

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 16-12

In The Matter Of Amending Lane Code Chapter 6 To
Institute a County Parks Tobacco-Use Policy

WHEREAS, Lane Code Chapter 6 sets forth Offenses; and

WHEREAS, the Board of County Commissioners wishes to institute a County Parks Tobacco-Use Policy and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

REMOVE THESE SECTIONS

INSERT THESE SECTIONS.

NONE

6.597

This section is attached hereto and incorporated herein by this reference. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

The office of Lane County Legal Counsel is authorized to codify this Ordinance and to make any technical changes, not affecting its substance, as are reasonably necessary to accomplish codification.

ENACTED this 24th day of January 2017.



Chair
Lane County Board of Commissioner



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 1/31/17

LANE COUNTY OFFICE OF LEGAL COUNSEL

At left margin indicates changes
Bold indicates material being added
Strikethrough indicates material being deleted

**LEGISLATIVE
FORMAT**

6.595 Lane Code 6.600
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)

6.597 Smoke-free County Parks

(1) Except as exempt under subsection (2) 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.

(2) Smoking or other use of any tobacco products is permitted:

(a) In designated campsites in developed overnight camping areas, unless temporarily suspended by the Parks Manager due to high fire hazard conditions; or

(b) 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.

(3) Violation of this subsection constitutes a Class D violation.

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

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)

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(3) Violation of this subsection constitutes a Class D violation.

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)*