEALED]
6.10.07	TOWING PERMITTED

LEGISLATIVE HISTORY

6.10.01 Unattended Vehicles. No person shall leave an unattended motor vehicle on those portions of the boat ramp at Wheatland Ferry that are posted as a “No Parking” zone.

[ADOPTED VIA ORDINANCE NO. 457 eff 01/06/88]

6.10.02 Not Applicable to City, County, State, or Federal Vehicles. The provisions of this ~~ordinance~~ Chapter shall not apply to a city, county, state or federal vehicle performing governmental duties or as necessary for construction or repair work at the boat ramp.

[ADOPTED VIA ORDINANCE NO. 457 eff 01/06/88; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.10.03 Penalties. Any person found guilty of violating this ~~ordinance~~ Chapter is punishable as a Class D Park Violation and shall be penalized as set forth in the Yamhill County Parks Code, Section 6.09. ~~may be punished by imposition of a fine not to exceed \$10.00. The maximum fine shall double if the defendant fails to either pay the fine or request a court appearance within seven days of issuance of a Uniform Parking Citation.~~

[ADOPTED VIA ORDINANCE NO. 457 eff 01/06/88; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.10.04 Citation. In all prosecutions for violations of this ~~ordinance~~ Chapter, it shall be sufficient to charge the defendant by an unsworn written notice known as a Uniform Parking Citation which shall clearly state:

- The date, place, and nature of the charge;
- The time and place for the defendant to either pay the fine or request a hearing before the court;
- The name of the issuing officer;
- The license number of the vehicle.

[ADOPTED VIA ORDINANCE NO. 457 eff 01/06/88; AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX]

6.10.05 Service; Prosecution.

- a) Service. The citation described in Section 6.10.04 of this ~~ordinance Chapter~~ shall serve as the complaint in the case and shall either be delivered to the defendant or placed in a conspicuous place upon the vehicle involved in the violation. ~~In all other respects the procedures provided for by law in such cases shall be followed.~~
- b) Prosecution. A citation issued under this Chapter shall be prosecuted in the name of Yamhill County, Oregon, under the procedures provided under the Yamhill County Code Enforcement Code, YCC 1.10.

[ADOPTED VIA ORDINANCE NO. 457 eff 01/06/88; ~~AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX~~]

6.10.06 [REPEALED] Registered Owner Responsible. ~~The registered owner of the vehicle involved in a violation of this ordinance is prima facie responsible for the violation charged pursuant to this ordinance. The registered owner or other party responsible for the violation shall, within seven days, either pay the fine indicated on the citation or request a hearing. If an appearance is requested, the matter will be placed on the district court calendar for hearing. If no response is received from the defendant after 14 days from date of issuance of the citation, the county may move the court for an order requiring the defendant to appear.~~

[ADOPTED VIA ORDINANCE NO. 457 eff 01/06/88; ~~REPEALED VIA ORDINANCE NO. 941 eff XX/XX/XX~~]

6.10.07 Towing.

- a) Whenever a vehicle on the boat ramp at Wheatland Ferry is parked in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.
- b) A vehicle that is not parked in a manner that constitutes an obstruction to traffic or a hazard to public safety may only be towed if:
- (i) The vehicle is parked in violation of ~~ordinance Chapter~~, another county parking ordinance, or state law;
 - (ii) The vehicle has four or more unpaid parking violations arising out of this ~~ordinance Chapter~~ or YCC 6.05, Yamhill County Parks Code, outstanding against it;
 - (iii) The registered owner of the vehicle has been mailed notice that due to nonpayment of four or more parking citations, the owner's vehicle may be subject to towing. The notice provided shall be as specified in ORS 819.170 except that no notice by affixing a citation to the vehicle shall be required; and
 - (iv) The registered owner is given prior opportunity for hearing substantially as provided in ORS 819.190. A vehicle impounded under this subsection may be held until all outstanding fines and charges have been paid.
- c) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of ORS Chapter 819 relating to the impoundment and disposition of vehicles abandoned on public highways.
- d) The impoundment of a vehicle shall not preclude the issuance of a citation for violations of this ~~ordinance Chapter~~ Chapter.

[ADOPTED VIA ORDINANCE NO. 457 eff 01/06/88; ~~AMENDED VIA ORDINANCE NO. 941 eff XX/XX/XX~~]

LEGISLATIVE HISTORY

Adopted via Ordinance No. 457 on 01/06/1988, effective 01/06/1988

Amended via Ordinance No. 941 on XX/XX/XXXX, effective XX/XX/XXXX