



June 25, 2015

Board of County Commissioners
Clackamas County

Members of the Board:

Reading and Adoption of an Ordinance Amending Appendix B - Fines of the
Clackamas County Code and Declaring an Emergency

Purpose/Outcomes	The adoption of the attached Ordinance completes the process of adopting fines for Fiscal Year 2015-2016. If approved, these fines will be incorporated into County Code Appendix B - Fines, and will be effective July 1, 2015.
Dollar Amount and Fiscal Impact	The cost to implement the new fines would be internal to the County involving staff time and resources.
Funding Source	No new funding
Safety Impact	None
Duration	Fees will be effective July 1, 2015.
Previous Board Action	The Board heard from County Parks at various study sessions regarding these fees.
Contact Person	Laurel Butman, Deputy County Administrator (530) 655-8893 and Anja Mundy (503) 655-8362

BACKGROUND:

In 2002, the County began the process of adopting and modifying fees and fines by resolution once annually. All fees and fines are reviewed annually by various departments. After review, departments propose new or changed fees and fines for consideration by the Board in study session. In 2012, it was determined that fines should be adopted by ordinance rather than resolution. The attached ordinance and Exhibit A reflect the new or changed fines that have been previously reviewed by the Board and tentatively approved for adoption.

RECOMMENDATION:

The staff respectfully recommends that the Board approve and sign the attached ordinance adopting changed fines for Clackamas County for Fiscal Year 2015-2016.

Sincerely,

Laurel Butman
Deputy County Administrator

ORDINANCE NO.

An Ordinance ~~Adopting Fines, Amending Attachment Appendix B - Fines~~ of the Clackamas County Code, and Declaring an Emergency

WHEREAS, the Clackamas County Board of Commissioners finds that, pursuant to Section 1.01.090 of the Clackamas County Code, the Board adopts fines; and

WHEREAS, the Clackamas County Board of Commissioners finds that changes to fines shall be included in Appendix B of the Clackamas County Code; and

WHEREAS, the Clackamas County Board of Commissioners finds that the County shall charge all fines set by state or federal law and if such a fine is changed, the County shall charge the new amount when it becomes effective; and

WHEREAS, the Clackamas County Board of Commissioners finds that, pursuant to ORS 310.145, the Board classifies the fines adopted by this resolution as fines not subject to the limits of section 11b, Article XI of the Oregon Constitution; and

WHEREAS, because these new fines are necessary to regulate events likely to occur during the coming summer months, the absence of such fines has created an emergency;

Now, therefore, the Board of Commissioners of Clackamas County ordains as follows:

Section 1: Pursuant to Section 1.01.090 of the Clackamas County Code, the Board adopts the fines shown on Exhibit "A", attached hereto and incorporated herein by this reference into Appendix B of the Clackamas County Code.

Section 2: The changes to fines authorized by Section 1 of this ordinance and shown on Exhibit "A" shall become effective on July 1, 2015.

Section 3: This ordinance is necessary to meet an emergency.

Section 4: This ordinance shall be effective ~~immediately upon adoption~~ July 1, 2015.

ADOPTED this 25th day of June, 2015

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

EXHIBIT A – County Parks Fine Changes for FY 2015-16

VIOLATION DESCRIPTION	AUTHORIZING LEGISLATION	Fine set by ORS	ORS auth. fine	Code auth. fine	CURRENT Fine Amount 2014-2015	PROPOSED Fine amount
Entering, using park area or facilities without first paying the required fee	Code §6.06.030.D			X	\$20-\$34	\$40
Failure to properly display parking permit (NEW FINE)	Code §6.06.030.D			X	n/a	\$40
Remaining in or returning to a park area after being ordered to leave	Code §6.06.030.G			X	\$25-\$100	\$100
Entering, remaining in park or leaving vehicle in a park between posted closing/opening time, except when overnight camping permitted	Code §6.06.030.J			X	\$25-\$55	\$55
Failure to maintain campsite in clean, sanitary and safe manner	Code §6.06.030.M			X	\$20	\$34
Occupying a campsite assigned to another person	Code §6.06.030.N			X	\$20	\$34
More than two vehicles in a campsite	Code §6.06.030.O			X	\$20	\$34
Entering campground in unauthorized vehicle	Code §6.06.030.P			X	\$20	\$34
Occupying trailer campsite in shelter other than trailer/camper	Code §6.06.030.Q			X	\$20	\$34
Occupying campsite by more than 1 family without permission	Code §6.06.030.R			X	\$20	\$34
Camping overnight under the age of 18, unless accompanied by an adult	Code §6.06.030.R.3			X	\$20	\$34
Failure to vacate campsite by checkout time	Code §6.06.040.E			X	\$55	\$55
Entering, remaining in park after hours	Code §6.06.050.A			X	\$55	\$55
Exposing genitalia in public	Code §6.06.050.B			X	\$55-\$150	\$150
Performing sexual intercourse in public	Code §6.06.050.C			X	\$55-\$150	\$150
Possession of glass beverage containers without permit	Code §6.06.050.D			X	\$55	\$55
Building fires outside park camp stoves, fireplaces, portable stoves or permitted areas	Code §6.06.050.E.1			X	\$35-\$55	\$55
Leaving a fire unattended or failing to extinguish fire before leaving the park area	Code §6.06.050.E.2			X	\$35-\$55	\$55
Building a fire that constitutes a hazard to any pile of wood, grass, tree, underbrush, or other flammable material	Code §6.06.050.E.3			X	\$175-\$225	\$225
Moving a camp stove or fireplace	Code §6.06.050.E.4			X	\$35-\$55	\$55
Hunting, etc, any bird or animal	Code §6.06.050.F.1			X	\$55-\$150	\$150
Discharging any firearms, pellet gun, bow & arrow, slingshot, paintball gun, or other weapon capable of injury	Code §6.06.050.F.2			X	\$250-\$500	\$250-\$500
Possessing a pellet gun, bow & arrow, slingshot, other weapon capable of injury or a loaded firearm	Code §6.06.050.F.3			X	\$55-150	\$150
Possessing or using fireworks or other explosives	Code §6.06.050.F.4			X	\$34	\$150

VIOLATION DESCRIPTION	AUTHORIZING LEGISLATION	Fine set by ORS	ORS auth. fine	Code auth. fine	CURRENT Fine Amount	PROPOSED Fine amount
Possessing alcohol in prohibited areas without permit	Code §6.06.050.G			X	\$55	\$150
Causing public disturbance	Code §6.06.050.H			X	\$55	\$150
Mutilate, deface, etc., any structure, facility or sign in park area	Code §6.06.050.H.1			X	\$20-\$34	\$55
Less than \$100 damage	Code §6.06.050.H.1				\$25-\$55	\$55
More than \$100 damage	Code §6.06.050.H.1				\$150-\$207	\$207
Dig up, deface, etc., any dirt, stone, rock or other substance in park area	Code §6.06.050.H.2			X	\$20-\$34	\$55
Lay/set off blast in park area	Code §6.06.050.H.2				\$25-\$55	\$55
Roll any stones, etc.	Code §6.06.050.H.2				\$25-\$55	\$34
Erecting temporary signs, markers, or inscriptions in park area without permission from a County Park employee	Code §6.06.050.H.3			X	\$10-\$20	\$55
Set up, use public address system without permission from Park Administrator	Code §6.06.050.H.4			X	\$20-\$34	\$55
Washing clothing or cleaning fish in lake, stream, river or pond	Code §6.06.050.H.5			X	\$10-\$20	\$34
Using abusive/threatening language or gestures, creating public disturbances, riotous behavior	Code §6.06.050.H.6			X	\$25-\$55	\$55
Operating, using any noise producing machine, vehicle, etc. in a manner that is disturbing to other park visitors	Code §6.06.050.H.7			X	\$20-\$34	\$55
Picking, cutting, etc. any flowers, shrubs, trees, etc.	Code §6.06.050.H.8			X	\$20-\$34	\$34
Operating a concession in park area without written consent	Code §6.06.050.I.1			X	\$20-\$34	\$55
Solicitation or offering for sale any goods without consent from Park Administrator	Code §6.06.050.I.2			X	\$10-\$20	\$55
Advertising any goods or services without written consent	Code §6.06.050.I.3			X	\$20-\$34	\$55
Distributing any circulars, notices, etc. on property without permission	Code §6.06.050.I.4			X	\$20-\$34	\$55
Riding, driving, leading, or keeping a horse in any park without written consent	Code §6.06.050.J.1			X	\$20-\$34	\$55
Bringing in or keeping any animal in park area unless controlled on a maximum 6 foot leash or allowing animals other than seeing eye dogs in park area buildings	Code §6.06.050.J.2			X	\$20-\$34	\$55
Allowing any animal to annoy, molest, attack, or injure any person or animal in park area	Code §6.06.050.J.3			X	\$25-\$55	\$55
Tying up an animal and leaving them unattended	Code §6.06.050.J.4			X	\$20-\$34	\$55
Failure of owner to contain/remove animal wastes	Code §6.06.050.J.5			X	\$20-\$34	\$55
No person shall allow more than two domestic pets in any campsite	Code §6.06.050.J.6			X	\$20-\$34	\$55

VIOLATION DESCRIPTION	AUTHORIZING LEGISLATION	Fine set by ORS	ORS auth. fine	Code auth. fine	CURRENT Fine Amount 2014-2015	PROPOSED Fine amount
Operating any vehicle in violation of Oregon Vehicle Code or other laws	Code §6.06.050.K.1			X	\$55	\$55
Violation of maximum speed limit or traveling in excess of reasonable and prudent speed:	Code §6.06.050.K.2			X	See below:	
1-10 mph in excess of limit	Code §6.06.050.K.2			X	\$72	\$72
11-20 mph in excess of limit	Code §6.06.050.K.2			X	\$104	\$104
21-30 mph in excess of limit	Code §6.06.050.K.2			X	\$170	\$170
30+ mph in excess of limit	Code §6.06.050.K.2			X	\$290	\$290
Parking a vehicle any place other than areas designated as parking, or in violation of signs	Code §6.06.050.K.3			X	\$15-\$25	\$34
Parking in an emergency access area or travel lane	Code §6.06.050.K.4			X	\$15-\$25	\$55
Operating a motor vehicle in area not designated for motor vehicle use	Code §6.06.050.K.5			X	\$25-\$55	\$55
Operating any OHV or ATV or any other vehicle not legal for street riding	Code §6.06.050.K.6			X	\$25-\$55	\$55
Leaving bottles, cans, ashes, waste, etc. in non-designated locations	Code §6.06.050.L.1			X	\$25-\$55	\$55
Bringing into a park area any trash, etc. for the purpose of leaving it there	Code §6.06.050.L.2			X	\$25-\$55	\$55
Kitchen or toilet waste violation	Code §6.06.050.L.3			X	\$55-\$100	\$100
Camping in a non-designated area	Code §6.06.050.M.1			X	\$20-\$34	\$55
Camping in any one park area for more than 10 days in a 14-day period, or in the park system for more than 20 days total from 5/1 to 9/30	Code §6.06.050.M.2			X	\$35-\$55	\$55
Making excessive noise between the hours of 10:00 pm. & 7:00 am	Code §6.06.050.M.3			X	\$25-\$55	\$55
Camping overnight without an approved shelter	Code §6.06.050.M.4			X	\$10-\$20	\$34
Washing vehicle or trailer in campsite	Code §6.06.050.M.5			X	\$15-\$25	\$34
Filling swimming pool in campground	Code §6.06.050.M.6			X	\$15-\$25	\$34