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## Chapter 6

### OFFENSES

#### PUBLIC PROPERTY

##### **6.025 Trespass on Public Property.**

(1) No person shall, without having a lawful purpose, loiter or wander in or upon County owned buildings or premises.

(2) No person shall enter in or upon County owned buildings or premises and conduct themselves in such a manner so as to interfere with the peaceful use of said buildings or premises by other persons.

(3) No person shall congregate with others in or upon any County owned building or premises in such a manner to either interfere with the peaceful use of said buildings or premises by other persons or whereby such conduct may cause a breach of the peace.

(4) It shall be presumed that a person is acting without a lawful purpose if:

(a) Said person is in or upon any County owned building or premises at times other than during hours of normal business or operation and without permission to be there, or

(b) Said person is in or upon any County owned building or premises and upon request of a duly authorized officer refuses to disclose said person's purpose of being there or refuses to leave said building or premises.

(5) As used in this section, "County owned building or premises" includes, but shall not be limited to, County roads, County owned parks and parking lots, the County Courthouse, the Juvenile Court Center, the County Fairgrounds and Extension Building, and Willamalane Park and Recreation District roads, parks, parking lots and buildings. *(Revised by Ordinance No. 13-78, Effective 8.11.78; 1-00, 4.12.00)*

#### POSTED LIMITS OF USE

##### **6.030 Violation of Posted Limits of Use.**

(1) A person commits the offense of violation of posted limits of use of a park or Local Access road or County road if the person does any of the following:

(a) Enters or remains in a County park, Local Access road or County road and appurtenant right-of-way in violation of the terms of any posted sign giving notice of the limits of use.

(b) Operates or parks, or causes to be operated or parked, any motor vehicle on a County park, Local Access road or County road in violation of the terms of any posted sign giving notice of the limits of use.

(2) Definitions. For the purposes of this section, the following words and phrases shall mean:

Local Access. Any road as so defined in ORS 368.001(3) [1999 Ed.]

County Road. Any County road as defined in ORS 368.001(1) [1999 Ed.]

Park. For the purpose of this offense:

(a) Any land owned or leased by Lane County and designated as a park by order of the Board of County Commissioners outside the limits of any incorporated city.

(b) Any land owned or leased by any Park and Recreation District outside the corporate limits of any incorporated city.

(c) Any public boat landing maintained by Lane County or the Oregon Department of Fish and Wildlife.

**Posted Limits of Use.** Any sign duly posted at the park, Local Access road or County road giving notice of the Board of County Commissioners' order limiting hours or seasons of use.

(3) Exceptions

(a) Posted limits of use do not apply to persons performing normal and accepted farming practices.

(b) Posted limits of use do not apply to persons acting within the course and scope of their employment for a public or quasi-public agency or as an agent thereof. *(Revised by Ordinance No. 4-88, Effective 6.1.88; 1-00, 4.12.00)*

**6.040 Violation of Posted Restrictions of Use (Other Public Land).**

(1) A person commits the offense of violation of posted restrictions of use (other public land) if the person is on public land not described in LC 6.030 at a time when the land is closed to the public or when specific activity or possession of certain items on the land is otherwise restricted, and notice of the closure or restriction has been posted or otherwise duly promulgated by a governmental unit or agency with authority to impose the closure or restriction.

(2) For purposes of subsection (1) of this section, if the restriction prohibits the possession of alcoholic liquor, then possession of alcoholic liquor includes the possession, control or acceptance of a container of alcoholic liquor, or any portion thereof, or exercising control of such liquor or keeping such liquor in any vehicle, tent, backpack, cooler or other container or conveyance within the boundaries of the posted restriction area.

(3) Violation of LC 6.040 is punishable upon conviction by a fine of not more than \$500. *(Revised by Ordinance No. 7-03, Effective 9.11.03)*

**PROHIBITED NUDDITY**

**6.100 Prohibited Nudity and Penalty.**

(1) No person, eight years of age or older, shall on public or private property, expose his or her genitals to another person, except within the boundaries of private property with the permission of the owner of said property, that is screened so that the act cannot be viewed from any other property.

(2) The Board of County Commissioners may designate certain areas as exceptions to LC 6.100(1) above after public notice and after a public hearing has been held with respect to the area to be designated as an exception. The areas so designated shall be posted so that the general public could not enter without being aware of the character of the area. In making such designation after said hearing, the following criteria shall be considered:

- (a) Public character of the area.
- (b) Traditional use of the area.
- (c) Intensity and frequency of area use.
- (d) Public safety.
- (e) Balancing of interests of all Lane County residents.
- (f) Public hearing to receive testimony from proponents and opponents.

(3) The hearing required in LC 6.100(2) above may be held after a minimum 30-day public notice.

(4) Violation of LC 6.100(1) above is punishable upon conviction by a fine of not more than \$1,000 and by imprisonment in the County jail of not more than 30 days, or by both. *(Revised 11.2.76 by Initiative Petition)*

## LITTERING

### 6.200 Littering and Penalty.

(1) Any person who throws or places, or who directs or permits another person to throw or place, other than in receptacles provided therefor, upon the private land or waters of another person without the permission of the owner, or upon public lands or waters, or upon any public place, any rubbish, trash, garbage, debris or other refuse, commits the violation of littering.

(2) Littering shall be a Class B violation. The imposition of fine does not relieve a responsible person of the duty to abate the nuisance.

(3) Evidence of a name found on an item in a deposit of illegally dumped rubbish, which would ordinarily denote ownership of the item, such as the name of an addressee on an envelope, shall constitute prima facie evidence that the person whose name appears on the item has violated LC 6.200. *(Revised by Ordinance No. 6-73, Effective 5.30.73; 1-00, 4.12.00)*

## METHODS OF KILLING ANIMALS IN SHELTERS

### 6.300 Methods of Killing Animals in Shelters.

(1) The use of the decompression chamber and all other methods of killing dogs and cats in pounds, shelters, societies, and like institutions which kill dogs and cats is hereby prohibited, with the exception of the individual injection of sodium pentobarbital to be administered by a licensed veterinarian or a trained, experienced animal technician, who has been qualified.

(2) "Pounds, shelters, societies, and like institutions which kill dogs and cats" includes, but is not limited to: Pound facilities, shelter facilities, animal societies, humane societies, kennels, dog control authorities, whether public or private, charitable or commercial.

(3) "Animal technician" means an individual who has received a certificate from a recognized college or university or an individual who has had past or present experience in administering injections to animals.

(4) "Has been qualified" means one who has successfully completed the Euthanasia Training Program as set forth in LC 6.300(5) below, and who has received certification of completion of the Euthanasia Training Program by the Lane County Staff Veterinarian and who has been further certified as capable of performing the functions of administering individual injections to animals by the Lane County Staff Veterinarian.

(5) The Euthanasia Training Program shall include, but not to be limited to:

(a) Two days of observing individual injection euthanasia as conducted by the Lane County Staff Veterinarian.

(b) Three days of assisting individual injection euthanasia as conducted by the Lane County Staff Veterinarian.

(c) One week, five work days, of administering individual injections to dead animals, but in no case less than 50 administered injections.

(d) One week, five work days, of administering individual injections to tranquilized animals, but in no case less than 50 administered injections.

(e) One week, five work days, of administering individual injection euthanasia to live animals under the supervision of the Lane County Staff Veterinarian.

(6) Any peace officer or animal control officer is hereby authorized to issue citations for violation of LC 6.300(1) above.

(7) Violation of LC 6.300(1) above is punishable upon conviction by a fine of not more than \$1,000 or by imprisonment in the County jail for not more than one year, or by both. *(Revised 5.23.78 by Initiative Petition; 24-78, 9.27.78)*

## TRAFFIC AND PARKING

### 6.400 Traffic Regulations Definitions.

In addition to definitions in the Oregon Vehicle Code, for purposes of LC 6.400 through 6.475 the following terms mean:

Loading Zone. A roadway space designated by sign for loading or unloading passengers or materials during specified hours of specified days.

Motor Truck. A motor vehicle with a maximum combined vehicle and load weight over 8,000 pounds that is designed or used to carry freight, property, articles or things.

Person. A natural person, firm, partnership, association or corporation.

Street. Highway, road or street as defined in ORS 801.110, 801.305, 801.450 and 801.524, including the entire width of the right-of-way.

Traffic Violation. An offense designated in LC 6.400 through 6.475 and described in ORS Chapter 153. Except as otherwise provided, penalties for traffic violations are provided in ORS 153.018

Vehicle. Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes but is not limited to utility trailers, motor homes, boats, campers and vehicles that are propelled or powered by any means. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

### 6.405 Emergency Authority.

(1) If a fire or other public emergency occurs, officers of law enforcement and fire departments may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

(2) Non-functioning traffic control devices shall be treated as an all-way stop by vehicle operators on all affected streets.

(3) The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from, a fire alarm, may park or stand irrespective of the provisions of this ordinance.

(4) This section shall not relieve drivers of authorized emergency vehicles from the duty to park or stand with regard for the safety of all persons. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

### 6.420 Storing Personal Property on Streets.

(1) No person shall store, or permit to be stored, any personal property other than vehicles on a street, or other public property, where temporary vehicle parking is authorized, in excess of 24 hours without written permission of the governing body. Failure to move such personal property for 24 hours constitutes prima facie evidence of storage.

(2) Violation of this section is a Class C traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

### 6.425 Method of Parking.

(1) When parking spaces are designated on a street, no person shall park or stand a vehicle other than in the direction of the traffic flow and in such a manner that the front

vehicle tire closest to the curb is located within 12 inches of the curb and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.

(2) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street or public lot has priority to park in that space, and no other vehicle operator shall attempt to interfere.

(3) When the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless directed otherwise by police or fire officers.

(4) Motorcycles may be parked in a street perpendicular to the edge of the roadway provided, however, that such cycles shall be parked within designated vehicle parking spaces and shall not be parked so as to interfere with the safety or operation of vehicles parked in adjacent parking spaces.

(5) Violation of this section is a Class D traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

#### **6.430 Prohibited Parking or Standing.**

In addition to the prohibitions of the Oregon Vehicle Code, no person shall park or stand a vehicle and no owner shall allow a vehicle to be parked or left standing:

(1) On a street in violation of a lawfully erected traffic control device giving notice of any regulations or restrictions on the parking or standing of vehicles.

(2) In an alley, except for a stop of not more than 30 consecutive minutes for loading or unloading persons or material.

(3) On or near any public boat launch ramp in a manner that obstructs or impedes the use of the boat launch ramp, except while the vehicle is attended and actively engaged in the loading or unloading of watercraft.

(4) Violation of this section is a Class D traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00; 7-06, 10.27.06)*

#### **6.435 Prohibited Practices.**

(1) No person shall park or stand a vehicle, and no owner shall allow a vehicle to be parked or left standing, on a street or other public property for the principal purpose of:

(a) Displaying the vehicle for sale.

(b) Repairing or servicing the vehicle, except while making repairs necessitated by an emergency.

(c) Selling merchandise from the vehicle.

(2) Violation of this section is a Class D traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

#### **6.440 Use of Loading Zone.**

(1) No person shall park or stand a vehicle, and no owner shall allow a vehicle to be parked or left standing in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed 30 minutes.

(2) Violation of this section is a Class D traffic violation. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

#### **6.445 Lights on Parked Vehicle.**

No lights need be displayed on a vehicle that is parked in accordance with applicable law on a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

**6.450 Exemptions.**

The provisions of LC 6.425 through 6.440 that regulate the parking or standing of vehicles do not apply to:

- (1) A city, County, state or public utility vehicle being used for public works maintenance, construction or repair work.
- (2) A vehicle owned by the United States and being used for collection, transportation or delivery of mail.
- (3) A vehicle of a disabled person who complies with the provisions of ORS 801.235 and 811.602 through 811.640. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00)*

**6.460 Owner Responsibility.**

The owner of an unattended vehicle that is parked in violation of a parking restriction imposed by LC 6.425 through LC 6.440 shall be responsible for the offense unless the operator used the vehicle without the owner's consent. In all prosecutions of the owner of a vehicle found in violation of LC 6.425 through 6.440, it shall be sufficient to charge the defendant in the manner provided in ORS 810.425. *(Revised by Ordinance No. 9-88, Effective 6.1.88)*

**6.465 Registered Owner Presumption.**

In a proceeding charging violation of a parking restriction imposed by LC 6.425 through 6.440 against a vehicle owner, proof that the vehicle was registered to the defendant at the time of the violation constitutes a presumption that the defendant was the owner. *(Revised by Ordinance No. 9-88, Effective 6.1.88)*

**6.475 Impoundment of Vehicles.**

- (1) Disposition of a vehicle towed and stored under provisions of state law for the removal of hazardous vehicles shall be in accordance with provisions of state law and County ordinance on impoundment and disposition of abandoned vehicles.
- (2) Impoundment of a vehicle does not preclude issuance of a citation for violation of a provision of this ordinance.
- (3) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner in accordance with state law governing custody and disposition of stolen vehicles.
- (4) Vehicles left unattended on or near any public boat ramp in violation of Lane Code 6.430 (3) may be towed and stored at the expense of the vehicle owner in accordance with state law governing custody and removal of vehicles constituting a hazard.
- (5) A peace officer who has probable cause to believe that a person at or just prior to the time the peace officer stops the person, has committed an offense described in this subsection may, without prior notice, order the vehicle impounded until a person with a right to possession of the vehicle complies with the conditions for release. This section applies to the following offenses:
  - (a) Speed racing on any roadway within Lane County, in violation of ORS 811.125; Vehicles subject to impoundment are any vehicles involved in a speed competition or contest, an acceleration contest, a test of physical endurance, an exhibition of speed or acceleration, the making of a speed record, a race, or a drag race, as defined in ORS 811.125.
  - (b) Eluding or attempting to elude a police officer in violation of ORS 811.540.
  - (c) Failure to perform the duties of a driver when property is damaged or persons injured in violation of ORS 811.700 and 811.705.

(d) Exceeding a speed of 100 mph on any roadway within Lane County in violation of ORS 811.100 or 811.111.

(6) For vehicles impounded under section 6.475, notice shall be given to the same parties, in the same manner and within the same time limits as provided in ORS 809.725(1) and 819.180.

(7) A vehicle impounded under subsection (5) of this section shall be released to a person entitled to lawful possession upon compliance with the following:

(a) Submission of proof that a person with valid driving privileges will be operating the vehicle;

(b) Submission of proof of compliance with financial responsibility requirements for the vehicle; and

(c) Payment to the Sheriff's Office of an administrative fee sufficient to recover the actual administrative costs for the impoundment.

(8) Notwithstanding subsection (7) of this section, a person who holds a security interest in the impounded vehicle may obtain release of the vehicle by paying the administrative fee.

(9) When a person entitled to possession of the impounded vehicle has complied with the requirements of subsection (7) or (8) of this section, the Sheriff's Office shall authorize the person storing the vehicle to release it upon payment of any towing and storage costs. *(Revised by Ordinance No. 9-88, Effective 6.1.88; 7-06, 10.27.06; 1-08, 3.7.08)*

#### **6.480 Non-Motorized Traffic Prohibitions.**

(1) Except for those persons engaged in obtaining emergency services for a disabled motor vehicle, those persons performing duties in connection with repair and maintenance of the road or other lawful governmental function, or those persons that have received a permit from the Director, Lane County Department of Public Works, no person shall walk or go upon the following described area in non-motorized vehicles:

Any part of the right-of-way which is enclosed by fences or which is 80 feet from the centerline of that portion of Delta Highway commencing at the point at which Delta Highway intersects County Road No. 515, commonly known as Country Club Road, then continuing northerly to the point at which Delta Highway passes over Beltline Road.

(2) The Director, Lane County Department of Public Works, may issue permits to those persons that make application for the purpose of operating a bicycle or walking in the area described in LC 6.480(1) to persons 16 years of age or older.

(3) The application and permit shall be in a form as prescribed by the Director, Lane County Department of Public Works, and any permit issued shall be carried at all times by the permittee while utilizing the areas described in LC 6.480(1). In approving a permit, the Director herein may include such reasonable conditions such as prohibited hours as in said Director's sole discretion is determined reasonably necessary for the public safety.

(4) In addition to persons authorized under LC 5.990, any peace officer having the authority to sign traffic citations for violation of traffic statutes on the freeways included in the area described in LC 6.480(1) shall have the authority to issue a County violation.

(5) Any person who violates this section commits a Class C violation. *(Revised by Ordinance No.16-72, Effective 9.8.72; 5-74, 4.3.74; 16-75, 12.26.75; 20-78, 9.22.78; 2-82, 4.9.82; 21-83, 11.29.83;1-00, 4.12.00)*

## PARKS

### 6.500 Definitions.

For the purposes of LC 6.500 through and including 6.550, the following words and phrases shall mean:

County Park. Any real property or rights in property heretofore or hereafter acquired by Lane County and designated by Order of the Board pursuant to ORS 275.320 as County Forest, Public Park, or Recreational Area.

Parks Manager. The manager of the Parks Division of the Department of Public Works. The Parks Manager or designee may enforce the provisions of LC 6.505 through 6.595.

Enforcement Officer. A peace officer or county employee, while said officer or employee is engaged in the enforcement of any provision of LC 6.500 et seq. *(Revised by Ordinance No. 21-83, Effective 11.29.83; 6-89, 5.24.89; 1-00, 4.12.00; 3-01, 10.11.01)*

### 6.505 Fires.

(1) No person shall build, light or maintain any fire or dispose of lighted charcoal or other burning material within a County Park except in a stove, pit or fireplace provided for such purpose; excepting however, that portable cooking devices may be used in established campground and picnic areas if in safe operating conditions and used in a safe manner and so as not to cause damage to park grounds or facilities.

(2) No person shall leave a fire unattended and must completely extinguish the fire prior to departure.

(3) Violation of this subsection constitutes a Class A violation. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 2-82, 4.9.82; 21-83, 11.29.83; 6-89, 5.24.89; 1-00, 4.12.00)*

### 6.510 Weapons.

(1) No person shall discharge within a County park any weapon capable of harming persons, wildlife or property.

(2) No person shall discharge within any public park owned or maintained by a park and recreation district, organized pursuant to ORS Chapter 266, in Lane County, Oregon, any weapon capable of harming persons, wildlife or property.

(3) Activities otherwise prohibited by LC 6.510(1) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.

(4) Violation of this subsection constitutes a Class A violation. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 2-82, 4.9.82; 21-83, 11.29.83; 6-89, 5.24.89; 1-00, 4.12.00; 2-03, 5.1.03)*

### 6.515 Hunting and Fishing.

(1) No person shall hunt, pursue, trap, molest, injure or kill any game or non-game wildlife within a County Park.

(2) Notwithstanding the provisions of LC 6.515(1), fishing is permitted in accordance with the rules and regulations of the State Department of Fish and Wildlife.

(3) Activities otherwise prohibited by LC 6.515(1) and not permitted by LC 6.515(2) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.

(4) Violation of this subsection constitutes a Class A violation. *(Revised by Ordinance No. 6-89, Effective 5.24.89; 1-00, 4.12.00)*

### 6.520 Destruction of Property.

(1) No person shall deface, damage, destroy or remove any County Park structure, sign, facility, plant, tree, wood, soil, gravel, sand or other substance, except

duly authorized County employees or agents in the performance of their duties.

(2) Activities otherwise prohibited by LM 6.520(1) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.

(3) Violation of this subsection constitutes a Class A violation. *(Revised by Ordinance No. 6-89, Effective 5.24.89; 1-00, 4.12.00)*

#### **6.525 Sales.**

(1) No person shall operate a concession or engage in the business of advertising, soliciting or selling any goods or services, within a County Park.

(2) Activities otherwise prohibited by LC 6.525(1) are permitted with specific written authorization from the Board or its duly authorized agent pursuant to LM 18.140.

(3) Violation of this subsection constitutes a Class C violation. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 10-77, 9.30.77; 2-82, 4.9.82; 6-89, 5.24.89; 1-00, 4.12.00)*

#### **6.530 Vehicle Operation and Parking.**

No person shall:

(1) Operate any vehicle, including, but not limited to, automobiles, trucks, motorcycles, motorbikes, trail bikes, mountain bikes and off-road vehicles within a County Park on other than established vehicular roads, parking areas or boat ramps or in areas specifically designated and posted for such use. Violation of this subsection constitutes a Class C violation.

(2) Park or leave unattended any vehicle or trailer within a County Park in other than those areas designated for such parking. Violation of this subsection constitutes a Class D violation.

(3) Operate a vehicle at a speed greater than 15 miles per hour unless designated and posted otherwise. Violation of this subsection constitutes a Class B violation.

(4) Park any vehicle in a designated parking area within a County Park, during such times as fees are required, without properly displaying a valid parking permit. Violation of this subsection constitutes a Class D violation.

(5) Activities otherwise prohibited by LC 6.530(1) and (2) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 2-82, 4.9.82; 6-89, 5.24.89; 1-00, 4.12.00; 3-06, 4.14.06)*

#### **6.535 Household Garbage.**

(1) No person shall dispose or dump any household or commercial garbage, trash, rubbish, debris, dead animals or litter of any kind within a County Park.

(2) Violation of this subsection constitutes a Class A violation. *(Revised by Ordinance No. 6-89, Effective 5.24.89; 1-00, 4.12.00)*

#### **6.540 Dogs and Other Pets.**

(1) No person shall bring any dog or other pet into Armitage, Baker Bay, Camp Lane, Harbor Vista, Hendricks Bridge, Orchard Point, Perkins Peninsula, Richardson, or Triangle Lake parks or area posted "dogs on leash only," unless such pet is on a leash, not to exceed six feet in length.

(2) Violation of this subsection constitutes a Class C violation. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 6-79, 7.20.79; 2-82, 4.9.82; 6-89, 5.24.89; 1-00, 4.12.00)*

#### **6.545 Horses and Riding Animals.**

(1) No person shall ride, drive, lead or keep a horse or other riding animal within a County Park.

(2) Notwithstanding the provisions of LC 6.545(1), horses or other riding animals are permitted on roadways and designated and posted equestrian trails.

(3) Activities otherwise prohibited by LC 6.545(1) and not permitted by LC 6.545(2) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.

(4) Violation of this subsection constitutes a Class C violation. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 2-82, 4.9.82; 6-89, 5.24.89; 1-00, 4.12.00)*

#### **6.550 Creating a Disturbance.**

(1) No person shall operate a radio, tape deck or other sound producing device in such a manner that plainly audible sound, as defined in LC 5.605, is present at a distance of fifty feet or more, from the source of the sound.

(2) Activities otherwise prohibited by LC 6.550(1) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.

(3) Violation of this subsection constitutes a Class C violation. *(Revised by Ordinance No. 6-89, Effective 5.24.89; 1-00, 4.12.00)*

#### **6.555 Swimming.**

(1) No person shall enter, wade, swim or float, in any area within a County Park which has been posted "No Swimming" by the Board or its duly authorized agent, except duly authorized County employees or agents in the performance of their duties.

(2) No person shall sunbathe on a boating courtesy dock.

(3) Violation of this subsection constitutes a Class B violation. *(Revised by Ordinance No. 21-83, Effective 11.29.83; 6-89, 5.24.89; 1-00, 4.12.00)*

#### **6.560 Closed Areas.**

(1) No person shall enter any County Park or portion thereof which has been closed by the Board or its duly authorized agent nor shall any person operate a vehicle within any County Park or portion thereof which has been closed to vehicles by the Board or its duly authorized agent, except duly authorized County employees or agents in the performance of their duties.

(2) Activities otherwise prohibited by LC 6.560(1) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.

(3) Violation of this subsection constitutes a Class A violation. *(Revised by Ordinance No. 6-89, Effective 5.24.89; 8-89, 7.12.89; 1-00, 4.12.00)*

#### **6.565 Camping.**

(1) No person shall camp or park overnight in any area within a County park.

(2) Notwithstanding the provisions of LC 6.565(1), camping is permitted in areas specifically designated as public campgrounds.

(3) No person shall camp in a designated public campground in a County Park for a period longer than 14 days in any 30 consecutive day period.

(4) Activities otherwise prohibited by LC 6.565(1) and (3) and not permitted by LC 6.565(2) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.

(5) Violation of this subsection constitutes a Class B violation. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 2-82, 4.9.82; 21-83, 11.29.83; 6-89, 5.24.89; 1-00, 4.12.00)*

#### **6.570 After Hours.**

(1) No person shall enter or remain in any County Park between the daily closing time and the daily opening time, except duly authorized County employees or agents in the performance of their duties.

(2) Notwithstanding the provision of LC 6.570(1) moorage holders and/or their guests may remain on their boats after hours.

(3) Activities otherwise prohibited by LC 6.570(1) and not permitted by LC 6.570(2) are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.

(4) Violation of this subsection constitutes a Class A violation *(Revised by Ordinance No. 6-89, Effective 5.24.89; 8-89, 7.12.89; 1-00, 4.12.00)*

**6.573 Interference with Official Duties.**

Any person who obstructs, harasses, or interferes with the official duties of an enforcement officer, commits a Class A violation. *(Revised by Ordinance No. 3-01, Effective 10.11.01)*

**6.575 Failure to Identify.**

No person shall, within a County Park, refuse to disclose that person's identity to an enforcement officer who so requests for the purpose of issuance of a citation. *(Revised by Ordinance No. 3-01, Effective 10.11.01)*

**6.578 False Information.**

(1) A person commits the violation of giving false information to an enforcement officer if the person knowingly uses or gives a false or fictitious name, address, or date of birth, to any enforcement officer.

(2) A violation of LC 6.578 constitutes a Class A violation. *(Revised by Ordinance No. 3-01, Effective 10.11.01)*

**6.580 Non-Payment of Fees.**

(1) No person shall fail to pay an authorized Resident Camping fee or Campsite Rental fee.

(2) A violation of this section is a Class C violation. *(Revised by Ordinance No. 3-01, Effective 10.11.01; 3-06, 4.14.06)*

**6.585 Dog Waste Matter.**

(1) It shall be unlawful for a dog owner, as that term is defined in LC Chapter 7, to allow a dog, except for a seeing eye dog, to deposit solid waste matter on County Park property. It shall be a defense to this section if the dog owner immediately removes the solid waste.

(2) A violation of this section is a Class C violation. *(Revised by Ordinance No. 3-01, Effective 10.11.01)*

**6.590 Exclusion.**

(1) The Parks Manager or designee may issue a notice of exclusion from the Lane County Parks to any person who commits any violation in LC 6.500 through 6.575. A notice of exclusion shall prohibit the person who committed the violation from entering upon Parks property:

- (a) For a Class D violation, a period of 7 days
- (b) For a Class C violation, a period of 30 days
- (c) For a Class B violation, a period of 60 days
- (b) For a Class A violation, a period of 120 days

(2) The notice of exclusion shall be in writing, shall specify the duration of the exclusion and the places from which the person is excluded, shall describe the procedure to appeal the notice of exclusion, and shall specify the time and place that the appeal will be heard. The notice of exclusion shall be signed by the officer who issues it and shall be

given to the person excluded from the property. The exclusion shall take effect immediately.

(3) Any person receiving a notice of exclusion may appeal by appearing at justice court at the time specified in the notice of exclusion for a hearing on the appeal, which hearing shall be said within two days (excluding weekends and holidays), unless the person excluded from the property requests that the exclusion hearing takes place within thirty days from the date the notice of exclusion is issued. The justice court judge shall hear the appeal for the exclusion and the violation at that time and shall render a decision at the conclusion of the hearing, which may not be continued except upon request of the person excluded. The justice court judge may affirm, modify or reverse the notice of exclusion and violation. The justice court judge may modify the notice of exclusion for the same purposes for which the Parks Manager or designee is authorized to grant a variance under subsection (4) of this section.

(4) At any time during the period of exclusion, a person who has received a notice of exclusion may apply to the Parks manager or designee for a variance to allow the person to enter upon the Parks property for specified purposes. The Parks manager or designee may grant a variance if the person establishes a need to enter upon the Parks property for reasons of protection of property or similar good cause. A variance may include such conditions as the Parks manager or designee determines will prevent future violation.

(5) Violation of a notice of exclusion constitutes a Class A violation. *(Revised by Ordinance No. 5-01, Effective 12.1.01)*

#### **6.595 Fees.**

The Board may establish fees for the use of County Parks and facilities. Such fees shall be established by separate Order of the Board. *(Revised by Ordinance No. 16-72, Effective 9.8.72; 6-89, 5.24.89; 1-00, 4.12.00; 3-01, 10.11.01)*

### **IMPROPER USE OF EMERGENCY TELEPHONE SYSTEM**

#### **6.600 Findings and Intent.**

The Board of Commissioners finds that there has been deliberate and knowing use of 9-1-1 telephone lines for the purpose of initiating a false report, placing a prank call or making a request for emergency services where there exists no true emergency, and that Public Safety Answering Points (PSAPs) in Lane County experience repeated calls from citizens for emergency services when there exists no true emergency. Responding to such unlawful requests for services requires the use of personnel and equipment such that they are not available for response in the event of a true emergency. The purpose of this subchapter is to reduce such abuse and deliberate misuse of the 9-1-1 emergency telephone system and emergency services provided by the public safety agencies of Lane County to ensure the availability of 9-1-1 and other emergency telephone lines for the reporting of true emergencies in order that personnel and equipment may be available for use in true emergency situations, which will conserve energy and resources and reduce costs. *(Revised by Ordinance No. 10-88, Effective 1.4.89)*

#### **6.605 Definitions.**

For purposes of this subchapter, the following terms are defined as follows:

Automatic Dialing and Announcing Device. An electronically or mechanically-operated instrument which automatically dials telephone numbers it has been programmed to dial and which plays a prerecorded message when answered.

Automatic Protection Device. An electronically or mechanically operated instrument that automatically signals or sends by any means (including direct or indirect connection to regular telephone lines ) pictures, sound, odor or a prerecorded message, either by voice or other alarm, from a protected premises upon receipt of a stimulus from a sensory detection apparatus. Automatic protection devices shall include any audible alarm or light signaling device attached to the interior or exterior of a protected premises.

Emergency. Any situation which involves an immediate threat to property or persons.

Intentionally. As defined in ORS 161.085. [1999 Ed.]

Knowingly. As defined in ORS 161.085. [1999 Ed.]

9-1-1. Three-digit telephone number assigned for use by the public in reporting an emergency situation or summoning emergency assistance from a public safety agency.

Public Safety Agency. Any sheriff, police, fire or emergency medical entity operated by the state, County or city within Lane County. *(Revised by Ordinance No. 10-88, Effective 1.4.89; 1-00, 4.12.00)*

### **6.610 Improper Use.**

A person commits the crime of improper use of emergency telephone system by:

- (1) Knowingly or intentionally dialing the 9-1-1 number for any purpose other than to report an event which the caller reasonably believes to be an emergency;
- (2) Knowingly or intentionally programming and activating an automatic dialing and announcing device or an automatic protection device which results in the transmission of a prerecorded message to a public safety agency via 9-1-1.
- (3) Knowingly allowing their telephone equipment to be used in violation of LC 6.610(1) and (2) above. *(Revised by Ordinance No. 10-88, Effective 1.4.89)*

## **TAKING OF WHALES, DOLPHINS AND PORPOISES**

### **6.700 Findings and Intent.**

The Board of Commissioners finds that several species of cetaceans have been exploited by over-fishing and are in danger of biological extinction and that control by international agreement has failed to preserve these species at an optimum population level. Lane Code sections 6.700-6.720 are intended to implement and further the purposes of the Federal Marine Mammal Protection Act, PL 92-522, within Lane County. *(Revised by Ordinance No. 3-77, Effective 5.25.77; 20-77, 12.21.77)*

### **6.705 Definitions.**

For the purposes of this subchapter, the following words and phrases shall mean:

Cetacean. All whales, dolphins and porpoises.

Cetacean Product. Any item of merchandise which consists, or is composed in whole or in part, of any cetacean.

Take. To harass, hunt, capture, or kill, or attempt to harass, hunt or kill any cetacean. *(Revised by Ordinance No. 3-77, Effective 5.25.77; 20-77, 12.21.77)*

### **6.710 Prohibition on Taking.**

Except where authorized by a valid and current permit issued by the appropriate Federal authority or allowed by international treaty to which the United States is a party, no person or vessel subject to the jurisdiction of Lane County shall take any cetacean. *(Revised by Ordinance No. 3-77, Effective 5.25.77; 20-77, 12.21.77)*

**6.715 Prohibition on Sale of Cetacean Products.**

Except where authorized by a valid and current permit issued by the appropriate Federal authority or allowed by international treaty to which the United States is a party, no person subject to the jurisdiction of Lane County shall transport, sell, or offer for sale any cetacean or cetacean product within Lane County. *(Revised by Ordinance No. 3-77, Effective 5.25.77; 20-77, 12.21.77)*

**6.720 Preemption.**

In case of conflict between the provisions of this subchapter and any Federal statute or regulation promulgated thereunder, such statute or regulation shall supersede the provisions of this subchapter. *(Revised by Ordinance No. 3-77, Effective 5.25.77; 20-77, 12.21.77)*

**UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICE****6.800 Unlawful Public Accommodations Practice.**

It shall be an unlawful public accommodations practice for a person being the owner, lessee, proprietor, manager, superintendent, agent or employee of a place of public accommodation:

(1) To refuse or deny an individual the accommodations or use of the facilities of the place of public accommodation because of the race, color, religion, sex, national origin, physical handicap or marital status of that individual, or

(2) To circulate, issue, display, post or mail a communication, notice or advertisement which states that the accommodations or use of the facilities of the place of public accommodation shall be refused or denied to an individual on account of the race, color, religion, sex, national origin, physical handicap or marital status of that individual.

(3) For purposes of this section of the Lane Code, public accommodation means a place of business, accommodation, refreshment, entertainment, recreation and public conveyance operated on land or water whose merchandise, service, accommodation, advantages facilities or privileges are extended, offered, sold or otherwise made available to the general public. Public accommodations include, but are not limited to, restaurants, taverns, motels, hotels, commercial stores and vehicles used in the conveyance of the general public. *(Revised by Ordinance No. 6-87, Effective 7.3.87)*

**SOCIAL HOST ORDINANCE****6.900 Social Host Ordinance.**

(1) For purposes of this section, the following words or terms have the following meanings:

(a) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

(b) "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

(c) "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

(d) "Host" means to aid, conduct, allow, entertain, organize, supervise, control or permit a gathering or event.

(e) "Parent" means any person having legal custody of a juvenile:

(i) As natural adoptive parent or step-parent;

(ii) As a legal guardian; or  
 (iii) As a person to whom legal custody has been given by order of the court.

(f) “Person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals. “Residence” or “premises” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with permission or compensation.

(g) “Underage person” means any individual under twenty-one (21) years of age.

(h) “Knowledge and consent or acquiescence” of a host is presumed if the owner(s) and/or occupant(s) of the residence or premises is a parent or guardian of an underage person and has been informed that an underage party was held at their residence or premises within the past three years.

(i) “Response” includes, but is not limited to: the time spent on the call by responding deputy sheriffs or other law enforcement or medical/emergency response personnel including response time from dispatch until the law enforcement officers or medical/emergency response personnel are cleared from the call. Response will also include necessary report writing related to the call for all responders.

(2) All persons are prohibited from:

(a) Hosting or allowing any event or gathering at any residence, premises, or on any other private or public property where alcohol or illegal, controlled, or intoxicating substances are present when the person knows or reasonably should know that an underage person will or does

(i) Consume or ingest any alcohol, alcoholic beverage, or illegal, controlled substance; or

(ii) Possess any alcohol, alcoholic beverage, or illegal, controlled substance with the intent to consume it; and

(iii) The person fails to take reasonable steps to prevent possession, ingestion or consumption by the underage person(s).

(b) This ordinance also applies to all persons who intentionally aid, advise, hire, counsel or conspire with or otherwise procure another to commit the prohibited act outlined in (a) above.

(c) A person who hosts an event or gathering does not have to be present at the event or gathering to be in violation of this ordinance.

(3) Exceptions

(a) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent’s household.

(b) This ordinance does not apply to legally protected religious observances.

(c) This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(d) This ordinance does not apply to owners of large tracts of timber and agricultural land over 50 acres in size, and/or rental income property owners, unless they had knowledge of the event and consented or acquiesced to the occurrence of the event.

(4) Enforcement and Penalties

(a) This ordinance can be enforced by any police officer or sheriff’s deputy within Lane County.

(b) Violation of the Social Host Ordinance is a violation, punishable as follows:

(i) First response within a three (3) year period:

The occupant(s) and owner(s) of the property shall receive notice of the event and a warning that if another event occurs involving the same occupants and owners within 3 years, the ordinance requires payment of response fees and fines. The occupant(s) and owner(s) of the property shall be fined \$250.

(ii) Second and subsequent responses within a three (3) year period:

(A) For the second response, the occupant(s) and owner(s) shall be assessed the actual cost for law enforcement, fire and other emergency response providers to respond to the location and conduct the investigation and/or emergency care that is deemed necessary by the responding agencies and a fine of \$500.

(B) For each subsequent response in a three year period, the actual cost for law enforcement, fire and other emergency response providers to respond to the location and conduct the investigation and/or emergency care that is deemed necessary by the responding agencies, and an additional \$1,000 fine shall be charged.

(5) Effective Date. This ordinance shall take effect thirty (30) days following its final passage and adoption. *(Revised by Ordinance No. 5-09, Effective 2.4.10)*

## PENALTIES

### 6.995 Penalties.

(1) Violation of LC 6.025, 6.030, 6.610 or 6.800 is punishable upon conviction by fine of not more than \$1,000 or by imprisonment in the County jail for not more than 30 days, or by both.

(2) Violation of LC 6.710 or 6.715 is punishable upon conviction by a fine of not more than \$1,000 or by imprisonment in the County jail for not more than one year, or by both. *(Revised by Ordinance No. 6-73, Effective 5.30.73; 12-74, 8.7.74; 3-77, 5.25.77; 20-77, 12.21.77; 22-78, 10.13.78; 17-82, 7.16.82; 6-87, 7.3.87; 4-88, 6.1.88; 10-88, 1.4.89; 4-89, 5.12.89; 5-90, 7.6.90; 5-99, 7.28.99; 1-00, 4.12.00)*

## REWARDS

### 6.997 Rewards.

(1) Any person, other than County employees acting in the scope of their employment, who provides information leading to the arrest and conviction of persons damaging County road signs, shall receive a \$25 reward.

(2) Any person, other than County employees acting in the scope of their employment, who provides information leading to the arrest and conviction of persons committing acts of arson, theft or vandalism at any County facility, including solid waste sites, shall receive a reward of \$500. *(Revised by Ordinance No. 5-77, Effective 6.17.77; 9-81, 6.5.81)*