

Lane Code

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Chapter 6 – OFFENSES

6.050 – PUBLIC PROPERTY

6.050.025 - Trespass on Public Property.

- A. No person shall, without having a lawful purpose, loiter or wander in or upon County owned buildings or premises.
- B. 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.
- C. 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.
- D. It shall be presumed that a person is acting without a lawful purpose if:
 - 1. Said person is in or upon any County owned building or premises at times other than during hours of normal business or operation, and for purposes of the butterfly parking lot, its contiguous county property, and the Public Service Building and its contiguous county property, “normal business hours or operation” does not include 11 p.m. to 6 a.m., and without permission to be there, or
 - 2. Said person is in or upon any County-owned building or premises at times other than during hours of normal business or operation. For purposes of the county courthouse site located between East 7th Avenue and East 8th Avenue and between Pearl Street and High Street, and its contiguous county property, “normal business hours or operation” does not include 11 p.m. to 6 a.m., and without permission to be there unless otherwise authorized for the purposes of parking a passenger motor vehicle with the appropriate parking pass or permit, or
 - 3. 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.
- E. 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.
- F. As used in LC 6.050.025, “duly authorized officer,” includes, but is not limited to, the Lane County Board of Commissioners or the Lane County Administrator, or any person delegated the authority to control county property by the Lane County Board of Commissioners or the Lane County Administrator. The delegation of authority need not be in writing.
- G. As used in LC 6.050.025, “passenger motor vehicle,” refers to a vehicle that is self-propelled or designed for self-propulsion and is designed for transporting ten (10) individuals or less, including the driver.

(Ordinance 13-78, 8.11.78; Ordinance 1-00, 4.12.00; Ordinance 15-07, 1.14.16; Ordinance 18-10, 11.27.18; Ordinance 19-02, 5.02.19)

6.100 – POSTED LIMITS OF USE

6.100.030 - Violation of Posted Limits of Use.

- A. 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:
1. 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.
 2. 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.
- B. Definitions. For the purposes of this section, the following words and phrases shall mean:
- “County Road” means any County road as defined in ORS 368.001(1) [1999 Ed.]
- “Local Access” means any road as so defined in ORS 368.001(3) [1999 Ed.]
- “Park” for the purpose of this offense means:
1. 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.
 2. Any land owned or leased by any Park and Recreation District outside the corporate limits of any incorporated city.
 3. Any public boat landing maintained by Lane County or the Oregon Department of Fish and Wildlife.
- “Posted Limits of Use” means 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.
- C. Exceptions.
1. Posted limits of use do not apply to persons performing normal and accepted farming practices.
 2. 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.

(Ordinance 4-88, 6.1.88; Ordinance 1-00, 4.12.00)

6.100.040 - Violation of Posted Restrictions of Use (Other Public Land).

- A. 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 6.100.030 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.
- B. For purposes of LC 6.100.040A, 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.

- C. Violation of LC 6.100.040 is punishable upon conviction by a fine of not more than five hundred dollars (\$500).

(Ordinance 7-03, 9.11.03)

6.150 – PROPERTY OF ANOTHER

6.150.005 - Definitions.

For the purposes of LC 6.150, the following words and phrases shall mean:

“Premises” means a tract of land with the buildings thereon.

(Ordinance 22-9, 11.8.22)

6.150.050 - Entering or Remaining Unlawfully on the Property of Another.

- A. No person shall enter or remain unlawfully in a motor vehicle or in or upon premises.
- B. Violation of LC 6.150.050 is punishable upon conviction by a fine of not more than one thousand dollars (\$1,000).

(Ordinance 13-6, 1.3.14)

6.200 – PROHIBITED NUDITY

6.200.100 - Prohibited Nudity and Penalty.

- A. No person, eight (8) 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.
- B. The Board of County Commissioners may designate certain areas as exceptions to LC 6.200.100A 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:
 - 1. Public character of the area.
 - 2. Traditional use of the area.
 - 3. Intensity and frequency of area use.
 - 4. Public safety.
 - 5. Balancing of interests of all Lane County residents.

- 6. Public hearing to receive testimony from proponents and opponents.
- C. The hearing required in LC 6.200.100B above may be held after a minimum thirty (30) day public notice.
- D. Violation of LC 6.200.100A above is punishable upon conviction by a fine of not more than one thousand dollars (\$1,000) and by imprisonment in the County jail of not more than thirty (30) days, or by both.

(Revised 11.2.76 by Initiative Petition)

6.225 – PROHIBITED NOISE

6.225.005 - Prohibited Noise Definitions

For purposes of this subchapter the following terms and definitions apply unless the context requires otherwise:

“Idling Speed” means that speed at which an engine will run when no pressure is applied to the accelerator or accelerator linkage.

“Manager” means the Manager of the Land Management Division of the Department of Public Works, or the Manager's designee.

“Noise Sensitive Unit” means any building or portion thereof, vehicle, boat or other structure adapted or used for the overnight accommodation of persons, including, but not limited to individual residential units, individual apartments, trailers, hospitals and nursing homes.

“Person” means in addition to any individual, any public or private corporation, association, partnership, or other legally recognized public or private entity.

“Plainly Audible Sound” means any sound which is clearly distinguishable from other sounds, such as, but not limited to, sound for which the information content of that sound is unambiguously communicated to the listener, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.

“Sound Producing Device” means including but not limited to:

- A. Loudspeakers, public address systems.
- B. Radios, tape recorders and/or tape players, phonographs, television sets, stereo systems including those installed in a vehicle.
- C. Musical instruments, amplified or unamplified.
- D. Sirens, bells or steam whistles attached to a stationary device.
- E. Vehicle engines or exhausts discharging into open air, when the vehicle is not on a public right-of-way, particularly when the engine is operated above idling speed.
- F. Vehicle tires, when caused to squeal by excessive speed or acceleration.
- G. Domestic tools, including electric drills, chain saws, lawn mowers, electric saws, hammers and similar tools, but only between 10:00 p.m. and 7:00 a.m. of the following day.

H. Heat pumps, air conditioning units and refrigeration units, including those mounted on vehicles.

“Vehicle” means automobiles, motorcycles, motorbikes, trucks, buses and snowmobiles.

(Ordinance 22-02, 2.8.22)

6.225.010 - Prohibitions

- A. Sound Producing Devices. No person shall create or assist in creating or permit the continuance of noise from a sound producing device, by the following acts, or in excess of the following limits:
1. When measurement made. When measured at or within the boundary of the property on which a noise sensitive unit--which is not the source of the sound--is located, or within a noise sensitive unit which is not the source of the sound,
 - a. exceeds fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
 - b. exceeds sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m. of the same day.
 2. When measurement not made. Is plainly audible at any time between 10:00 p.m. and 7:00 a.m. of the following day,
 - a. Within a noise sensitive unit which is not the source of the sound, or
 - b. On a public right of way at a distance of fifty (50) feet or more from the source of the sound.

(Ordinance 22-02, 2.8.22)

6.225.013 - Liability of Person in Control of Property

- A. A person in control of property is liable and subject to penalties to the same extent as a person who violates any of the provisions of this Ordinance if such person:
1. Has actual knowledge of the violation at the time it occurs;
 2. Has the actual ability and legal right to prevent the violation by ejecting a person creating the noise from the property, removing or causing the termination of the operation of the noise-producing device or activity, or otherwise preventing the violation; and
 3. Fails, refuses, or neglects to prevent the violation.
- B. Nothing in this section renders any person in control of property liable for noise violations by trespassers or other persons using the property without the implied or express consent of the person in control of the property, nor does anything in this chapter require a person in control of property to assume a substantial risk of physical injury to prevent a violation.

(Ordinance 22-02, 2.8.22)

6.225.015 - Exemptions

The provisions of this subchapter do not apply to:

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- A. Sounds caused by organized athletic, religious, educational, civic or other group activities, when such activities are conducted on property generally used for such purposes, including stadiums, parks, schools, churches, athletic fields, race tracks, airports and waterways between the hours of 7:00 a.m. and 11:00 p.m. of the same day; provided, however, that this exemption does not impair the Manager's power to declare that such events or activities violate other applicable laws, ordinances or regulations.
- B. Sound caused by emergency work reasonably necessary to prevent injury to persons or property, or by the ordinary and accepted use of emergency equipment, vehicles and apparatus, whether or not such work is performed by a public or private agency, upon public or private property.
- C. Sounds caused by sources regulated as to sound production by federal law, including, but not limited to, sounds caused by railroad, aircraft or commercially licensed watercraft operations. Notwithstanding anything within LC 6.225.005 et seq. to the contrary, it is unlawful for any railroad "retarder" as that is defined in 40 CFR 201.1(y), to be used, unless such retarder has shielding sufficient to prevent both:
 - 1. impulse sounds, defined as a single pressure peak or a single burst (multiple pressure peaks), as measured on a C weighted meter with fast response, and
 - 2. sounds in octave bands of two thousand (2000) Hz and above, where either of such sounds exceed either ten (10) dBA between the hours of 10:00 p.m. and 7:00 a.m. of the following day, or twelve (12) dBA between the hours of 6:00 p.m. to 10:00 p.m., over the ambient noise level within a sound sensitive unit with a window ajar and measured from no closer than three (3) feet of the window. The ambient noise level is the total of all noise in the environment, other than noise from railroad operations, averaged over ten (10) minutes in dBA.
- D. Sound caused by bona fide use of emergency warning devices and alarm systems authorized by LC 3.400 through LC 3.445.
- E. Sound caused by blasting activities when performed under a permit issued by appropriate governmental authorities and only between the hours of 9:00 a.m. and 4:00 p.m. of the same day, excluding weekends, unless such permit expressly authorizes otherwise.
- F. Sounds caused by commercial, industrial, agricultural, timber harvesting, utility or construction organizations or workers during their normal operations.
- G. Sounds caused by a sound producing device used by a person pursuant to a variance issued by the Manager as provided in LC 6.225.020.
- H. Sounds caused by motor vehicles operated on any highway and subject to ORS 815.250.

(Ordinance 22-02, 2.8.22)

6.225.020 - Variances

Any person who owns or controls any sound producing device or other sound source, or who is engaged in or planning any activity which violates, will violate, or may violate any provision of this chapter, or any property owner or person in control of property on which such sound source is located or such activity is planned, may apply to the Manager for a variance.

- A. Application. Applications for a noise variance shall be made to the Manager, and must include:
 - 1. The provision from which the variance is sought,

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2. The period of time the variance is to apply,
 3. The reason for which the variance is sought,
 4. An application fee, which may be waived by the Manager if they find that the imposition of the fee would constitute a substantial financial hardship to the applicant.
- B. Review Considerations. In considering a request for a variance, the Manager may approve or deny the application, based on consideration of the following factors:
1. The potential nature and duration of the sound caused or to be caused by the device or activity;
 2. The protection of the health, safety, and welfare of citizens, and the potential effect of the sound on the sleep, peace, quiet, comfort or repose of other persons;
 3. The feasibility and cost of noise abatement and the financial ability of the owner, occupant or other person producing noise or in control of property to comply with this chapter;
 4. The loss or inconvenience which would result to any party in interest from the denial of the variance;
 5. The past, present, and future patterns of land use;
 6. Whether previous variances have been granted and the applicant's record of compliance with the terms and restrictions of any previous variances;
 7. In the case of a person requesting a variance for a heating or cooling device, any special medical requirements for continued use of the device must be considered;
 8. Whether compliance with the provision would produce no benefit to the public.
- C. Decision.
1. Within ten (10) days of receiving the application, the Manager must deny, approve, or approve it with conditions.
 2. The decision must indicate a specific time interval for which the variance is approved.
 3. The decision may impose such conditions or restrictions as are deemed reasonably necessary to ensure the peace, quiet, repose, health, welfare, and safety of the residents of the County and to effectuate the purposes of this chapter.
- D. Notification. Notice of variance determinations where the sound source will be on private property shall be provided as follows:
1. Notice of variance determinations must be provided to property owners and residents within five hundred (500) feet of the property where the sound will be generated.
 2. Notice of the variance determination must include:
 - a. A description of the location of the property for which the variance is sought by street address or, if there is no street address, by legal description or other description reasonably calculated to apprise persons receiving the notice of the location of the property;
 - b. A general description of the variance requested and the type of sound-producing activity or device which is proposed; and
 - c. A statement that an appeal may be filed with the Lane County Circuit Court pursuant to ORS 34.010 through ORS 34.100.

- E. Revocation. At any time before or during the operation of any variance granted by the Manager, the Manager may revoke the variance for good cause.

(Ordinance 22-02, 2.8.22)

6.225.025 - Sound Measurement

- A. If sound measurements are made, they must be made with a sound level meter. The sound level meter must be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. For purposes of this subchapter, a sound level meter shall contain at least an A-weighted and C-weighted scale and both fast and slow meter response capability and the capability to perform time averaged sound measurement. A fast setting must be utilized unless a different setting is called for elsewhere in this Code.
- B. If measurements are made, personnel making those measurements must have completed training in the techniques of sound measurement and the use of the sound level meter from the Oregon Department of Environmental Quality personnel or other qualified acoustical sound engineer. Measurement procedures consistent with that training must be followed.
- C. Measurements may be made at or within the boundary of the property on which a noise sensitive unit which is not the source of the sound is located, or within a noise sensitive unit which is not the source of the sound.

(Ordinance 22-02, 2.8.22)

6.225.030 - Remedies

- A. Administrative Enforcement. A person who violates any provision of LC 6.225.005 through LC 6.225.025 is subject to administrative enforcement pursuant to LC Chapter 5, and/or abatement pursuant to the nuisance abatement procedures set forth in LC Chapter 9.
- B. Remedies Cumulative. The provisions of this subchapter are cumulative and nonexclusive and do not affect any other claim, cause of action or remedy; nor, unless specifically provided, do the provisions of this subchapter repeal, amend or modify any law, ordinance or regulation relating to noise or sound, but are additional to existing legislation and common law on such subject. In the case of an adjudicated conflict between the provisions of this subchapter and any Federal statute or regulation promulgated thereunder, such statute or regulation supersede the provisions of this subchapter and may be enforced, to the fullest extent allowed by law, by Lane County.

(Ordinance 22-02, 2.8.22)

6.250 - LITTERING

6.250.200 - Littering and Penalty.

- A. 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.

- B. Littering shall be a Class B violation. The imposition of fine does not relieve a responsible person of the duty to abate the nuisance.
- C. 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 6.250.200.

(Ordinance 6-73, 5.30.73; Ordinance 1-00, 4.12.00)

6.300 – DISCHARGE OF A WEAPON

6.300.250 - Discharging Weapon at Trees on Public or Private Timber Lands.

- A. Except as provided in LC 6.300.250B, no person shall discharge any firearm at live standing timber on public or private lands, without permission from the property owner, within the boundary of Lane County, Oregon.
- B. This code does not apply to:
 - 1. Police officers or military personnel in the lawful performance of their official duties;
 - 2. Persons lawfully defending life or property as provided in ORS 161.219;
 - 3. Persons discharging firearms, blowguns, bows and arrows, crossbows or explosive devices upon public or private shooting ranges, shooting galleries or other areas designated and built for the purpose of target shooting;
 - 4. Persons lawfully engaged in hunting in compliance with rules and regulations adopted by the State Department of Fish and Wildlife; or
 - 5. An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife.
- C. Violation of LC 6.300.250 is punishable upon conviction by a fine of not more than one thousand dollars (\$1,000).

(Ordinance 13-6, 1.3.14)

6.300.255 - Unsafe Discharge of a Weapon.

- A. Except as provided in LC 6.300.255B below, no person shall discharge any firearm in a manner that endangers persons or property within the boundary of Lane County, Oregon.
- B. This code does not apply to:
 - 1. Police officers or military personnel in the lawful performance of their official duties;
 - 2. Persons lawfully defending life or property as provided in ORS 161.219;
 - 3. Persons discharging firearms, blowguns, bows and arrows, crossbows or explosive devices upon public or private shooting ranges, shooting galleries or other areas designated and built for the purpose of target shooting;

4. Persons lawfully engaged in hunting in compliance with rules and regulations adopted by the State Department of Fish and Wildlife; or
 5. An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife.
- C. Violation of LC 6.300.255 is punishable upon conviction by a fine of not more than one thousand dollars (\$1,000).

(Ordinance 13-6, 1.3.14)

6.350 – METHODS OF KILLING ANIMALS IN SHELTERS

6.350.300 - Methods of Killing Animals in Shelters.

- A. 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.
- B. "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.
- C. "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.
- D. "Has been qualified" means one who has successfully completed the Euthanasia Training Program as set forth in LC 6.350.300E, 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.
- E. The Euthanasia Training Program shall include, but not to be limited to:
 1. Two (2) days of observing individual injection euthanasia as conducted by the Lane County Staff Veterinarian.
 2. Three (3) days of assisting individual injection euthanasia as conducted by the Lane County Staff Veterinarian.
 3. One (1) week, five (5) work days, of administering individual injections to dead animals, but in no case less than fifty (50) administered injections.
 4. One (1) week, five (5) work days, of administering individual injections to tranquilized animals, but in no case less than fifty (50) administered injections.
 5. One (1) week, five (5) work days, of administering individual injection euthanasia to live animals under the supervision of the Lane County Staff Veterinarian.
- F. Any peace officer or animal control officer is hereby authorized to issue citations for violation of LC 6.350.300A.

- G. Violation of LC 6.350.300A is punishable upon conviction by a fine of not more than one thousand (\$1,000) or by imprisonment in the County jail for not more than one (1) year, or by both.

(Revised 5.23.78 by Initiative Petition; Ordinance 24-78, 9.27.78)

6.400 – TRAFFIC AND PARKING

6.400.400 - Traffic Regulations Definitions.

In addition to definitions in the Oregon Vehicle Code, for purposes of LC 6.400.400 through LC 6.400.475 the following terms mean:

“Loading Zone” means a roadway space designated by sign for loading or unloading passengers or materials during specified hours of specified days.

“Motor Truck” means 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” means a natural person, firm, partnership, association or corporation.

“Street” means a 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” means an offense designated in LC 6.400.400 through LC 6.400.475 and described in ORS Chapter 153. Except as otherwise provided, penalties for traffic violations are provided in ORS 153.018.

“Vehicle” means 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.

(Ordinance 9-88, 6.1.88; Ordinance 1-00, 4.12.00)

6.400.405 - Emergency Authority.

- A. 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.
- B. Non-functioning traffic control devices shall be treated as an all-way stop by vehicle operators on all affected streets.
- C. 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.
- D. 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.

(Ordinance 9-88, 6.1.88; Ordinance 1-00, 4.12.00)

6.400.420 - Storing Personal Property on Streets.

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- A. 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 twenty-four (24) hours without written permission of the governing body. Failure to move such personal property for twenty-four (24) hours constitutes prima facie evidence of storage.
- B. Violation of this section is a Class C traffic violation.

(Ordinance 9-88, 6.1.88; Ordinance 1-00, 4.12.00)

6.400.425 - Method of Parking.

- A. 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 twelve (12) inches of the curb and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.
- B. 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.
- C. 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.
- D. 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.
- E. Violation of this section is a Class D traffic violation.

(Ordinance 9-88, 6.1.88; Ordinance 1-00, 4.12.00)

6.400.430 - 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:

- A. 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.
- B. In an alley, except for a stop of not more than thirty (30) consecutive minutes for loading or unloading persons or material.
- C. 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.
- D. Violation of this section is a Class D traffic violation.

(Ordinance 9-88, 6.1.88; Ordinance 1-00, 4.12.00; Ordinance 7-06, 10.27.06)

6.400.435 - Prohibited Practices.

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- A. 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:
 - 1. Displaying the vehicle for sale.
 - 2. Repairing or servicing the vehicle, except while making repairs necessitated by an emergency.
 - 3. Selling merchandise from the vehicle.
- B. Violation of this section is a Class D traffic violation.

(Ordinance 9-88, 6.1.88; Ordinance 1-00, 4.12.00)

6.400.440 - Use of Loading Zone.

- A. 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 thirty (30) minutes.
- B. Violation of this section is a Class D traffic violation.

(Ordinance 9-88, 6.1.88; Ordinance 1-00, 4.12.00)

6.400.445 - 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 five hundred (500) feet from the vehicle.

(Ordinance 9-88, 6.1.88; Ordinance 1-00, 4.12.00)

6.400.450 - Exemptions.

The provisions of LC 6.400.425 through LC 6.400.440 that regulate the parking or standing of vehicles do not apply to:

- A. A city, county, state or public utility vehicle being used for public works maintenance, construction or repair work.
- B. A vehicle owned by the United States and being used for collection, transportation or delivery of mail.
- C. A vehicle of a disabled person who complies with the provisions of ORS 801.235 and 811.602 through 811.640.

(Ordinance 9-88, 6.1.88; Ordinance 1-00, 4.12.00)

6.400.460 - Owner Responsibility.

The owner of an unattended vehicle that is parked in violation of a parking restriction imposed by LC 6.400.425 through LC 6.400.440 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 6.400.425 through LC 6.400.440, it shall be sufficient to charge the defendant in the manner provided in ORS 810.425.

(Ordinance 9-88, 6.1.88)

6.400.465 - Registered Owner Presumption.

In a proceeding charging violation of a parking restriction imposed by LC 6.400.425 through LC 6.400.440 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.

(Ordinance 9-88, 6.1.88)

6.400.475 - Impoundment of Vehicles.

- A. 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.
- B. Impoundment of a vehicle does not preclude issuance of a citation for violation of a provision of this ordinance.
- C. 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.
- D. Vehicles left unattended on or near any public boat ramp in violation of LC 6.400.430C 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.
- E. 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:
 - 1. 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.
 - 2. Eluding or attempting to elude a police officer in violation of ORS 811.540.
 - 3. Failure to perform the duties of a driver when property is damaged or persons injured in violation of ORS 811.700 and 811.705.
 - 4. Exceeding a speed of one hundred (100) mph on any roadway within Lane County in violation of ORS 811.100 or ORS 811.111.
- F. For vehicles impounded under LC 6.400.475, 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 ORS 819.180.

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- G. A vehicle impounded under LC 6.400.475E shall be released to a person entitled to lawful possession upon compliance with the following:
 - 1. Submission of proof that a person with valid driving privileges will be operating the vehicle;
 - 2. Submission of proof of compliance with financial responsibility requirements for the vehicle; and
 - 3. Payment to the Sheriff's Office of an administrative fee sufficient to recover the actual administrative costs for the impoundment.
- H. Notwithstanding under LC 6.400.475G, a person who holds a security interest in the impounded vehicle may obtain release of the vehicle by paying the administrative fee.
- I. When a person entitled to possession of the impounded vehicle has complied with the requirements of under LC 6.400.475G or LC 6.400.475H, the Sheriff's Office shall authorize the person storing the vehicle to release it upon payment of any towing and storage costs.

(Ordinance 9-88, 6.1.88; Ordinance 7-06, 10.27.06; Ordinance 1-08, 3.7.08)

6.400.480 - Non-Motorized Traffic Prohibitions.

- A. 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 that is enclosed by fences or which is eighty (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.
- B. 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 6.400.480A to persons sixteen (16) years of age or older.
- C. 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 6.400.480A. 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.
- D. 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 6.400.480A shall have the authority to issue a County violation.
- E. Any person who violates this section commits a Class C violation.

(Ordinance 16-72, 9.8.72; Ordinance 5-74, 4.3.74; Ordinance 16-75, 12.26.75; Ordinance 20-78, 9.22.78; Ordinance 2-82, 4.9.82; Ordinance 21-83, 11.29.83; Ordinance 1-00, 4.12.00)

6.450 - PARKS

6.450.500 - Definitions.

For the purposes of LC 6.450.500 through and including LC 6.450.550, the following words and phrases shall mean:

“County Park” means 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.

“Enforcement Officer” means a peace officer or county employee, while said officer or employee is engaged in the enforcement of any provision of LC 6.450.500 et seq.

“Parks Manager” means the manager of the Parks Division of the Department of Public Works. The Parks Manager or designee may enforce the provisions of LC 6.450.505 through LC 6.450.595.

(Ordinance 21-83, 11.29.83; Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00; Ordinance 3-01, 10.11.01)

6.450.505 - Fires.

- A. 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.
- B. No person shall leave a fire unattended and must completely extinguish the fire prior to departure.
- C. Violation of this subsection constitutes a Class A violation.

(Ordinance 16-72, 9.8.72; Ordinance 2-82, 4.9.82; Ordinance 21-83, 11.29.83; Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00)

6.450.510 - Weapons.

- A. No person shall discharge within a County park any weapon capable of harming persons, wildlife or property.
- B. 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.
- C. Activities otherwise prohibited by LC 6.450.510A are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.
- D. Violation of this subsection constitutes a Class A violation.

(Ordinance 16-72, 9.8.72; Ordinance 2-82, 4.9.82; Ordinance 21-83, 11.29.83; Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00; Ordinance 2-03, 5.1.03)

6.450.515 - Hunting and Fishing.

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- A. No person shall hunt, pursue, trap, molest, injure or kill any game or non-game wildlife within a County Park.
- B. Notwithstanding the provisions of LC 6.450.515A, fishing is permitted in accordance with the rules and regulations of the State Department of Fish and Wildlife.
- C. Activities otherwise prohibited by LC 6.450.515A and not permitted by LC 6.450.515B are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.
- D. Violation of this subsection constitutes a Class A violation.

(Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00)

6.450.520 - Destruction of Property.

- A. 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.
- B. Activities otherwise prohibited by LM 6.450.520A are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.
- C. Violation of this subsection constitutes a Class A violation.

(Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00)

6.450.525 - Sales.

- A. No person shall operate a concession or engage in the business of advertising, soliciting or selling any goods or services, within a County Park.
- B. Activities otherwise prohibited by LC 6.450.525A are permitted with specific written authorization from the Board or its duly authorized agent pursuant to LM 18.140.
- C. Violation of this subsection constitutes a Class C violation.

(Ordinance 16-72, 9.8.72; Ordinance 10-77, 9.30.77; Ordinance 2-82, 4.9.82; Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00)

6.450.530 - Vehicle Operation and Parking.

No person shall:

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

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- D. 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.
- E. Activities otherwise prohibited by LC 6.450.530A and LC 6.450.530B are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.

(Ordinance 16-72, 9.8.72; Ordinance 2-82, 4.9.82; Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00; Ordinance 3-06, 4.14.06)

6.450.535 - Household Garbage.

- A. 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.
- B. Violation of this subsection constitutes a Class A violation.

(Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00)

6.450.540 - Dogs and Other Pets.

- A. 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.
- B. Violation of this subsection constitutes a Class C violation.

(Ordinance 16-72, 9.8.72; Ordinance 6-79, 7.20.79; Ordinance 2-82, 4.9.82; Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00)

6.450.545 - Horses and Riding Animals.

- A. No person shall ride, drive, lead or keep a horse or other riding animal within a County Park.
- B. Notwithstanding the provisions of LC 6.450.545A, horses or other riding animals are permitted on roadways and designated and posted equestrian trails.
- C. Activities otherwise prohibited by LC 6.450.545A and not permitted by LC 6.450.545B are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.
- D. Violation of this subsection constitutes a Class C violation.

(Ordinance 16-72, 9.8.72; Ordinance 2-82, 4.9.82; Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00)

6.450.550 - Creating a Disturbance.

- A. 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 (50) feet or more, from the source of the sound.

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- B. Activities otherwise prohibited by LC 6.450.550A are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.
- C. Violation of this subsection constitutes a Class C violation.

(Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00)

6.450.555 - Swimming.

- A. No person shall enter, wade, swim or float, in any area within a County Park that 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.
- B. No person shall sunbathe on a boating courtesy dock.
- C. Violation of this subsection constitutes a Class B violation.

(Ordinance 21-83, 11.29.83; Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00)

6.450.560 - Closed Areas.

- A. 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.
- B. Activities otherwise prohibited by LC 6.450.560A are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.
- C. Violation of this subsection constitutes a Class A violation.

(Ordinance 6-89, 5.24.89; Ordinance 8-89, 7.12.89; Ordinance 1-00, 4.12.00)

6.450.565 - Camping.

- A. No person shall camp or park overnight in any area within a County park.
- B. Notwithstanding the provisions of LC 6.450.565A, camping is permitted in areas specifically designated as public campgrounds.
- C. No person shall camp in a designated public campground in a County Park for a period longer than fourteen (14) days in any thirty (30) consecutive day period.
- D. Activities otherwise prohibited by LC 6.450.565A and LC 6.450.565C and not permitted by LC 6.450.565B are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.
- E. Violation of this subsection constitutes a Class B violation.

(Ordinance 16-72, 9.8.72; Ordinance 2-82, 4.9.82; Ordinance 21-83, 11.29.83; Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00)

6.450.570 - After Hours.

- A. 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.
- B. Notwithstanding the provision of LC 6.450.570A moorage holders and/or their guests may remain on their boats after hours.
- C. Activities otherwise prohibited by LC 6.450.570A and not permitted by LC 6.450.570B are permitted with specific written authorization from the Board or its duly authorized agent, pursuant to LM 18.140.
- D. Violation of this subsection constitutes a Class A violation.

(Ordinance 6-89, 5.24.89; Ordinance 8-89, 7.12.89; Ordinance 1-00, 4.12.00)

6.450.573 - Interference with Official Duties.

Any person who obstructs, harasses, or interferes with the official duties of an enforcement officer, commits a Class A violation.

(Ordinance 3-01, 10.11.01)

6.450.575 - 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.

(Ordinance 3-01, 10.11.01)

6.450.578 - False Information.

- A. 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.
- B. A violation of LC 6.450.578 constitutes a Class A violation.

(Ordinance 3-01, 10.11.01)

6.450.580 - Non-Payment of Fees.

- A. No person shall fail to pay an authorized Resident Camping fee or Campsite Rental fee.
- B. A violation of this section is a Class C violation.

(Ordinance 3-01, 10.11.01; Ordinance 3-06, 4.14.06)

6.450.585 - Dog Waste Matter.

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- A. 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.
- B. A violation of this section is a Class C violation.

(Ordinance 3-01, 10.11.01)

6.450.590 - Exclusion.

- A. 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 6.450.500 through LC 6.450.575. A notice of exclusion shall prohibit the person who committed the violation from entering upon Parks property:
 - 1. For a Class D violation, a period of seven (7) days;
 - 2. For a Class C violation, a period of thirty (30) days;
 - 3. For a Class B violation, a period of sixty (60) days;
 - 4. For a Class A violation, a period of one hundred twenty (120) days;
- B. 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.
- C. 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 (2) days (excluding weekends and holidays), unless the person excluded from the property requests that the exclusion hearing takes place within thirty (30) 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 LC 6.450.590D.
- D. 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.
- E. Violation of a notice of exclusion constitutes a Class A violation.

(Ordinance 5-01, 12.1.01)

6.450.595 - 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.

(Ordinance 16-72, 9.8.72; Ordinance 6-89, 5.24.89; Ordinance 1-00, 4.12.00; Ordinance 3-01, 10.11.01)

6.450.597 - Smoke-free County Parks

- A. Except as exempt under LC 6.450.597B below, smoking or other use of any tobacco products, as those terms are defined by LC 9.700, is prohibited in all County parks, including all parks facilities.
- B. Smoking or other use of any tobacco products is permitted:
 - 1. In designated campsites in developed overnight camping areas, unless temporarily suspended by the Parks Manager due to high fire hazard conditions; or
 - 2. Where allowed by the Parks Manager for personal use by a member of a federally recognized Oregon tribe as part of their traditional religious, medicinal, or other customary cultural heritage practices.
- C. Violation of this subsection constitutes a Class D violation.

(Ordinance 16-12, 2.23.17)

6.500 – IMPROPER USE OF EMERGENCY TELEPHONE SYSTEM

6.500.600 - 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.

(Ordinance 10-88, 1.4.89)

6.500.605 - Definitions.

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

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

“Automatic Dialing” and “Announcing Device” means 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” means 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” means any situation that involves an immediate threat to property or persons.

“Intentionally” means as defined in ORS 161.085. [1999 Ed.]

“Knowingly” means as defined in ORS 161.085. [1999 Ed.]

“Public Safety Agency” means any sheriff, police, fire or emergency medical entity operated by the state, the county, or a city within Lane County.

(Ordinance 10-88, 1.4.89; Ordinance 1-00, 4.12.00)

6.500.610 - Improper Use.

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

- A. Knowingly or intentionally dialing the 9-1-1 number for any purpose other than to report an event that the caller reasonably believes to be an emergency;
- B. 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.
- C. Knowingly allowing their telephone equipment to be used in violation of LC 6.500.610A and LC 6.500.610B.

(Ordinance 10-88, 1.4.89)

6.550 – UNPERMITTED TAKING

6.550.650 - Unpermitted Taking or Transport of Special Forest Products.

- A. No person shall cut or split wood into special forest products or to harvest or remove special forest products from a place unless the person has in possession a written permit to do so from the owner of the land from which the wood is cut or the products taken. The written permit required under this subsection must set forth:
 - 1. The date of the permit;
 - 2. The name, address, telephone number and signature of the person granting the permit;
 - 3. The name, address and telephone number of the person to whom the permit is granted;
 - 4. The amount and kind of wood, by species, to be cut or split or the amount and kind of special forest products to be taken;
 - 5. A description of the premises from which the wood is to be cut or the products taken. The description may be by legal description, tax account number or other description clearly identifying the premises; and

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6. The date of expiration of the permit.
- B. No person shall transport special forest products without possessing a permit as described in LC 6.550.650A or a document of sale showing title thereto. A document of sale must be signed by the landowner, seller or donor, and must set forth:
1. The date of the document;
 2. The name, address and telephone number of the seller or donor of the products;
 3. The name, address and telephone number of the purchaser or donee;
 4. The amount and kind of products sold, by species; and
 5. A description of the premises from which the special forest products were taken. The description may be by legal description, tax account number or other description clearly identifying the premises, or by street address in the event of purchase from a woodlot or fuel dealer or dealer in other special forest products.
- C. Any person who engages in the purchase or other acquisition of special forest products for resale, other than special forest products acquired from property owned by that person, shall keep records of such purchases or acquisitions for a period of one year from the date of purchase or acquisition. The records shall be made available to any peace officer upon request and shall reveal:
1. The date of purchase or acquisition;
 2. The name, address, telephone number and signature of the person from whom the special forest products were obtained and the date they were obtained;
 3. The license number of any vehicle used to deliver the special forest products to the dealer for resale;
 4. The quantity of special forest products purchased or acquired; and
 5. The name and address of the landowner from whose land the special forest product was harvested.
- D. Any permit for the removal of special forest products from public lands issued by the United States Forest Service or the Bureau of Land Management is sufficient for the purposes of LC 6.550.650A and LC 6.550.650B, regardless of whether the permit conforms to the specific requirements as to content set forth in LC 6.550.650A and LC 6.550.650B of this section.
- E. LC 6.550.650A and LC 6.550.650B of this section do not apply to:
1. The cutting or transportation of wild edible mushrooms occupying a volume at harvest of one (1) gallon or less;
 2. The cutting or transportation of special forest products, as defined in LC 6.650(6)(b)(D), (F) and (H) of this section, having a total volume of less than twenty-seven (27) cubic feet;
 3. The cutting or transportation of special forest products, other than those specified in paragraphs LC 6.550.650E.1 and LC 6.550.650E.2 of this subsection, having a total volume of less than twelve (12) cubic feet;
 4. The cutting or transportation of coniferous trees that are subject to the provisions of ORS 164.825 (Cutting and transport of coniferous trees without permit or bill of sale);
 5. The cutting or transportation of special forest products by the owner of the land from which they were taken or by the owners agent; or

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6. The transportation of special forest products by a common carrier or contract carrier.
- F. As used in this section:
1. Harvest means to separate by cutting, prying, picking, peeling, breaking, pulling, splitting or otherwise removing a special forest product from:
 - a. Its physical connection or point of contact with the ground or vegetation upon which it was growing; or
 - b. The place or position where it lay.
 2. Special forest products means:
 - a. Bear grass (*Xerophyllum tenax*), boughs, branches, ferns and other forest plant parts used in floral arrangements and decorations;
 - b. The bark and needles of the Pacific yew (*Taxus brevifolia*);
 - c. Cascara bark from the cascara tree (*Rhamnus purshiana*);
 - d. Cedar salvage including cedar chunks, slabs, stumps and logs that are more than one cubic foot in volume;
 - e. Cut or picked evergreen foliage and shrubs including, but not limited to, ferns, huckleberry, Oregon grape, rhododendron and salal;
 - f. Firewood;
 - g. Native ornamental trees and shrubs, including trees and shrubs that are not nursery grown and that have been removed from the ground with the roots intact;
 - h. Round or split posts, poles, pickets, stakes or rails, shakeboards, shake-bolts, shingle bolts or other round or split products of any forest tree species; and
 - i. Wild edible mushrooms that have not been cultivated or propagated by artificial means.
 3. Special forest products does not mean mill ends, driftwood and artificially fabricated fireplace logs.
 4. Transportation means the physical conveyance of special forest products away from a harvest site and includes, but is not limited to, transportation in or on:
 - a. A motor vehicle designed for use on improved roadways;
 - b. A boat, barge, raft or other water vessel; or
 - c. An airplane, helicopter, balloon or other aircraft.
- G. LC 6.550.650C does not apply to a person who purchases cedar products that are special forest products and who complies with the record keeping requirements of ORS 165.109 (Failing to maintain a cedar purchase record).
- H. Violation of LC 6.550.650 is punishable upon conviction by a fine of not more than one thousand dollars (\$1,000).

(Ordinance 13-6, 1.13.14)

6.600 – TAKING OF WHALES, DOLPHINS, AND PORPOISES

6.600.700 - 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. LC 6.600.700 through LC 6.600.720 are intended to implement and further the purposes of the Federal Marine Mammal Protection Act, PL 92-522, within Lane County.

(Ordinance 3-77, 5.25.77; Ordinance 20-77, 12.21.77)

6.600.705 - Definitions.

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

“Cetacean” means all whales, dolphins and porpoises.

“Cetacean Product” means any item of merchandise that consists, or is composed in whole or in part, of any cetacean.

“Take” means to harass, hunt, capture, or kill, or attempt to harass, hunt, or kill any cetacean.

(Ordinance 3-77, 5.25.77; Ordinance 20-77, 12.21.77)

6.600.710 - 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.

(Ordinance 3-77, 5.25.77; Ordinance 20-77, 12.21.77)

6.600.715 - 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.

(Ordinance 3-77, 5.25.77; Ordinance 20-77, 12.21.77)

6.600.720 - 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.

(Ordinance 3-77, 5.25.77; Ordinance 20-77, 12.21.77)

6.650 – UNLAWFUL PUBLIC ACCOMODATIONS PRACTICE

6.650.800 - 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:

- A. 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
- B. 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.
- C. 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.

(Ordinance 6-87, 7.3.87)

6.700 – SOCIAL HOST ORDINANCE

6.700.900 - Social Host Ordinance.

- A. For purposes of LC 6.700.900, the following words or terms have the following meanings:

“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.

“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.

“Event or gathering” means any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity.

“Host” means to aid, conduct, allow, entertain, organize, supervise, control or permit a gathering or event.

“Knowledge and consent” of a host is presumed if the owner(s) and/or occupant(s) of the residence or premises has been informed that an underage party was held at their residence or premises within the past three (3) years.

“Parent” means any person having legal custody of a juvenile, including as a natural or adoptive parent or step-parent; as a legal guardian; or as a person to whom legal custody has been given by order of the court.

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“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.

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

“Response” means, 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.

B. All persons are prohibited from:

1. 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:
 - a. Consume or ingest any alcohol, alcoholic beverage, or illegal, controlled substance; or
 - b. Possess any alcohol, alcoholic beverage, or illegal, controlled substance with the intent to consume it; and
 - c. The person fails to take reasonable steps to prevent possession, ingestion or consumption by the underage person(s).
2. The prohibitions of LC 6.700.900B.1 also apply to all persons who intentionally aid, advise, hire, counsel or conspire with or otherwise procure another to commit the prohibited act outlined in LC 6.700.900B.1.
3. A person who hosts an event or gathering does not have to be present at the event or gathering to be in violation of LC 6.700.900.

C. Exceptions.

1. The provisions of LC 6.700.900B do not apply to conduct solely between an underage person and his or her parents while present in the parent’s household.
2. The provisions of LC 6.700.900B do not apply to legally protected religious observances.
3. The provisions of LC 6.700.900B do not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.
4. The provisions of LC 6.700.900B do not apply to owners of large tracts of non-residential timber and agricultural land over fifty (50) acres in size, and/or rental income property owners, unless they had knowledge of the event and consented to the occurrence of the event.

D. Enforcement and Penalties.

1. The provisions of LC 6.700.900B can be enforced by any police officer or sheriff’s deputy within Lane County.
2. Violation of the Social Host Ordinance, LC 6.700.900, is an unclassified violation requiring a mandatory appearance and is punishable upon conviction as follows:
 - a. First response within a three (3) year period:

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- (1) 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 three (3) years, the provisions of LC 6.700.900 require payment of response fees and enhanced fines.
 - (2) The occupant(s) and owner(s) of the property shall be fined five hundred (\$500).
- b. Second and subsequent responses within a three (3) year period:
- (1) 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 seven hundred fifty dollars (\$750).
 - (2) For each subsequent response in a three (3) year period, 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 an additional one thousand dollars(\$1,000) fine shall be charged.
- E. Fees and fines can be collected through either a collection agency, through civil action or through a request for restitution through the appropriate court handling either the violation proceeding or related proceedings. Responding entities may formulate intergovernmental agreements as to the handling of response fee assessments.

(Ordinance 5-09, 2.4.10; Ordinance 1-11, 8.12.11)

6.750 - PENALTIES

6.750.995 - Penalties.

- A. Violation of LC 6.050.025, LC 6.100.030, LC 6.500.610 or LC 6.650.800 is punishable upon conviction by fine of not more than one thousand dollars (\$1,000) or by imprisonment in the County jail for not more than thirty (30) days, or by both.
- B. Violation of LC 6.600.710 or LC 6.600.715 is punishable upon conviction by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the County jail for not more than one (1) year, or by both.

(Ordinance 6-73, 5.30.73; Ordinance 12-74, 8.7.74; Ordinance 3-77, 5.25.77; Ordinance 20-77, 12.21.77; Ordinance 22-78, 10.13.78; Ordinance 17-82, 7.16.82; Ordinance 6-87, 7.3.87; Ordinance 4-88, 6.1.88; Ordinance 10-88, 1.4.89; Ordinance 4-89, 5.12.89; Ordinance 5-90, 7.6.90; Ordinance 5-99, 7.28.99; Ordinance 1-00, 4.12.00)

6.800 - REWARDS

6.800.997 - Rewards.

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- A. 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 twenty-five dollar (\$25) reward.
- B. 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 five hundred (\$500).

(Ordinance 5-77, 6.17.77; Ordinance 9-81, 6.5.81)