

AGENDA COVER MEMO

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ORDINANCE 2-03

AGENDA DATE: March 12, 2003

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: LANE COUNTY OFFICE OF LEGAL COUNSEL

PRESENTED BY: Teresa J. Wilson, County Counsel



AGENDA ITEM TITLE: 1. First Reading and Setting a Public Hearing/ Ordinance No. 2-03/ In the Matter of Amending Chapter 6 of Lane Code to Add a Provision Prohibiting Discharge of Weapons in Property Owned or Operated by a Park and Recreation District (LC 6.510) (Second Reading and Public Hearing: April 2, 2003 at 1:30 p.m.)

2. Second Reading and Public Hearing/ Ordinance No. 2-03/ In the Matter of Amending Chapter 6 of Lane Code to Add a Provision Prohibiting Discharge of Weapons in Property Owned or Operated by a Park and Recreation District (LC 6.510)

I. MOTION: March 12: I move to set the First Reading and Public Hearing on Ordinance No. 2-03 for April 2, 2003 at 1:30 p.m.

April 2: I move to enact Ordinance No. 2-03 Amending Chapter 6 of Lane Code to add a provision prohibiting discharge of weapons in property owned or operated by a park and recreation district.

II. ISSUE OR PROBLEM: The current Lane County Code prohibits the discharge of a weapon in a County park, but does not contain such a restriction within a park operated by a Park and Recreation District. A request has been made by Willamalane Park & Recreation District for the addition of such a provision.

III. DISCUSSION:

A. Background In early winter, the Willamalane Park and Recreation District Chair, Rob Adams, and Superintendent Bob Keefer sent correspondence to Lane County requesting that the County Code be amended to add a provision prohibiting the possession and discharge of firearms within parks and recreation facilities, similar to what had been adopted by the City of Springfield. After some discussion between then Board Chair Bill Dwyer and the Willamalane representatives, the request has been modified to prohibit the discharge of a weapon, but not the possession in order to accommodate people who may be carrying weapons through the parkland to access the river to go duck hunting. The original letter indicated that the Superintendent of the River Road Park and Recreation District Jim Lockard has also been contacted and supported the request.

B. Analysis Appropriate modifications have been drafted to Lane Code section 6.510 to prohibit the discharge of a weapon capable of harming persons, wildlife or property within a public park owned or maintained by a park and recreation district. The language is a companion to the language which prohibits discharging such a weapon in a County park.

C. Implications This addition would provide an additional measure of safety with park and recreation district parks, and is permissible under the law. Any signage implications would fall to the park and recreation district to implement.

D. Recommendations I recommend adoption.

E. Timing The ordinance would go into effect 30 days after adoption.

IV. ATTACHMENTS:

Board Order

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 2-03

IN THE MATTER OF AMENDING CHAPTER 6 OF
LANE CODE TO ADD A PROVISION PROHIBITING
DISCHARGE OF WEAPONS IN PROPERTY OWNED
OR OPERATED BY A PARK AND RECREATION
DISTRICT (LC 6.510)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 6 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

REMOVE THESE SECTIONS

6.510
located on page 6-7
(a total of 1 page)

INSERT THESE SECTIONS

6.510
located on page 6-7
(a total of 1 page)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to add a provision prohibiting discharge of weapons in property owned or operated by a park and recreation district.

ENACTED this _____ day of _____ 2003.

Peter Sorenson, Chair
Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 2/26/03 Lane County



OFFICE OF LEGAL COUNSEL

PARKS

6.500 Definitions.

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

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

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

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

6.505 Fires.

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

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

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

6.510 Weapons.

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

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

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

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

6.515 Hunting and Fishing.

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

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

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

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

6.520 Destruction of Property.

(1) No person shall deface, damage, destroy or remove any County Park structure, sign, facility, plant, tree, wood, soil, gravel, sand or other substance, except duly authorized County employees or agents in the performance of their duties.

||At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
6.5006.500 Lane Code

LEGISLATIVE
FORMAT
6.515-6.520

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