

FILED 32 PAGE 1873
 YAMHILL COUNTY, OREGON
 MAR 27 9 51 AM '79
 WANDA CATT
 COUNTY CLERK
 Deputy

1 IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
 2 FOR THE COUNTY OF YAMHILL
 3 (Sitting for the Transaction of County Business)

4 An Ordinance Relating to)
 use of Yamhill County)
 5 Parks, forests and recrea-) YAMHILL COUNTY PARK ORDINANCE
 tional areas; supplies)
 6 definitions; prohibiting) NO. 196
 certain activities;)
 7 providing for the adoption)
 of rules and regulations;)
 8 providing for an enforce-)
 ment method; regulating)
 9 the parking of motor)
 vehicles; providing penal-)
 10 ties and declaring an)
 emergency.)

11
 12 SECTION I

13 PURPOSE AND POLICY

14 IT APPEARING TO THE BOARD of Commissioners of Yamhill
 15 County (the Board) that ORS 275.350 provides that the governing
 16 body of a county may make regulations and provisions for the use
 17 and administration of county forests, parks, and recreational
 18 areas owned, leased or otherwise controlled by Yamhill County,
 19 Oregon and that ORS 203.035 provides that Yamhill County may
 20 enact an ordinance pertaining to matters of County concern; and

21 IT FURTHER APPEARS TO THE BOARD that an ordinance
 22 regulating and administering said County forests, parks and
 23 recreation areas is necessary to protect the health, safety, and
 24 welfare of the citizens and residents of Yamhill County, NOW,
 25 THEREFORE, THE BOARD ORDAINS AS FOLLOWS:

26 ////

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SECTION II

TITLE

This Ordinance shall be referred to and pleaded as the "Yamhill County Park Ordinance No. 196" and may be referred to herein as "this Ordinance."

SECTION III

DEFINITIONS

3.1 General Definitions. As used in this Ordinance, the terms defined in this Section shall have the defined meanings unless the context requires otherwise; words in the present tense include the future; the singular includes the plural; plural usage includes the singular; "shall" means mandatory, not directory; and the masculine gender includes the feminine and feminine includes the masculine.

3.2 Specific Definitions. As used in this Ordinance the following terms shall have the defined meanings set forth below:

- a. "Board" means the Board of Commissioners of Yamhill County.
- b. "Park Areas" means a parcel of land, or reservoir or water impoundment area owned, leased, controlled or administered by Yamhill County, for recreation or open space purposes, includes such properties that the Board may designate as a "Park Area" and includes Yamhill County forests, parks and recreation areas.

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- c. "Park Board" means the Yamhill County Park and Recreation Board.
- d. "Sheriff" means the Yamhill County Sheriff or his duly appointed deputies.

SECTION IV

ADMINISTRATION AND ENFORCEMENT

4.1 Administration. The Yamhill County Sheriff and the Park Board, under the direction of the Board shall be responsible for the administration and enforcement of this Ordinance. The Sheriff shall administer the day-to-day activities undertaken in connection with this Ordinance and the rules and regulations adopted pursuant thereto.

4.2 Authority. The Sheriff shall have the authority to do all things necessary to administer the provisions of this Ordinance and the rules and regulations adopted pursuant thereto, and to control the use of all facilities in a park area.

4.3 Enforcement. The enforcement of this Ordinance and the rules and regulations relating to and governing the use of Yamhill County parks, forests, and recreation areas is not intended to limit the legal jurisdiction of any federal, state or county enforcement agency created by law, including but not limited to, the fire protection districts regularly charged with the responsibility of providing fire protection for park areas.

4.4 Duties and Powers of Sheriff. The duties and powers of the Sheriff and his deputies in regard to this

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Ordinance shall be as follows:

- a. To have police power in the enforcement of all provision of this Ordinance, and in connection therewith, to issue citations for violations of this Ordinance and the rules and regulations adopted pursuant to Section VI hereof and to perform all other acts necessary for the enforcement of this Ordinance and the rules and regulations adopted pursuant hereto.
- b. To do all acts necessary to preserve the proprietary interest of Yamhill County in the park areas.
- c. To receive and collect any costs, charges or fees hereinafter provided for by this Ordinance or the rules and regulations adopted pursuant thereto.
- d. To post official signs regulating or prohibiting the stopping, standing or parking of motor vehicles and or trailers in park areas.

SECTION V
PARKING

5.1 State Law Applies. ORS 487.575, ORS 487.580, and ORS 487.585, insofar as they are relevant to the parking of vehicles in park areas, are hereby adopted as part of this

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1 Ordinance as if fully set forth herein.

2 5.2 Where and When Parking Permitted. Parking of
3 vehicles shall not be permitted in those areas of Yamhill
4 County's parks, forests, and recreation areas designated by
5 official signs or markers to be no-parking areas, and parking of
6 a vehicle shall be only for such period of time as set forth on
7 official signs or marker. Further, parking may be restricted by
8 other provisions of this Ordinance.

9 5.3 Method of Parking. Where parking space markings
10 are placed upon the ground, no person shall stand or park a
11 vehicle other than in the indicated direction and, unless the size
12 or shape of the vehicle makes compliance impossible, within a
13 single marked space.

14 5.4 Prohibited Parking. No operator shall park, and no
15 owner shall allow a vehicle to be parked, within a park area for
16 the principle purpose of:

- 17 a. Displaying the vehicle for sale;
- 18 b. Repairing or servicing the vehicle, except
- 19 repairs necessitated by an emergency;
- 20 c. Selling merchandise from the vehicle, except
- 21 when authorized.

22 5.5 Unattended Vehicles. No person shall leave a motor
23 vehicle unattended with the ignition key in the vehicle. Any
24 police officer finding such a vehicle is authorized, in addition
25 to issuing a citation pursuant to this Ordinance, to remove the
26 key from the vehicle and deliver the key to the Sheriff's office.

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5.6 Exemption. The provisions of this Ordinance regulating the parking or standing of vehicles shall not apply to a vehicle of a city, county or state or public utility while necessarily in use for construction or repair work, or a vehicle owned by the United States while in use for the collection, transportation, or delivery of mail.

5.7 Violation. It shall be a violation of this Ordinance for any person to violate the provisions of this Section. Said violation shall be punished as provided in Section 8.2 of this Ordinance.

SECTION VI

6.1 Upon the recommendation of the Sheriff or Park Board or upon its own motion, the Board may, by Resolution or Order, promulgate rules and regulations pertaining to the administration and enforcement of this Ordinance and to carry out the purposes thereof, including but not limited to, the following subjects:

- a. Fire prevention and control;
- b. Hunting and trapping;
- c. Use of firearms;
- d. Removal of plant life;
- e. Destruction of park facilities;
- f. Removal of rocks;
- g. Erection of signs;
- h. Digging in park areas;
- i. Sales of goods and services;

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- j. Use of motor vehicles;
- k. Animals brought into park areas;
- l. Disposal of garbage;
- m. Making of unreasonable levels of noise;
- n. Horses;
- o. Abusive, threatening, boisterous, vile, obscene, or indecent language or conduct;
- p. Public demonstrations or mass gatherings;
- q. Overnight camping;
- r. Marine rules and regulations for the use of reservoirs and watershed areas;
- s. Violation procedures;
- t. Special uses and events;
- u. Fees;
- v. Times and hours for park use;
- w. Any other rule or regulation necessary for the public health, safety, welfare or convenience.

6.2 In enacting said rules and regulations the Board shall give due consideration to the potential civil liability which may arise from the public's use of park areas and shall, whenever feasible, provide that the users of park areas shall do so at their own risk and that Yamhill County shall be held harmless. In fulfilling the requirements of this Section the Board shall cause all permits and licenses issued pursuant to this Ordinance to contain a statement setting forth Yamhill

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1 County's duties and responsibilities, and informing the holder
 2 of said permit or license thereof.

3 SECTION VII

4 PROHIBITED ACTIVITIES

5 7.1 Hindering Enforcement. It shall be a violation
 6 of this Ordinance for any person to interfere with, hinder,
 7 molest, or verbally abuse the Yamhill County Sheriff or his
 8 deputies while in the exercise of his duties pursuant to this
 9 Ordinance or the rules and regulations adopted pursuant thereto.

10 7.2 Rules and Regulations. It shall be a violation
 11 of this Ordinance for any person to violate the provisions of
 12 this Ordinance, and any rule or regulation adopted by Yamhill
 13 County pursuant to Section VI of this Ordinance which rule
 14 or regulation was duly adopted and entered upon the Commissioners
 15 Journal of Yamhill County, Oregon.

16 7.3 Failure to Appear. It shall be a violation of
 17 this Ordinance for any person to fail to make an appearance in
 18 court pursuant to a Uniform Park Citation or complaint or post
 19 bail as required by Subsection 9.7(a) of this Ordinance or
 20 pursuant to an Order of the Court to appear as required by
 21 Subsection 9.7(c) of this Ordinance, or failure to appear at
 22 time of trial after a plea of "not guilty" or failure to make
 23 an appearance in court after receiving a citation to appear as
 24 a result of a parking violation pursuant to Subsection 10.4 of
 25 this Ordinance.

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1 7.4 Destruction of Uniform Parking Citation. It
2 shall be a violation of this Ordinance for any person to change,
3 erase, alter, mar, mark, mutilate or destroy a Uniform Parking
4 Citation issued pursuant to Section X of this Ordinance.

5 SECTION VIII

6 PENALTIES

7 8.1 Upon conviction of any person for a violation of
8 Subsections 7.1 and 7.2 of this Ordinance, such person may be
9 punished by a fine of not more than five hundred dollars (\$500),
10 except that violations of Section V of this Ordinance shall be
11 punished as provided in Subsection 8.2 of this Ordinance.

12 8.2 Upon conviction of any person for a violation of
13 Section V of this Ordinance, such may be punished by a fine of
14 not more than the following amounts:

- 15 a. Overtime parking \$ 5.00
- 16 b. Parking over the lines marked
- 17 for parking 5.00
- 18 c. Parking in "No Parking" area , 10.00
- 19 d. Leaving a vehicle unattended
- 20 with ignition key in the
- 21 vehicle 5.00
- 22 e. Any other violation(s) of
- 23 the parking provisions of
- 24 this Ordinance 10.00

25 Provided, however, that the above fines shall double
26 in amount if the defendant either fails to pay said fine or

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1 request a court appearance within seven (7) days of the issuance
 2 of a Uniform Parking Citation.

3 8.3 Upon conviction of any person for violation of
 4 Subsection 7.3 or 7.4 of this Ordinance, such person may be
 5 punished by a fine of not more than five hundred dollars (\$500).

6 8.4 Each day a person shall be in violation of this
 7 Ordinance or the rules or regulations adopted pursuant thereto
 8 shall be deemed a separate offense.

9 SECTION IX

10 ENFORCEMENT PROCEDURES

11 Uniform Park Citation

12 9.1 Manner of Citation. A Uniform Park Citation,
 13 conforming to the requirements of this Section, shall be used
 14 for all violations of this Ordinance, except for parking viola-
 15 tions provided for in Section V of this Ordinance.

16 9.2 Uniform Park Citation. The Uniform Park Citation
 17 shall consist of three parts, and such additional parts as may
 18 be inserted for administrative use.

19 a. The required parts are as follows:

- 20 (1) Complaint
- 21 (2) Sheriff's record of violation
- 22 (3) Summons

23 b. Each of the parts shall contain the following
 24 information or blanks in which the information
 25 shall be entered:

- 26 (1) Name of the court;

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- (2) Name of the person cited;
- (3) Brief description of the violation of which the person is charged, in such a manner as can readily be understood by a person making a reasonable effort to do so; the date, the time and the place at which the violation occurred, the date on which the Citation is issued, and the name of the Complainant.
- (4) The time and place set for the person cited to appear in court;
- (5) The bail, if any, fixed for the violation.

c. Each of the parts shall also contain such identifying and additional information as may be necessary or appropriate for the Yamhill County Sheriff to administer this Ordinance and the rules and regulations adopted pursuant thereto.

9.3 Amendments of a Uniform Park Citation. Any error in transcribing the information in the blanks provided on the Uniform Park Citation form, when determined by the court to be nonprejudicial to the defendant's defense, may be corrected at the time of trial or prior to trial, with notice being given to the defendant.

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1 9.4 Time to Raise Errors on Citation. Except as
 2 provided in Subsection 9.3 above, the Complaint shall be set
 3 aside by the court only upon the motion of the defendant before
 4 plea, if it does not conform to the requirements of this Section.

5 9.5 Certification of Uniform Park Citation. The
 6 Citation shall contain a form of certificate by the Complainant
 7 to the effect that he certifies that he has reasonable grounds
 8 to believe, and does believe, that the person cited committed
 9 the offense contrary to law. The certification, if made by a
 10 police officer, need not be made before a magistrate or any
 11 other person. A private person shall certify before a magistrate,
 12 clerk, or deputy clerk of the court, and this action will be
 13 entered in the Court Record. A certificate conforming to this
 14 Section shall be deemed equivalent to a sworn Complaint.

15 9.7 Appearance by Defendant.
 16 a. The defendant shall either appear in court
 17 at the time indicated in the Summons, or
 18 prior to such time shall deliver to the court
 19 the Summons, together with a check or money
 20 order in the amount of the bail set forth in
 21 the Summons and enclosing therewith:
 22 (1) A request for a hearing; or
 23 (2) A statement of explanation or mitigation
 24 of the offense charged; or
 25 (3) The executed appearance, waiver of
 26 hearing and plea of guilty appearing

1 on the Summons. A statement in
 2 explanation or mitigation also may be
 3 enclosed with the guilty plea.

4 b. If a defendant submits to the Court a
 5 written statement as provided in Subsection
 6 9.7(a)(2), it operates as a waiver of hearing
 7 and consent to judgment by the Court, declar-
 8 ing a forfeiture of bail on the basis of
 9 such statement and any testimony or written
 10 statement of the arresting officer or other
 11 witnesses which may be presented to the Court.
 12 A judgment by the Court declaring a forfeiture
 13 of bail, pursuant to this Section, shall be
 14 deemed a conviction of the offense charged
 15 in the Citation.

16 c. In any case, the Court may direct that a
 17 hearing be held. In the event the Court
 18 directs that a hearing be had, the Court
 19 shall fix a date and time for the hearing and,
 20 unless notice is waived, shall, at least
 21 five days in advance of the hearing, mail to
 22 the defendant notice of the date and time so
 23 fixed. The notice shall set forth a warning
 24 that for a failure to appear for the hearing,
 25 a citation or warrant may issue for failure
 26 to appear.

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9.8 Failure of Defendant to Appear.

- a. If the defendant fails to comply with Subsection 9.7, or fails to appear at any time fixed by the Court, a warrant for his arrest may be issued.
- b. If the defendant fails to appear at any time fixed by the Court and has posted bail, the Court may order a forfeiture of that bail. No warrant of arrest may be issued pursuant to Subsection 9.8(a) after a period of 60 days from the date of the entry of an Order declaring a forfeiture of bail or other security given by the arrested person. Unless a warrant has been issued before the expiration of that period, the Order of Forfeiture shall be deemed the final disposition of the case and shall be deemed a conviction of the offense charged in the Citation.

SECTION X

ENFORCEMENT PROVISIONS

Parking Violations

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

- a. The date, place and nature of the charge;

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- b. The time and place for defendant's appearance in court;
- c. The name of the issuing officer;
- d. The license number of the vehicle.

10.2 Citation acts as Complaint. The Citation provided for in Subsection 10.1 of this Ordinance 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.

10.3 Owner Responsibility. The registered owner of the vehicle involved in a violation is prima facie responsible for the violation charged by the Uniform Parking Citation.

10.4 Procedure. Upon receipt of a Uniform Parking Citation, the registered owner of the vehicle involved must, within seven days, either pay the fine indicated on the Citation or request a court appearance. If an appearance is requested, the matter will be placed on the court calendar for arraignment. After seven days from the date of issuance of the Citation, the fine shall double unless paid or an appearance has been requested. After 14 days from the date of issuance of the Uniform Parking Citation, Yamhill County may move the Court for an Order citing the defendant to appear.

10.5 Impoundment.

- a. Whenever a vehicle in a public park is placed in a manner or location that constitutes an

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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. The disposition of a vehicle towed and stored under authority of this Section shall be in accordance with the provisions of ORS Chapter 483 relating to the impoundment and disposition of vehicle abandoned on public highways.

c. The impoundment of a vehicle will not preclude the issuance of a citation for violations of a provision of this Ordinance.

d. Whenever a police officer observes a vehicle parked in violation of a provision of this Ordinance or state law, if the vehicle has four or more unpaid parking violations arising out of this Ordinance outstanding against it, the officer may, in addition to

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issuing a Citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this Subsection shall be disposed of in the same manner as is provided in Subparagraph b. of this Section.

SECTION XI

CONFORMITY WITH LAW

This Ordinance shall not be a substitute for, nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon, its agencies and departments, or any rules or regulations of Yamhill County.

SECTION XII

SEPARABILITY

If any Section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and dependent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION XIII

REPEAL

13.1 All previous Ordinances and Board Orders regulating the use of County parks, forests or recreation areas

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1 are hereby repealed.

2 SECTION XIV

3 EMERGENCY CLAUSE

4 This Ordinance being necessary for the immediate
5 preservation of the public peace, health, safety, and welfare,
6 an emergency is here declared to exist and this Ordinance shall
7 take effect immediately upon its enactment.

8 SECTION XV

9 EFFECTIVE DATE

10 This Ordinance shall be in full force and effect
11 immediately upon its enactment on the date set forth below.

12 NOW, THEREFORE, after Public Hearing and First Reading
13 on March 7, 1979, and after Public Hearing and Second Reading on
14 March 21, 1979, before the Yamhill County Board of County
15 Commissioners, in regular session, after the declaration of
16 the existence of an emergency, and upon a motion duly made and
17 regularly passed, this Ordinance was enacted on the 21st day of
18 March, 1979.

19 ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

20 WANDA CATT, County Clerk

21 by

22 Patricia Mullen
Patricia Mullen, Deputy

Colin Armstrong
Chairman Colin Armstrong

23 APPROVED AS TO FORM:

24 Ted Lopuszynski
Commissioner Ted Lopuszynski

25 Daryl S. Garrettson
26 Daryl S. Garrettson
Assistant County Counsel

John P. Macaulay
Commissioner John P. Macaulay

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