

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 an Ordinance Establishing a Boat Launch)
Fee of \$3 per Launch or \$30 per annum at Rogers Landing) ORDINANCE 770
Park; Declaring an Emergency; Effective August 1, 2005.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on July 13, 2005, commissioners Mary P. Stern, Leslie Lewis and Kathy George being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

- A. The Yamhill County Parks Board and staff has recommended that the Board establish a boat launch fee of \$3 per launch at Rogers Landing Park. The purpose of the fee is to offset operational costs for Rogers Landing Park due to the significant increase in park usage following recent upgrades to the park totaling about \$1.4 million.
- B. On June 22, 2005 the Board held a duly noticed public hearing in the county courthouse to consider the fee proposal. All those persons who testified supported the fee.
- C. Following the public hearing, the Board deliberated and determined to establish the fee beginning August 1, 2005 to offset operational costs at the park and expenses for marine patrol enforcement of the fee. The matter was continued to June 29, 2005 for adoption an ordinance implementing the Board's decision. Thereafter, it was continued to July 13, 2005. NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

Section 1. Definitions. For purposes of this ordinance, the following definitions apply.

- a. To "launch" means to place into the Willamette River any boat.
- b. A "boat" means every description of watercraft, including a seaplane on the water and not in flight, used or capable of being used as a means of transportation on the water, but does not include boathouses, floating homes, air mattresses, beach and water toys or single inner tubes. A "boat" does not include a watercraft operated by a law enforcement agency, the Oregon Marine Board, or SP Newsprint for purposes of maintaining its facilities located within Rogers Landing Park.

Section 2. Establishment of Boat Launch Fee. Effective August 1, 2005 there is hereby established a boat launch fee at Rogers Landing Park for each boat launched on the Willamette River from Rogers Landing Park. The fee is imposed against the operator of the boat and is subject to the following provisions:

- a. Fee is \$3 per launch or \$30 for annual pass expiring one year from purchase.
- b. Fee is in effect year-round, seven days per week whenever the park is open to the general public.

Section 3. Dedication of Proceeds from Fees. Proceeds from Rogers Landing boat launch fees are hereby dedicated for the following purposes:

- a. Management, maintenance and enhancements at Rogers Landing Park.
- b. Marine patrol by Yamhill County Sheriff's Office.

Section 4. Penalty for Launching Boat without Paying Fee. Launching a boat without first paying the fee established by Section 2 is a violation as described in ORS 153.008 that constitutes an offense as described in ORS 161.505. The violation of launching a boat without first paying the fee established by Section 2 is punishable as provided in a Board Order to be adopted before August 1, 2005 to specify the maximum fine.

Section 5. Enforcement. Violators may be cited into Yamhill County Circuit Court or, if created, Yamhill County Justice Court, by any sworn police officer, deputy sheriff, or other enforcement officer pursuant to statute and/or county citation ordinance.

Section 6. Severability. If any section, subsection, paragraph, sentence, clause, phrase, or other portion of this ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, that portion of the ordinance shall be deemed separate and distinct, and the remainder of this ordinance shall continue in full force and effect.

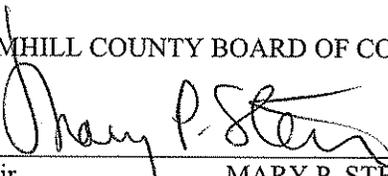
Section 7. Effective date; emergency clause. The first and second readings of this ordinance were made July 13, 2005. To carry out the intent of this ordinance an emergency is hereby declared to exist. In accordance with ORS 203.045(4) this ordinance shall take effect August 1, 2005.

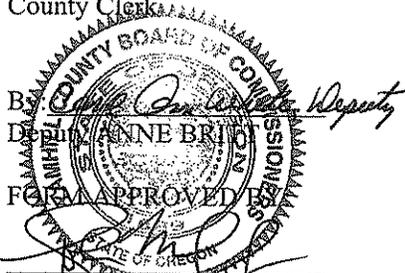
DONE at McMinnville, Oregon on July 13, 2005.

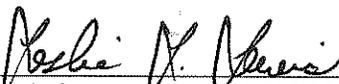
ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

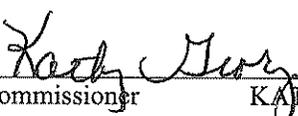
JAN COLEMAN
County Clerk


Chair MARY P. STERN


ANNE BRIDGES
Deputy


Commissioner LESLIE LEWIS

JOHN M. GRAY, JR.
Yamhill County Legal Counsel


Commissioner KATHY GEORGE

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