

ARTICLE SIX - COUNTY PROPERTY REGULATIONS
[Renamed Article Six July 17, 2018]

DIVISION ONE - PARK REGULATIONS

[Article Six, Division One was extensively revised by Ordinance 92-03-005L, effective April 8, 1992]

SECTION 06.01.010 CITING THIS ORDINANCE

This ordinance may be cited as the Coos County Parks Ordinance or as the Coos County Park Rules. [97-08-008L]

SECTION 06.01.020 RESERVED

SECTION 06.01.030 DEFINITIONS

As used in this Division, unless the context requires otherwise:

- (1) "Alcoholic liquor" means any alcoholic beverage containing more than 1-1/2 of 1% alcohol by volume and every liquid or solid, patented or not, containing alcohol and capable of being consumed by a human being.
- (2) "County" means Coos County, a political subdivision of the State of Oregon.
- (3) "County Board" means the Board of County Commissioners for Coos County, Oregon.
- (4) "Horse" means a horse, mule, donkey or other animal that can be ridden.
- (5) "Motor Vehicle" means any self-propelled vehicle or vehicle designed for self-propulsion, except a vehicle designed for and being used by one disabled person.
- (6) "Park" means an area designated by the County Board as a public park and recreation area pursuant to ORS 275.320. "Park" also means such other property under the control of the County designated by the Board as regulated by this Division, but not designated as an ORS 275.320 park.
- (7) "Park Employee" means an employee of the Coos County Parks and Recreation Department.
- (8) "Parks Department" means the Coos County Department of Parks and Recreation, its Director, employees and agents.
- (9) "Parks Director" means the person appointed by the County Board as Director of the Coos County Parks and Recreation Department.
- (10) "Pets" means any animal kept for domestic purposes.

SECTION 06.01.035 RULES

The Board, in addition to the regulations set forth in this Division, may, by order, adopt such additional rules it believes necessary for the operation, management and protection of parks and persons using the parks. Such rules may be general in nature

or directed to a specific park and shall be posted in the specific park areas to which they pertain. Within a park, no person shall violate such rules and such rules shall be enforceable in the same manner as this Division.

SECTION 06.01.040

PARK CLOSURE

- (1) The Parks Director, or designee, is authorized to close to public use any County park or portion thereof, or restrict the times when the same shall be open to such use, or limit or prohibit any recreational use whenever, in the Park Director's judgment, such actions are necessary to protect the public health, safety or welfare, or for the protection of the park or any of its facilities.
- (2) Any closure beyond three (3) days shall be authorized by order of the County Board.
- (3) Reasonable cause for closure or restricted use shall include, but not be limited to, the following:
 - (a) extreme fire hazard;
 - (b) dangerous water or weather conditions;
 - (c) sanitary protection of water shed;
 - (d) Parks Department construction or repairs;
 - (e) conservation of fish and wildlife;
 - (f) excessive boat traffic;
 - (g) unsafe or crowded shoreline, ramps, parking or road conditions;
 - (h) damage to a park or any of its facilities; or
 - (i) any dangerous, unsafe or unhealthful condition.
- (4) Closure time for all day use areas shall be sunset unless otherwise posted.
- (5) A park employee may, as conditions warrant, close the park at any time of the day or night to any new arrivals in order to limit the number of persons using day use and camping facilities on any given day or in any twenty-four (24) hour period. Any such closure to new arrivals will last so long as the park employee believes necessary to prevent overcrowding.

SECTION 06.01.050

FEES AND PERMITS

- (1) All fees and charges, including permits issued by the Parks Department authorizing the use of a park or any of its areas of facilities, shall be in accordance with the schedules adopted from time to time by the County Board.
- (2) No person shall enter or use any park or any of its facilities without first paying the prescribed fee, if any, to the Parks Department.
- (3) No person shall refuse to exhibit to any park employee, upon demand, any permit issued by the Parks Department.

SECTION 06.01.055

SPECIAL EVENTS

The County may, at its sole discretion, authorize the organizer of

a special event exclusive use of a park. The organizer may authorize concessions to operate in the park and collect an admission fee for entry into the park. The County shall be paid a percentage of all gross revenues collected from admissions and/or concessions as adopted from time to time by the County Board. The County may impose such conditions as it deems necessary when issuing a Special Use Permit for such events. [97-08-008L]

SECTION 06.01.060

AUTHORITY TO REVOKE PERMITS

- (1) A park employee may revoke any permit issued unlawfully or erroneously or when there is reasonable cause to believe the permit holder has violated any provisions of the permit, this Division or state law. A park employee may also expel such person from the park.
- (2) A park employee may take possession of any revoked or fictitious permit. [Ordinance 94-06-007L]

SECTION 06.01.065

REMOVAL FROM COUNTY PARKS

In addition to the enforcement provisions of Article Eleven, Division One of the Coos County Code, any peace officer or park employee may expel from a County Park any person who violates any provision of this Division or state law and who is damaging park property or disturbing other persons in the park. [Ordinance 94-06-007L]

SECTION 06.01.070

MOTOR VEHICLES

- (1) Within a park no persons shall:
 - (a) Drive a motor vehicle at a speed greater than 10 miles per hour unless otherwise posted.
 - (b) Drive a motor vehicle on other than established vehicular roads, parking areas or boat ramps, except those areas specifically designated for such use.
 - (c) Park or leave unattended any motor vehicle and/or trailer in any area or in any manner not designated by the Parks Department for parking.
 - (d) Park or leave unattended any motor vehicle and/or trailer on any boat launching facility.
 - (e) Drive an unlicensed motor vehicle, nor drive a motor vehicle without a valid operator's license.
 - (f) Drive any motor vehicle in a reckless manner, or in wanton disregard for the safety of persons or property.
 - (g) Drive a motorcycle that is not licensed for street use in a park, except where expressly permitted.
- (2) The Parks Department may, at the owner's expense, move or remove any motor vehicle or trailer which is parked in violation of this Division.
- (3) Within a park no person shall park or leave a boat or boat trailer in other than areas clearly designated for such purpose or as otherwise authorized by a park employee.

SECTION 06.01.080

ANIMALS

- (1) Pets are permitted in County Parks except in areas specifically designated as closed to pets.
- (2) A park employee may refuse to admit to a park or expel from a park any pet or other animal that is or appears in the judgment of the park employee to be dangerous or likely to disturb other persons in the park.
- (3) In those parks or park areas where pets are permitted, the following regulations shall apply:
 - (a) No person shall allow any pet to run unrestrained without prior permission from the Parks Department. Pets shall be restrained by a secure leash not over ten (10) feet long.
 - (b) No person shall allow any pet in the person's custody to annoy or molest any person.
 - (c) Reserved.
 - (d) No persons shall tie, secure or hobble a horse, dog or other animal in a manner which injures any tree, shrub or park property.
 - (e) Except for peace officers, no person shall drive, ride, lead or keep a horse in any park, except in areas designated for that purpose.
 - (f) No person shall bring any animal, other than a seeing-eye dog, into any park building.
- (4) No person shall pursue, kill, injure, hunt, molest or in any manner disturb any bird or animal within a park, except as may be permitted by resolution of the County Board.
- (5) In addition to any other means of enforcing this section, any peace officer, animal control officer, or park employee may impound any pet or other animal in the custody of a person who is in violation of subsections 1 or 3 of this section or is dangerous or disturbing other persons in the park. [Ordinance 94-06-007L]

SECTION 06.01.085

GENERAL REGULATIONS

- (1) No persons shall operate or use any noise producing machine, vehicle, device or instrument in such a manner that is disturbing to other park visitors.
- (2) No unauthorized person shall enter or remain in a park between the daily closing time and daily opening time established by the Parks Department and posted at the entrance to each park.

SECTION 06.01.090

FIREARMS, OTHER WEAPONS AND
EXPLOSIVES

- (1) Within a park no person shall:
 - (a) Discharge any firearm, pellet gun, wrist rocket, bow and arrow, slingshot or any other missile launching device, except in those areas designated

- by the Parks Department for such use.
- (b) Possess any loaded firearm, unless authorized by the County Board or state law.
 - (c) Possess or use any fireworks or other explosives without prior written permission from the Parks Department.

SECTION 06.01.095 FIRES

- (1) Fires in park areas shall be confined to:
 - (a) Park camp stoves or fireplaces provided for such purposes.
 - (b) Portions of beach areas designated as permissible for fires.
 - (c) Portable stoves in established campsites, park picnic areas, and designated beaches where fires are permitted.
- (2) No fire shall be left unattended or be permitted to cause damage to park facilities or areas. Every fire shall be extinguished before its users leave the park area.
- (3) At the discretion of the park manager, fires normally permitted in park areas may be restricted or prohibited due to high fire hazard conditions.

SECTION 06.01.100 OVERNIGHT CAMPING

- (1) No persons shall camp in any park without a valid camping permit. Camping shall be confined to areas specifically designated for such use. A park employee may revoke a camping permit if the permit holder does not maintain the campsite in a reasonably clean, sanitary and safe manner.
- (2) No persons shall remove, vandalize or destroy any valid permit displayed at a campsite.
- (3) A camping permit will expire after a minimum of fourteen (14) days, unless the Parks Director or designee extends the time limit, provided that such extension shall not be unfair to other persons desiring to use the camping facility. Any permit extended beyond the time specified by this Division shall be considered a new permit for which all fees and charges must be paid. When the fourteen (14) day camping limit is reached, the permit holder must vacate the park for a minimum of twenty-four (24) hours, unless an extension is granted. Notwithstanding the above, the Parks Department is authorized to issue monthly camping permits from November 1st up to but not including Memorial Day weekend. [97-08-008L]
- (4) All camping permits expire at 2:30 p.m. on the expiration date.
- (5) Overnight campers under 18 years of age must be accompanied by a parent or guardian.
- (6) No persons shall reserve or attempt to reserve a campsite without prior written consent from the Parks

Department.

- (7) Each individual campsite shall be used by no more than one family unit at any one time, except that a park employee may allow more than one family unit to occupy a campsite when, in the employee's opinion, such use will not unnecessarily impair the health, safety or enjoyment of other park visitors or be detrimental to park resources.

SECTION 06.01.105

BOATS AND MOORAGE

- (1) Boaters must comply with park regulatory signs posted in boat launching, moorage and beach areas.
- (2) Boats moored shall be secured in manner that will not cause personal injury or damage to private property or park resources.
- (3) There shall be no swimming or water skiing in the immediate area of or from boat moorage docks or facilities.
- (4) Fishing from boat moorage docks may be permitted at the discretion of the park manager.

SECTION 06.01.110

SPECIAL EVENTS OR GROUP ACTIVITIES

Persons intending to conduct special events or group activities, including, but not limited to, weddings, receptions, club meetings, company picnics and parties, shall obtain a permit from the Parks Department at least forty-eight (48) hours prior to the activity or event to be conducted. All activities must comply with state laws. The permit holder shall pay, in advance, any clean up fee or deposit established by the Board under Section 06.01.050.

SECTION 06.01.115

SIGNS AND CONCESSIONS

- (1) Except in designated areas, no sign, marker, or inscription of any kind shall be placed within a park area without written permission from the park manager.
- (2) No person may distribute circulars, notices, leaflets, pamphlets, or written or printed information of any kind within a park area unless they have first reported their name, address and the number of leaflets to be distributed to the park manager.
- (3) The following activities are prohibited in a park area without prior authorization from the park director.
 - (a) Operating concessions, soliciting, selling, or offering for sale, peddling, hawking, or vending any goods, wares, merchandise, food, liquids, or services.
 - (b) Advertising any goods or services by any means whatsoever.

SECTION 06.01.120

ALCOHOLIC BEVERAGES

- (1) The Parks Director shall adopt a schedule specifying the

amounts and types of alcoholic beverages which may be brought into any park.

- (2) The Parks Director shall have authority to revise this schedule. The schedule may contain provisions requiring that a written permit be obtained prior to bringing certain types or quantities of alcoholic beverages into a park.
- (3) No person shall provide alcohol to a visibly intoxicated person. [Ordinance 94-06-007L]

SECTION 06.01.130 REFUSE

Within a park no persons shall:

- (1) Throw, dump or deposit any trash, refuse, garbage, litter or waste material, except in receptacles designated by the Parks Department for that purpose.
- (2) Bring into a park any trash, refuse, garbage, litter, waste material or vehicle for the purpose of leaving it herein.
- (3) Throw, dump or deposit into the water of a lake or stream, or the banks thereof, any trash, refuse, garbage, litter, waste material or any other polluting products of any kind.
- (4) Clean any fish, except at places designated by the Parks Department for this purpose, or dispose of any fish or fish wastes except in an appropriate garbage container.

SECTION 06.01.135 LOST ARTICLES

All lost articles found in park areas must be turned over to a park employee. If the article is not claimed by the owner within one year, the article may be returned to the finder pursuant to applicable state law and procedures.

SECTION 06.01.140 PUBLIC ADDRESS SYSTEM

No persons shall set up or use a public address system in a park without the written permission of the Parks Department.

SECTION 06.01.145 DISCRIMINATION

Within a park, no person shall engage in any activity or use of facilities that discriminates on the basis of race, sex, color, age, creed or national origin.

SECTION 06.01.150 DAMAGE, DISPLACEMENT OR REMOVAL OF
PARK PROPERTY

- (1) Except for picking mushrooms or edible fruits for personal consumption, no persons shall, within a County park:
 - (a) Pick, cut, mutilate or remove flowers, shrubs,

- foliage, trees or plant life without written permission from the Parks Department.
- (b) Mutilate, deface, damage move or remove any park equipment, including but not limited to tables, benches, buildings, signs, markers, plaques, barriers, fountains, faucets, traffic recorders or other structures or facilities.
 - (c) Dig, dredge, deface or remove any dirt, stones, rocks, artifacts or other substances, make any excavation, quarry stones or other objects, or cause or assist in doing any of the things except with written permission from the Parks Department.
- (2) As a means of deterring vandalism and theft of County property in the Coos County Parks, the Board of Commissioners, in their discretion, may offer a reward of up to five hundred (\$500.00) dollars to persons who supply information which leads to the arrest and conviction of persons responsible for vandalism and/or theft of County property in the Coos County Parks. The details of any such offer of reward shall be set forth in the order or resolution offering such reward.

SECTION 06.01.160

TENMILE LAKES

- (1) The County park located on Tenmile Lake in the community of Lakeside shall be known as Tenmile Lake County Park.
- (2) USE OF DOCKS
 - (a) The easternmost dock at the park is hereby designated Boarding Dock #1. The center-east dock is hereby designated Boarding Dock #2. The center-west dock is hereby designated Transient Dock #3. The westernmost dock is hereby designated Fishing Dock #4. Swimming from these docks is prohibited at all times.
 - (b) Boarding Dock #1 is hereby designated as a boat moorage dock. Two hour moorage is permitted as posted. Fishing and swimming from Boarding Dock #1 are prohibited at all times.
 - (c) Boarding Dock #2 and Transient Dock #3 are hereby designated as boat moorage docks only. Fishing and swimming from Boarding Dock #2 and Transient Dock #3 are prohibited at all times.
 - (i) Two hour moorage is permitted on both sides of Boarding Dock #2 beginning at the southern (lake) end of the dock and extending to the points posted, as designated by the Parks Director. Moorage is prohibited between those points and shore.
 - (ii) Temporary moorage for loading and unloading is permitted only on Transient Dock #3. Temporary boat moorage is permitted on both sides of Transient Dock #3 beginning at the southern (lake) end of the dock and extending to the points posted, as designated by the Parks Director. Moorage is prohibited between

those points and the shore.

- (d) Fishing Dock #4 is hereby designated a fishing dock only. Boat moorage is prohibited at all times on Fishing Dock #4 except that emergency boat moorage is allowed. In such cases, the moorage shall not exceed the duration of the emergency period. Swimming from Fishing Dock #4 is prohibited at all times. [Ordinance 94-06-007L]
 - (e) Signs shall be posted on all docks indicating the place and type of moorage allowed.
 - (f) Overnight moorage is prohibited on any of the docks.
 - (g) Motorized and non-motorized vehicles are prohibited on any of the docks.
- (3) CAMPING PROHIBITED. Overnight camping is prohibited within the premises of the park. Notwithstanding the above, during special events when overnight camping is desired for security purposes, application for overnight camping may be made to the Parks Department. The Parks Director shall have sole discretion, subject to review by the Board of Commissioners, to grant a permit for overnight camping in such circumstances.
- (4) COMMERCIAL ENTERPRISES PROHIBITED. No commercial enterprise shall be conducted within the park or within one hundred (100) yards of the service docks or the designated swimming areas. This prohibition on commercial activity includes charter boats and houseboats mooring on the County docks or anchoring within one hundred (100) yards of the docks, swimming area, launching ramp or the park it self. No commercial or non-commercial woodcutting or log hauling shall be conducted within the park. Notwithstanding the above, application for a permit to allow an activity prohibited by this Section may be made to the Parks Department. The Parks Director shall have sole discretion, subject to review by the Board of Commissioners, to grant a permit for commercial activity in such circumstances.
- (5) PARKING. Except for vehicles with boat trailers parked in areas specifically designated by the Parks Director for long term parking, vehicles and boat trailers may be parked for a seventy-two (72) hour time limit only. In areas designated by the Parks Director for long term parking of vehicles with trailers, parking shall be allowed for a maximum of fourteen (14) days. The areas for long term parking shall be posted by the Parks Director. Owners and/or users of vehicles and boat trailers left longer than the designated time limit or otherwise in violation of this Division may be cited by an employee of the Coos County Parks Department and/or by a deputy of the Coos County Sheriff's Department. Citation may be made by leaving a copy of the citation affixed to the vehicle or boat trailer, by personal delivery to the person in possession of the vehicle or boat trailer or by personal delivery to the owner of the vehicle or boat trailer.

- (6) TIE DOWN AREA. No vehicle shall stop in the area immediately in front of the boat ramps, as designated by the Parks Director, for the purpose of securing boats. Park users may stop vehicles for the purpose of securing boats to trailers only in the area designated as the "tie down area". The Parks Director shall clearly post the "tie down area".
- (7) POSTING. A summary of the regulations contained in this Division shall be posted at the main entrance to Tenmile Lake County Park. It may be posted at any other convenient place of posting within the premises of the park. Notwithstanding this section, such posting shall not be considered an element of any proceeding brought to enforce this Division, and failure to post and/or lack of knowledge of the terms of this Division shall not be a defense in any such proceeding.

[Article Six, Division One was extensively revised by Ordinance 92-03-005L, effective April 8, 1992]

ARTICLE SIX - COUNTY PROPERTY REGULATIONS

DIVISION TWO - COUNTY FOREST REGULATIONS

[Adopted as Division Two of Article Six on July 17, 2018]

SECTION 06.02.010 CITING THIS ORDINANCE

This ordinance may be cited as the Coos County Forest Ordinance or as the Coos County Forest Rules. [18-07-005L]

SECTION 06.02.020 PURPOSE AND APPLICABILITY

The purpose of this Division is to promulgate certain rules governing public use of the County Forest and define the powers of the County Forester and Forestry Employees in certain circumstances. This Division is necessary to protect the County Forest for future timber production and recreational use. This Division is not intended as a comprehensive regulatory scheme, and the County Forester shall retain all current management authority not subject to the specific provisions of this Division.

SECTION 06.02.030 DEFINITIONS

As used in this Division, unless the context requires otherwise:

- (1) "County" means Coos County, a political subdivision of the State of Oregon.
- (2) "County Board" means the Board of County Commissioners for Coos County, Oregon.
- (3) "County Forest" means an area designated by the County Board as county forest pursuant to ORS 275.320.
- (4) "Forestry Employee" means an employee of the Coos County Forestry Department.
- (5) "Forestry Department" means the Coos County Department of Forestry, its Director, employees and agents.
- (6) "County Forester" means the person appointed by the County Board as Director of the Forestry Department.

SECTION 06.02.040 RULES

The County Board, in addition to the regulations set forth in this Division, may, by order, adopt such additional rules it believes necessary for the operation, management and protection of the County Forest. Such rules may be general in nature or directed to a specifically identified portion of the County Forest.

SECTION 06.02.050 COUNTY FOREST CLOSURES

- (1) **Closure of Entire County Forest.** The County Forester, or designee, is authorized to close to public use the entire County Forest, or restrict the times when the County Forest shall be open to such use, or limit or prohibit any recreational use in the entire County

Forest whenever, in the County Forester's judgment, such actions are necessary to protect the public health, safety or welfare, or for the protection of the County Forest or any of its facilities.

(a) Any closure of the entire County Forest beyond three (3) days shall be authorized by order of the County Board.

(b) Reasonable cause for closure or restricted use shall include, but not be limited to, the following:

- (A) Extreme fire hazard;
- (B) Dangerous weather conditions; or
- (C) Any dangerous, unsafe or unhealthful condition.

- (2) **Partial County Forest Closures.** The County Forester is authorized to close to public use any portion of the County Forest on which there are active forestry activities that present a danger to the safety of the public. Partial closures of the County Forest under this subsection shall be within the discretion of the County Forester and not subject to the County Board approval requirements of subsection (1) above.

SECTION 06.02.060

FEES AND PERMITS

- (1) All fees and charges, including permits issued by the Forestry Department, shall be in accordance with the schedules adopted from time to time by the County Board.
- (2) No person shall refuse to exhibit to any Forestry Employee, upon demand, any permit issued by the Forestry Department.

SECTION 06.02.070

AUTHORITY TO REVOKE PERMITS

- (1) A Forestry Employee may revoke any permit issued unlawfully or erroneously or when there is reasonable cause to believe the permit holder has violated any provisions of the permit, this Division, or state law.
- (2) A Forestry Employee may take possession of any revoked or fictitious permit.

SECTION 06.02.080

GENERAL REGULATIONS

- (1) **Camping Prohibited.** The County Forest is a day use only recreation area and it is unlawful for any person to set up camp, tents, or any temporary shelter or to use recreational vehicles, house trailers, campers, or automobiles for the purpose of camping between sunset and sunrise without prior approval of the County Forester. The County Forester, or designee, shall have the authority to authorize overnight camping that may be required for security reasons or for specific forestry activities.
- (2) **Unauthorized Fires Prohibited.** No person shall light,

ignite, or start a fire within the County Forest. No person shall allow or cause a fire to be lighted, ignited or started within the County Forest. This subsection shall not apply to authorized fires started and maintained in accordance with generally accepted forestry practices.

- (3) **Interference with Forestry Operations Prohibited.** No person shall intentionally interfere with or impede forestry operations within the County Forest. Forestry operations include but are not limited to logging, planting trees, herbicide application, and any other activities required for harvesting timber or managing the County Forest for timber production.

SECTION 06.02.090

VIOLATIONS; EXCLUSION FROM COUNTY FOREST

- (1) Violation of any provision of this Division shall constitute a Class A Violation and may be enforced under the provisions of Article Eleven, Division One of the Coos County Code.
- (2) The County Forester may exclude any person who violates the provisions of this Division from the County Forest. Exclusions issued by the County Forester under this Division shall follow the procedure provided in Article Six, Division Three of the Coos County Code. The County Forester may delegate the authority to issue exclusions to Forestry Employees on a case-by-case basis. Nothing in this Division shall be construed as limiting the power of the County Forester to issue any other exclusion for any other reason authorized by Article Six, Division Three, of the Coos County Code.

ARTICLE SIX - COUNTY PROPERTY REGULATIONS

DIVISION THREE - EXCLUSION OF PERSONS FROM COUNTY BUILDINGS AND PROPERTY

[Adopted as Division Three of Article Six on July 17, 2018, Amended by Ordinance 22-11-008L, extensively revised by Ordinance 23-02-003L, effective June 19, 2023]

SECTION 06.03.010 TITLE

Exclusion of Persons from Coos County Buildings and Property.

SECTION 06.03.020 PURPOSE

To establish a policy and procedure for lawfully excluding disruptive or threatening persons from Coos County buildings and property.

SECTION 06.03.030 GENERAL POLICY

A person who engages in certain disruptive or threatening behavior, as described in this Division, in County buildings or on County property shall be subject to immediate exclusion to ensure the safety of others, the safety of County property, and the ability to conduct County business.

SECTION 06.03.040 PERSONS SUBJECT TO EXCLUSION

- (1) A person shall be subject to exclusion from County buildings and property if that person engages in any of the following types of conduct while on County property:
 - (a) Fighting, engaging in threatening behavior, or disorderly conduct;
 - (b) Interfering with county employees' ability to conduct County business;
 - (c) Making unreasonably loud or disturbing noise;
 - (d) Causing damage to or defacing County property;
 - (e) Intentionally entering or attempting to enter an area not open to the public;
 - (f) Violating any federal or state law;
 - (g) Violating any County Ordinance regulating the use of County property, including but not limited to the Park Regulations found in Article Six, Division One of the Coos County Code and the County Forest Regulations found in Article Six, Division Two of the Coos County Code;
 - (h) Remaining on County property for purposes other than to conduct legitimate business with the County or to use that property under the applicable rules and laws; or
 - (i) Refusing to vacate County property after being lawfully asked to do so by a County employee.

SECTION 06.03.050

PERSONS IN CHARGE

- (1) For the purposes of this Division, the "persons in charge" of County buildings and property are the Coos County Board of Commissioners (hereinafter "Board") or the Board's designees. Persons in charge shall have the authority to exclude persons from County property under this Division. The Board designates the following "persons in charge" of the County property specified below:
 - (a) The County Forester is hereby designated as the person in charge of all County Forest property subject to Article Six, Division Two of the Coos County Code.
 - (b) The Parks Director is hereby appointed as the person in charge of all County Parks property subject to Article Six, Division One of the Coos County Code.
 - (c) The Board may at any time designate additional persons in charge of County property.

SECTION 06.03.060

EXCLUSION DECISION; LENGTH OF EXCLUSION

- (1) Persons in charge shall have the discretion to exclude persons from County property and buildings for a reasonable period of time. An exclusion may be from all County property and buildings or limited to certain specified property or buildings, subject to any Board order or decision limiting or otherwise defining the authority of persons in charge. All persons in charge shall consider the following factors when excluding persons from County property:
 - (a) The nature of the conduct;
 - (b) The level of threat posed, including any risk of violence;
 - (c) Any relevant history of past exclusions or similar conduct; and
 - (d) The likelihood of repeated conduct.
- (2) The following guidelines shall apply to exclusion of individuals who, at the time of exclusion, have not previously been excluded from County Property:
 - (a) Except as provided in subsection (b) and (c) below, exclusions shall be no less than (7) days and shall not exceed two (2) years.
 - (b) An exclusion may be up to five (5) years if it is issued as a result of theft of more than \$100.00 of County property, intentional or reckless actions causing more than \$100.00 in damage to County property, fighting or other offensive physical contact, threats of physical violence, and any behavior constituting a crime on County property.
 - (c) Exclusions for up to a lifetime ban may be issued to individuals who have committed, or attempted to commit, activity that constitutes

a felony under Oregon law while on County property.

(3) The following guidelines shall apply to the exclusion of individuals who, at the time of exclusion, have been previously excluded from County property:

- (a) An individual who receives a second exclusion under subsection (2)(a) above shall be subject to exclusion for up to five (5) years.
- (b) An individual who receives a third exclusion under any combination of subsections (2)(a) and (2)(b) above may be permanently excluded from County property.
- (c) An individual receiving a second exclusion under Section (2)(b) above may be permanently excluded from County property.

SECTION 06.03.070

NOTICE OF EXCLUSION

- (1) If the person in charge determines that exclusion is necessary, the person in charge shall issue a written notice of exclusion. The notice shall be personally served on the person to be excluded, or may alternatively be served by mailing a copy by first-class mail to the excluded individual's residence or mailing address. Service is not required if an excluded person cannot, after reasonable inquiry, be located for personal service or service by mail.
- (2) All notices of exclusion shall contain the following information:
 - (d) The name and address (if known) of the excluded individual;
 - (e) Date and time of the event(s) resulting in the exclusion;
 - (f) A description of the behavior resulting in the exclusion sufficient to put the excluded person on notice of the reason for the exclusion;
 - (g) The duration of time for which the exclusion will remain in effect and a statement of the County property from which the person shall be excluded (whether from specific property or all property generally);
 - (h) A statement that the excluded person may ask for reconsideration of the exclusion and how such a request may be made;
 - (i) A statement that an excluded person may obtain necessary County services pursuant to Section 06.03.090 herein;
 - (j) A statement that violation of the notice of exclusion could result in arrest and prosecution pursuant to Oregon law, including ORS 164.245.
 - (k) A full copy of this policy for reference.
- (4) In order to ensure the efficient administration of this Division, County Counsel shall prepare and distribute notice of exclusion forms for use by persons in charge.

SECTION 06.03.080

VIOLATION OF EXCLUSION NOTICE

- (1) A person who violates an exclusion notice, after such notice is served pursuant to Section 06.03.070 above, may be arrested and face criminal prosecution for trespass under ORS 164.245 and any other applicable criminal statute.
- (2) Violation of an exclusion issued under this Division shall additionally constitute a Class A Violation subject to enforcement under the provisions of Article Eleven, Division One of the Coos County Code.

SECTION 06.03.090

NECESSARY COUNTY SERVICES

Any person excluded under this policy may obtain necessary County services during the exclusion period. To do so, the excluded person shall schedule to meet with County staff at a specific location and at a mutually agreed upon time. The excluded individual must conduct him or herself appropriately during any such meeting.

SECTION 06.03.100

APPEAL OF EXCLUSION

- (1) Excluded persons may appeal the exclusion by mailing a written appeal within ten (10) days of the exclusion to the Coos County Board of Commissioners. An appeal may ask to have the exclusion rescinded or the exclusion period shortened.
- (2) A written appeal shall contain:
 - (a) Appellant's name;
 - (b) Appellant's mailing address and contact information;
 - (c) A concise statement of the basis on which the decision to exclude is invalid, unauthorized, or otherwise improper; and
 - (d) A copy of the notice of exclusion.
- (3) Hearings of appeals shall be held by either the Board or a hearings officer appointed by Board order. The Board or the appointed hearings officer shall set a date and time for the appeal hearing not less than ten (10) days nor more than sixty (60) days after the receipt of a properly and timely filed appeal. The Board or hearings officer may alter the date and time for the hearing on its own motion or at the request of the appellant for good cause. The hearings officer appointed by the Board may designate a County employee to set the date and time for the appeal hearing, after consultation with the hearings officer.
- (4) The County shall issue a Notice of Hearing to the person filing a written appeal of an exclusion, stating the date, time and place for the hearing on the appeal filed. The Notice of Hearing shall be issued as soon as reasonable after the date the hearing has been set.
- (5) At the hearing, the County has the burden of showing by a preponderance of the evidence that the exclusion is warranted given the totality of the circumstances.

- (6) The Board or hearings officer shall issue the final decision in the form of a written order and shall provide a copy of the order to the appellant.
- (7) The decision of the Board or hearings officer on the appeal shall be the final decision of the County on an exclusion under this Division. The County's final decision is appealable by a timely Writ of Review filed in Coos County Circuit Court pursuant to ORS 34.010 to ORS 34.102.

[Adopted as Division Three of Article Six on July 17, 2018,
Amended by Ordinance 22-11-008L, extensively revised by Ordinance
23-02-003L, effective June 19, 2023]