

## **Title 12**

### **STREETS, SIDEWALKS AND PUBLIC PLACES**

#### **Chapters:**

- 12.04 Ways of Necessity**
- 12.08 Restricting Certain Uses on County Roads**
- 12.12 County Road Events**
- 12.16 County Road Naming and Rural Addressing**
- 12.20 Acceptance of Right-of-Way**
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**Chapter 12.04****WAYS OF NECESSITY****Section:****12.04.010 Removal of jurisdiction.****12.04.010 Removal of jurisdiction.**

The Board of County Commissioners for Clatsop County, Oregon, is hereby removed from jurisdiction of the statutory establishment of ways of necessity. The Circuit Court of the State of Oregon for Clatsop County shall have jurisdiction of the statutory establishment of ways of necessity pursuant to ORS 376.200. (Ord. 08-01; Ord. 80-15)

## Chapter 12.08

### RESTRICTING CERTAIN USES ON COUNTY ROADS

#### Sections:

- 12.08.010 Authority of Director of Public Works.**
- 12.08.020 Adoption of certain state standards.**
- 12.08.030 Certain County roads immediately affected—Inclusion of other roads—Removal.**
- 12.08.040 Signs to be posted.**
- 12.08.050 Permit requirements, procedure and fees.**
- 12.08.060 Weighing of vehicles on roadway.**
- 12.08.070 Fees.**
- 12.08.080 Carrying permit in vehicle.**
- 12.08.090 Exceptions.**
- 12.08.100 Penalties.**

#### **12.08.010 Authority of Director of Public Works.**

- A. When, in the judgment of the Director of Public Works or the County Engineer, any County road or County bridge is incapable of handling vehicular traffic of a certain kind, weight, size, length or load, the Director of Public Works or the County Engineer shall direct that certain limitations be placed upon the use of said road or bridge in conformance with this chapter and state law.
- B. When, in the judgment of the Director of Public Works or the County Engineer, it is deemed desirable to allow an exception to any restriction placed by the Director of Public Works or the County Engineer upon the use of a County road or County bridge, the Director of Public Works or the County Engineer shall direct the issuance of a permit allowing such use as provided for in this chapter.
- C. The Director of Public Works or the County Engineer shall be the sole granting authority for the issuance of any and all permits required pursuant to this chapter. The decision of the Director of Public Works or County Engineer with respect to the issuance of any such permit and any conditions attached thereto shall be in the Director of Public Works' or County Engineer's sole discretion and shall be final and non-appealable. (Ord. 95-18 § 3; Ord. 85-02 § 1; Ord. 82-23 § 2)

#### **12.08.020 Adoption of certain state standards.**

- A. The weight, size, load, length and type restrictions contained in the provisions of the Oregon Revised Statutes set out below shall apply equally to all County roads except as otherwise set out in this chapter and said restrictions shall be subject to all other provisions of this chapter.
- B. Vehicle Length Restrictions. No vehicle or attached combinations of vehicles may operate on any County road if it exceeds an overall length of 60 feet. (Ord. 85-02 § 1; Ord. 82-23 § 3)

#### **12.08.030 Certain County roads immediately affected—Inclusion of other roads—Removal.**

- A. All County roads are subject to the gross weight restrictions of this chapter.
- B. The following County roads are closed to all loaded logging trucks:
  1. Lewis and Clark Road, sometimes known as Crown Hill Road, when traveling from west to east;

2. Beerman Creek Road when travelling from west to east;
  3. Hillcrest Loop, east of Big Creek;
  4. Youngs River Loop, north of Tucker Creek.
- C. The Director of Public Works shall have, in his or her sole judgment, the power to restrict or alter the use of any other County road or County bridge not listed herein or to remove any restriction imposed herein and subsequently imposed by the Director of Public Works without the necessity of amending this chapter and without further order from the County Board of Commissioners. (Ord. 95-18 § 3; Ord. 82-23 § 4)

**12.08.040 Signs to be posted.**

- A. Except when the Director of Public Works or County Engineer determines that an emergency exists requiring immediate implementation, no restriction placed upon the use of a County road or bridge established pursuant to this chapter shall take effect until the tenth day following the erection of a permanent sign upon the County road or bridge affected by the restriction describing said restriction.
- B. The number, type and content of the signs required herein and the placement and location of said sign or signs shall be the responsibility of the Director of Public Works and in his or her sole discretion, provided however, that the content and placement of said signs shall be reasonably calculated to give notice to the public of the restrictions placed upon the use of said road or bridge. (Ord. 82-23 § 5)

**12.08.050 Permit requirements, procedure and fees.**

- A. Owners of trucks operating upon any County road may apply for a variance permit for the operation of said trucks upon the County roads from the Director of Public Works or the County Engineer. In issuing a permit, the Director of Public Works or County Engineer may include restrictions or conditions that in his or her judgment are necessary and desirable for the protection of the County roads or bridges and in the public interest.
- B. Notwithstanding any limitations or restrictions upon the use of a County road or bridge created herein or imposed by the Director of Public Works or County Engineer, the Director of Public Works or County Engineer may, when in his or her judgment the public interest will be served, issue a permit allowing any vehicle, weight, load, length or size not otherwise permitted to operate upon certain roadways or bridges of the County to operate upon said roads or bridges.
- C. In issuing a permit under this section, the Director of Public Works or County Engineer may:
  1. Grant a permit that is valid for a single trip, a number of trips or a continuous operation;
  2. Establish seasonal or other time limitations on a permit;
  3. Establish any additional terms, limits or conditions on a permit that are necessary or desirable for the protection of the road or bridge and the public interest;
  4. Require the applicant to furnish public liability and property damage insurance in an amount fixed by the Director of Public Works or County Engineer;
  5. Require the applicant to furnish indemnity insurance or an indemnity bond in an amount fixed by the Director of Public Works or County Engineer;
  6. Indemnify the Director of Public Works, County Engineer and County for any damage to the road that may be caused under the permit; and

7. Indemnify the members, officers, employees and agents of the Director of Public Works, County Engineer and County from any claim that might arise out of the granting of the permit and the use of the road or bridge under the permit.
- D. A permit issued under this section shall be in writing and shall specify:
1. All County roads or bridges over which the permit is valid;
  2. Any vehicle, combination of vehicles, load, article, property, machine or things allowed under the permit;
  3. Maximum dimensions and maximum gross weights allowed under the permit.
- E. The Director of Public Works or County Engineer shall not issue a permit under this section that is valid for longer than one year.
- F. An application for a permit issued under this section shall be in writing and shall specify the following:
1. The vehicle, combination of vehicles, load, article, property, machine or thing for which the permit is requested;
  2. The particular County roads and bridges for which the permit is sought;
  3. Whether the permit is sought for a single trip, number of trips or continuous operation.
- G. A person violates a permit issued under this section and is subject to the penalties set out herein if the person misrepresents any size or weight required to be specified when applying for a permit under this section.
- H. Any permit issued under this section may be canceled at any time by the Director of Public Works or County Engineer upon proof satisfactory to him or her that:
1. The permit holder has violated any of the terms of the permit;
  2. The permit was obtained through misrepresentation in the application therefor; or
  3. The public interest requires cancellation. (Ord. 95-18 § 3; Ord. 85-02 § 1; Ord. 82-23 § 6)

**12.08.060 Weighing of vehicles on roadway.**

The Director of Public Works or any member of his or her staff or any police officer may stop, measure and weigh any vehicle by means of either portable or stationary measures and scales. If said individual finds the vehicle to be in violation of any restriction in this chapter or conditions of a permit, he or she shall require the operator to move the vehicle to a suitable place and remain standing until a citation and complaint has been issued and until such portion of the load is removed that is necessary to eliminate any violation. (Ord. 82-23 § 7)

**12.08.070 Fees.**

The fee for permits shall be established by resolution of the Clatsop County Board of Commissioners.

**12.08.080 Carrying permit in vehicle.**

The driver of any vehicle for which a permit has been issued pursuant to this chapter shall have said permit in his or her immediate possession when operating said vehicle upon a County road and shall display the same upon demand by any state or County official. (Ord. 82-23 § 9)

**12.08.090 Exceptions.**

The provisions of this chapter do not apply to any vehicle or other equipment being used by the federal government, the State of Oregon or the County in the construction, maintenance, or repair of a County road or while located at the immediate site of such construction, maintenance or repair. (Ord. 82-23 § 10)

**12.08.100 Penalties.**

- A. The offense of a vehicle without a required permit, or contrary to this chapter, shall be a Class A violation under Chapter 1.11.
- B. Violation of any of the weight provisions adopted herein or any permit issued pursuant to this chapter and regarding weight restrictions, shall be punishable by a fine based upon the excess weight by which any gross weight exceeds the applicable gross weight authorized by this chapter or permit and computed in the same manner as provided in ORS 818.430; provided, however, that any penalty assessed herein shall not be in lieu of, but shall be in addition to any penalty set forth in subsection A of this section for violation of a permit.
- C. In addition to the penalties set out herein, any owner or operator found to be in violation of any provisions of this chapter shall be jointly and severally liable to the County of Clatsop for all damage done to a County road or bridge as a result of the violation. (Ord. 82-23 § 11)

## Chapter 12.12

### COUNTY ROAD EVENTS

#### Sections:

- 12.12.010** Definitions.
- 12.12.020** Permits.
- 12.12.030** Application for permit.
- 12.12.040** Issuance or denial of permit.
- 12.12.050** Contents of permit.
- 12.12.060** Review procedure.
- 12.12.070** Large events.
- 12.12.080** Termination or restriction of event.
- 12.12.090** Hold harmless.
- 12.12.100** Costs and expenses.
- 12.12.110** Deposit.
- 12.12.120** Compliance with laws.
- 12.12.130** Conditions in permits.
- 12.12.140** Penalty.

#### **12.12.010** Definitions.

“Administrator” means the County Manager or the County Manager’s designee.

“Bicycle tour” means any organized group of 50 or more bicycles upon any County road, for which directional signs or road markings and rest stops are provided, and for which registration is required.

“Board” means the Board of County Commissioners for Clatsop County.

“County road” means any County road, as defined in ORS 368.001(5), in Clatsop County. “County road” shall not include any road within the limits of any incorporated city in Clatsop County.

“County road event” means any parade, footrace, motorcade, walkathon, bicycle tour, events requiring extensive roadside parking, road rally, other significant road event or large event as defined in this section.

“Event requiring extensive roadside parking” means any scheduled or planned event which will result in more than 50 vehicles at any one time parking within the right-of-way of a County road.

“Large event” means any event involving more than 100 vehicles or bicycles or 400 pedestrian participants.

“Motorcade” means an organized procession containing 50 or more vehicles, except funeral processions, and military convoys upon any County road.

“Other significant road event” means any scheduled or planned event which requires a detour or road closure, partial or complete, or the use of pilot vehicles to guide traffic, which is expected to exceed 45 minutes of time, either for one period of time, or separate intervals of time which in the aggregate are expected to exceed 45 minutes of time. Road construction and maintenance, utility placement and maintenance, search and rescue activities, and response by law enforcement agencies, fire departments, ambulance companies or public works departments to criminal activities, fires, accidents, landslides, or other emergencies are not considered other significant road events under this chapter.

“Parade” means any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any County road which does not comply with normal and usual traffic regulations or controls.

“Public agency” means any governmental entity included in ORS 190.410 that, prior to issuance of a County road event permit, asks the County to collect reimbursement for the costs incurred by that entity.

“Race” means an organized run of 100 or more participants who are at any one time upon any portion of a County road. Athletic competitions sponsored by a Clatsop County school district are not included within this definition.

“Road rally” means any organized contest of speed or of driving skills utilizing automobiles or motorized vehicles of any kind upon any County road.

“Sheriff” means the elected Sheriff of Clatsop County or the Sheriff’s designee.

“Walkathon” means any organized walk of 100 or more participants who are at any one time upon any portion of a County road, for which directional signs or road markings and rest stops are provided, and for which registration is required. (Ord. 11-10 § 3)

#### **12.12.020 Permits.**

- A. It shall be unlawful for any person to conduct a parade, race, walkathon, bicycle tour, motorcade, or any other public event in or upon any County road or knowingly participate in any such event unless and until a permit to conduct such event has been obtained from the Administrator, or, as hereinafter provided, from the Board.
- B. It shall be unlawful, and no permit shall be issued, to conduct any event after sunset and before sunrise involving pedestrian participants, unless the Administrator or the Board is assured that adequate steps have been taken to provide for the safety of the participants, spectators, and residents in the vicinity of the activity. (Ord. 11-10 § 3)

#### **12.12.030 Application for permit.**

Any person who wants to conduct a parade, race, motorcade, bicycle tour, walkathon, or other public event using County roads shall apply to the Administrator for a permit at least 60 days in advance of the date of the proposed event. The Administrator may at his or her discretion consider any application for a permit to conduct such an event which is filed less than 60 days prior to the date such parade, race, or motorcade is to be conducted. The application for such permit shall be made in writing on a form approved by the Administrator. In order that adequate arrangements may be made for the proper policing of the event, the application shall contain the following information:

- A. The name of the applicant, the sponsoring organization, the event chairperson and the addresses and telephone numbers of each.
- B. The purpose of the event, the date when it is proposed to be conducted, the location of the assembly area(s), route to be traveled and the approximate time when the event will assemble, start and terminate.
- C. An application fee of \$100.00, except that the application fee will be \$500.00 for over 100 vehicles or bicycles or 400 pedestrian participants.
- D. Such other information as the Administrator may deem reasonably necessary.

E. Any deposit required in Section 12.12.110. (Ord. 11-10 § 3)

**12.12.040 Issuance or denial of permit.**

- A. Standards for Issuance. The Administrator, or in the event of a large event, the Board, shall issue a permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the Administrator or Board finds that:
1. The time, route and size of the parade, race, motorcade, walkathon, or bicycle tour will disrupt to an unreasonable extent the movement of other traffic or will endanger the safety of participants or citizens, or cause a safety hazard to other traffic.
  2. The event is of a size or nature that requires the diversion of too many County law enforcement officers, public works employees or other County personnel to properly control the event or that allowing the event would deny reasonable law enforcement or other emergency service protection to the citizens of the County.
  3. Such event will interfere with another event for which a permit has been issued.
  4. The County Public Works Director determines the event would damage County roads.
- B. Standards for Denial. The Administrator, or in the case of large events, the Board, shall deny an application for a County event permit and notify the applicant of such denial where:
1. The Administrator or Board makes any finding contrary to the findings required to be made for the issuance of a permit.
  2. The information contained in the application is found to be false or nonexistent in any material detail.
  3. The applicant refuses to agree to abide by or comply with all conditions of the permit. (Ord. 11-10 § 3)

**12.12.050 Contents of permit.**

- A. In each permit the Administrator, or in the case of large events, the Board, shall specify:
1. The assembly area and time therefor.
  2. The starting and ending time of the event.
  3. The minimum and maximum speeds.
  4. The route of the event.
  5. What portions of roads to be traversed may be occupied by such event.
  6. The number of persons required to monitor the event.
  7. The number and type of vehicles, if any.
  8. That the permit holder advise all participants in the event by written notice, of the terms and conditions of the permit, prior to the commencement of such County road event.
  9. Such other requirements as are found by the Administrator to be reasonably necessary for the protection of persons or property.
  10. The amount of deposit required as set forth in Section 12.12.110.
- B. All conditions of the permit shall be complied with so far as reasonably practicable. (Ord. 11-10 § 3)

**12.12.060 Review procedure.**

Approval or denial of an application made pursuant to Section 12.12.040(B) may be appealed to the Board. Said appeal must be in writing and received by the Board not later than 5:00 p.m. on the seventh calendar day after the date of the decision by the Administrator. The Board shall consider the appeal as soon as practicable after receipt of the appeal. Upon such appeal, the applicant and appellant shall have the right to be heard. The Board may reverse, affirm, or modify in any regard the determination of the Administrator. (Ord. 11-10 § 3)

**12.12.070 Large events.**

The permit of any event with more than 100 vehicles or bicycles or 400 participants shall be issued solely by the Board. (Ord. 11-10 § 3)

**12.12.080 Termination or restriction of event.**

- A. Any permit for a County road event issued pursuant to this chapter may be summarily revoked or amended by the Administrator prior to the commencement of the event, at any time when by reason of disaster, public calamity, riot or other emergency, it is determined that the safety of the public or property requires such revocation or amendment.
- B. If at any time during the County road event held under a valid permit, the Administrator or Sheriff, believes an unreasonable threat to the health, safety and welfare of the public is present, or the permit holder cannot maintain order and compliance with all applicable state and local laws or refuses or is unable to adhere to the terms and conditions of the permit, the Administrator or Sheriff may terminate the County road event or reduce the number of participants, or take any lawful action to remedy the unsafe condition. (Ord. 11-10 § 3)

**12.12.090 Hold harmless.**

Applicants shall agree in writing to assume the defense of and indemnify and save harmless the County and its commissioners, boards and officers, including the County Sheriff, employees and agents, from all suits, actions, damages or claims to which the County may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such County road event and the activities permitted in connection therewith. Applicants shall provide County with evidence of insurance with combined single limit policy amounts not less than the tort liability limits for local public bodies set forth in ORS 30.272 and 30.273. The County shall be named as an additional insured. The Administrator may waive proof of insurance if circumstances warrant for County road events other than large events. Applicants shall also agree to indemnify, defend, save and hold harmless any public agency providing services to the County road event. (Ord. 11-10 § 3)

**12.12.100 Costs and expenses.**

Applicants shall pay to the County the cost of County personnel and personnel from other public agencies who are required by the County to work or perform duties during or as a result of County road events, and all other costs incurred by County and other public agencies including but not limited to trash removal, road repairs, policing, fire protection, medical assistance and medical standby, administrative costs, and manning of barricades. Applicants shall deposit with the County, as described in Section 12.12.110, a sum in an

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amount required by the Administrator or Board for the purpose of covering costs to the County. (Ord. 11-10 § 3)

**12.12.110 Deposit.**

Applicant shall provide a deposit to the County not less than 15 days prior to the event in an amount set by the Administrator or in the case of a large event, the Board. The deposit shall be in cash or by certified check. Applicant shall not be entitled to interest on funds deposited. The costs and expenses County and other public agencies incur before, during, after, or as a result of the event, including any costs associated with enforcing the conditions of applicant's permit, shall be deducted from the deposit. If the costs and expenses incurred by the County and other public agencies exceed the amount of the deposit, the Administrator shall bill the permit holder and the permit holder shall pay the bill for such additional costs and expenses within 90 days after the County road event. If the deposit exceeds the amount of the costs and expenses incurred by the County and other public agencies, the remaining balance shall be refunded to the applicant within 30 days of the County road event. (Ord. 11-10 § 3)

**12.12.120 Compliance with laws.**

Issuance of a permit under this chapter shall not relieve applicant of the responsibility to comply with all applicable ordinances and laws, and obtain all other required permits and licenses necessary for an event. (Ord. 11-10 § 3)

**12.12.130 Conditions in permits.**

Any permit granted under this chapter may contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and the public health, safety, tranquility and welfare including but not limited to changes in time, duration and number of participants. (Ord. 11-10 § 3)

**12.12.140 Penalty.**

Any person who violates any provision of this chapter or who willfully violates the terms of the permit, shall be guilty of a Class A violation under Chapter 1.11. (Ord. 11-10 § 3)

## Chapter 12.16

### COUNTY ROAD NAMING AND RURAL ADDRESSING

**Sections:**

- 12.16.010 Findings and purpose.**
- 12.16.020 Definitions.**
- 12.16.030 Authority to assign and change address numbers.**
- 12.16.040 Procedures and standards for assigning new address numbers.**
- 12.16.050 Procedures and standards for changing existing address numbers.**
- 12.16.060 Property owner responsibility.**
- 12.16.070 Authority to name roads.**
- 12.16.080 Unnamed roads.**
- 12.16.090 Procedures for naming new roads.**
- 12.16.100 Procedures and standards for changing existing road names.**
- 12.16.110 Road sign standards.**
- 12.16.120 Discretion.**
- 12.16.130 Fees.**
- 12.16.140 Enforcement.**

**12.16.010 Findings and purpose.**

The purpose of this chapter is to establish and enforce a County-wide, systematic and uniform address numbering and road naming system to protect the health, safety and welfare of the residents of Clatsop County by facilitating the location by emergency services and others of dwellings and businesses by address. The provisions of this chapter are designed to serve that end by providing procedures and standards for systematic County-wide address numbering and road naming and renaming that will eliminate problems associated with the route and box system and also prevent incorrect and duplicate addresses and street names. (Ord. 00-07 § 7)

**12.16.020 Definitions.**

As used herein:

“Address” means a number and a road name that is determined at the location where the access driveway intersects a public or private road which has a name adopted by Clatsop County.

“Board” means the Clatsop County Board of Commissioners.

“Building” means a structure designed for human occupancy, such as a residence or place of business, or other structures as determined by the Planning Department. For purposes of this chapter, it also denotes locations having telephone service and an assigned telephone number.

“Commercial lessee” means a lessee occupying a structure or a portion of a structure having a separate street address for business purposes under a lease of one year’s duration or more.

“County road” has the meaning given that term in ORS 368.001.

“Department” means the Clatsop County Planning Department.

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“Driveway” means a private way that provides vehicular access to less than three buildings, as defined above.

“Dwelling” means a building or portion of a building designed or used as the residence or sleeping place for one or more persons.

“East/west lane” means a lane that runs predominately east and west, and includes lanes that lie predominately at an angle greater than 45 degrees from due north or south.

“North/south road” means a road that runs predominately north and south, and includes roads that lie predominately at an angle less than 45 degrees from due north or south.

“Private road” means a road that is not a County or public road, and provides vehicular access to three or more buildings as defined above.

“Public road” has the meaning given that term in ORS 368.001.

“Road” has the meaning given that term in ORS 368.001. (Ord. 00-07 § 7)

**12.16.030 Authority to assign and change address numbers.**

The Department is delegated authority to assign and change address numbers for vacant lots, dwellings and other buildings requiring addresses as provided by this chapter. (Ord. 00-07 § 7)

**12.16.040 Procedures and standards for assigning new address numbers.**

The procedures for assigning new address numbers are as follows:

- A. When a development permit is issued for a new dwelling or other structure on a lot or parcel that does not have an address, the permit shall be considered a request for an address. The Department shall verify the property location and appropriate access road, and assign an address number based on the location of the access onto a road and its location in the Clatsop County Addressing System.
- B. Addresses involving sites not requiring permits may be assigned if the site may have cause for emergency dispatch.
- C. Buildings accessed from roads predominantly extending north-south will have a modified five-digit number derived from the north-south axis, or y-axis of the State Plane Coordinate System. Addresses for buildings west of a road shall end in an even number and addresses for buildings east of a road shall end in an odd number.
- D. Buildings accessed from lanes predominantly extending east-west will have a modified five-digit number derived from the east-west axis, or x-axis of the State Coordinate System. Addresses for buildings essentially south of a lane shall end in an even number and addresses for buildings north of a lane shall end in an odd number.
- E. Each new single-family dwelling shall have one address.
- F. Address numbers are derived from the Oregon State Plane Coordinate System.
- G. New duplexes, triplexes, fourplexes, and apartment complexes, mobile home parks, and other multi-unit complexes shall be given an address number as one dwelling, and the owner shall assign individual unit address numbers in a manner that is acceptable to the Department.
- H. An application fee, if established by order of the Board, shall be charged.

- I. Address numbers assigned to buildings erected after the date of this chapter, must be permanently displayed before occupancy or use. At the time of final inspection of a new structure, the building official or designee shall verify that the assigned address numbers have been affixed in the manner required herein.
- J. The Department shall notify the offices of the County Clerk, County Assessor, and any other County-designated agency, the post office and public safety answering points of a changed address within 30 days of the date the new number becomes effective. (Ord. 00-07 § 7)

**12.16.050 Procedures and standards for changing existing address numbers.**

The provisions of Section 12.16.040 shall apply to the changing of existing address numbers. In addition, the following procedures and standards also apply:

- A. The changing of an existing address may be initiated by the Department, or by application by the property owner or any public agency that may be affected by the address number.
- B. All changes in address numbers shall conform to the Clatsop County Addressing System and the standards for address numbers set forth above. Any application or proposed change not in conformance with these standards shall be denied.
- C. An existing address may be changed by the Department if it is not in conformance with the Clatsop County Addressing System and the standards for addresses set forth in this chapter.
- D. An application to change an address shall be made to the Department and shall include, at a minimum, the following:
  - 1. The name of the property owner;
  - 2. The location of any dwelling or structure;
  - 3. The existing address;
  - 4. The reason for the address change;
  - 5. An application fee as established by order of the Board, except if the existing address was incorrectly assigned by the County;
  - 6. Assessor's Tax ID number; and
  - 7. Names and addresses of adjacent property owners.
- E. If the Department determines that the application is consistent with the standards set forth in this chapter, it shall issue a new address.
- F. The Department shall provide notice of an address change to the affected property owner. The address change will go into effect ten days after the notice is provided.
- G. The Department shall notify the offices of the County Clerk, County Assessor, and any other County-designated agency, the post office and public safety answering points of a changed address within 30 days of the date the new number becomes effective. (Ord. 00-07 § 7)

**12.16.060 Property owner responsibility.**

- A. All property located outside of municipal boundaries in Clatsop County on which a building is located and which may require emergency service response shall display an address number.

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- B. Address numbers shall be permanently affixed in a location on the property that is clearly visible from the road used as the basis for numbering. The numbers shall be in common Arabic form, and should not be less than three inches in height, and if painted upon or affixed to the dwelling or building it shall be in a contrasting and visible color, and shall comply with zoning ordinances.
- C. In cases where the dwelling or structure is not visible from the access road, the assigned numbers shall be displayed in a conspicuous manner at or near the point at which the driveway serving the building accesses the road.
- D. All buildings under construction that have been issued an address shall display a street address number. The numbers as displayed shall conform to the requirements in subsections B and C of this section, except that the numbers may be affixed to a sign visible from the road used as the basis for numbering.
- E. Every owner and commercial lessee of a structure shall display an address number in conformance with this section.
- F. Address numbers assigned or changed by the Department must be displayed within 30 days from the date on which construction begins or on which the address becomes effective.
- G. Address numbers assigned to buildings erected after the adoption date of the ordinance codified in this chapter, must be permanently displayed before occupancy or use. At the time of final inspection of a new structure, the Building Official or designee shall verify that the assigned address numbers have been affixed in the manner required herein.
- H. In the event that address numbers and/or posts are stolen or damaged to the point of being illegible, owner is responsible to replace address number and/or post within 30 days. (Ord. 00-07 § 7)

**12.16.070 Authority to name roads.**

The Department is delegated authority to assign and change road names pursuant to the standards set forth in this chapter. (Ord. 00-07 § 7)

**12.16.080 Unnamed roads.**

Each unnamed private road and each unnamed public or County road shall be assigned a name in accordance with the procedures set forth herein if:

- A. The road provides access to three or more buildings; or
- B. The Department determines that assigning a name is necessary in order to adequately direct emergency service providers. (Ord. 00-07 § 7)

**12.16.090 Procedures for naming new roads.**

- A. The naming of a road may be initiated by the Department, the Board, or by application of adjacent property owners, developers, or public agencies which may be affected by road names.
- B. An application to name a road shall be submitted to the Department and shall include, at a minimum, the following:
  - 1. The name of the applicant;
  - 2. The location of road by description and map;
  - 3. The legal status of road, if known;

4. The proposed road name, with two alternatives;
  5. The reason for the name request;
  6. The original of any petition;
  7. An application fee as established by order of the Board; and
  8. Names and addresses of property owners having access to the road.
- C. Notice of a proposed name assignment shall be sent by the Department to all persons owning property abutting the affected road or having an address on the affected road. The notice shall be sent within 30 days of the receipt of an application or other action initiating the proposed name assignment.
- D. Persons receiving notice under subsection C of this section shall promptly notify any tenants or other occupants of the affected property of the proposed name assignment.
- E. Any person receiving notice under subsection C or D of this section may comment in writing on the proposed name within ten days from the date of the notice.
- F. The proposed name shall:
1. Not duplicate existing road names, except for continuations of existing roads, within any one zone.
  2. Not sound so similar to other road names as to be confusing.
  3. Be limited to a maximum of 15 letters and three words, excluding the suffix indicator; i.e., “Road,” “Lane,” “Loop” or “Drive.”
  4. Improve or clarify the identification of the area.
  5. Be an historical name or theme name when appropriate.
  6. Reflect a consensus of affected owners and occupants when possible, subject to the other standards contained in this subsection.
- G. In the following circumstances, a proposed road name shall generally conform to the following additional standards:
1. Roads running in a generally north-south direction shall be called “roads.” Roads running in a generally east-west direction shall be called “lanes.”
  2. Roads dead-ending in a turnaround 1,000 feet or less from their beginning points may be called “courts.”
  3. Roads of reduced right-of-way or curving roads of less than 1,000 feet may be called “drives.”
  4. Roads that begin at and circle back onto the same road, or that are circular or semicircular, may be called “circles” or “loops.”
  5. Road designator abbreviations for new and existing roads shall conform to the current standards established by the National Emergency Number Association (NENA).
- H. The Department shall review road name applications and shall assign a road name after performing the following procedures:
1. Verifying applicant’s compliance with this chapter.
  2. Verifying the legal status of the road with the County Clerk’s office, County Assessor’s office, and County Public Works Department.

3. Verifying that the proposed road name will not duplicate or be confusingly similar to another existing road name, with a road name on an approved preliminary land division, or with a road name approved for future use.
  4. Performing a field check when necessary.
  5. Assisting the applicant or other affected persons to find alternative names when required.
  6. Reviewing and considering all comments submitted.
- I. Following the assignment of a proposed name by the Department, the Department shall send notice of the assigned road name to all persons entitled to notice under subsection C of this section.
  - J. Affected property owners and occupants shall have the right to appeal the proposed road name to the Board. An appeal pursuant to this subsection must be filed within ten days from the date of the notice provided under subsection I of this section.
  - K. If an appeal is timely filed pursuant to subsection J of this section, the Board shall conduct a public hearing on the matter. All interested persons may appear at the public hearing and be heard. The issue on appeal shall be limited to whether the Department correctly applied the criteria set forth in this section. If the Board finds that the Department properly applied the criteria set forth in this section, the Board shall enter an order of approval.
  - L. If no appeal is timely filed pursuant to subsection J or upon entry of an order of the Board, the road name shall be deemed approved. The Department shall send notice of the approval to the applicant requesting the road name, each affected property owner, the Assessor's office, the County Clerk's office, the Planning Department, the Road Department, each affected telephone and other utility company, the affected fire department, each affected emergency agency, the United States Post Office, affected school district and adjacent urban jurisdictions.
  - M. Affected property owners and occupants shall have 90 days from the date of Board approval of a proposed road name to begin using the road name. (Ord. 00-07 § 7)

**12.16.100 Procedures and standards for changing existing road names.**

The procedures and standards provided in Section 12.16.090 shall apply to the changing of existing road names, in addition to the following procedures and standards:

- A. An existing road name may be changed by the Department if the existing name:
  1. Duplicates a pre-existing road name within the same addressing zone or geographic area;
  2. Sounds like or is spelled so similarly to a pre-existing road name in the same addressing zone or geographic area as to cause confusion between the two roads;
  3. Is known by more than one name;
  4. Is different than the name of the road that it is a continuation of; or
  5. Is not consistent with County road naming standards set forth herein.
- B. In choosing which road name to change as between two roads with the same or similar names, the Department shall consider the following factors:
  1. The number of properties, developed and undeveloped, abutting each affected road;
  2. The length of time a name has been in use to designate each affected road and whether the name used to designate each affected road has any historic significance;

3. Whether one affected road as named is relatively better known by the general public than the other affected road as named; and
4. Any showing that a proposed road name change would be relatively more burdensome to abutting property owners than if another affected road name were changed. (Ord. 00-07 § 7)

**12.16.110 Road sign standards.**

- A. Private and public road signs shall be signed in accordance with County standards.
- B. Road signs shall be installed in accordance with County standards and maintained so they are fully visible from all intersecting roads.
- C. Road signs for newly established opened or developed public roads shall be paid by the persons dedicating, opening or developing said road, and installed with all other public improvements required by the County Code or subdivision improvement agreement. (Ord. 00-07 § 7)

**12.16.120 Discretion.**

The Director of the Department may waive or modify a standard set forth herein if an unusual circumstance necessitates a waiver in the interests of public safety. (Ord. 00-07 § 7)

**12.16.130 Fees.**

The Board may, by resolution and order, establish fees for changing road names or addresses, naming new roads, providing new addresses, providing signage and number stakes, or any other fee necessary to achieve the purposes of this chapter. (Ord. 00-07 § 7)

**12.16.140 Enforcement.**

Violation of this chapter shall be a Class B violation under Chapter 1.11. (Ord. 00-07 § 7)

## Chapter 12.20

### ACCEPTANCE OF RIGHT-OF-WAY

#### Sections:

- 12.20.010**    **Scope.**
- 12.20.020**    **Submission of requests to dedicate.**
- 12.20.030**    **Acceptance.**

#### **12.20.010**    **Scope.**

Pursuant to ORS 368.016, 368.031 and 368.036, Clatsop County has jurisdiction and authority over all dedicated public ways within the unincorporated area of Clatsop County. ORS 92.175, 92.014(2), and 93.808 provide that land dedicated as a public way by a dedication or donation document must be accepted by the County. The Board intends by this chapter to authorize the County Surveyor and Director of Public Works, together or individually, to accept on behalf of the Board of County Commissioners of Clatsop County all offers of dedication of public right-of-ways made pursuant to ORS 92.014(2) and ORS 93.808 when such acceptance would in their judgment be in the best interest of the traveling public and Clatsop County, and further, are susceptible to economical maintenance and regulation. (Ord. 01-12; Ord. 93-12 § 3)

#### **12.20.020**    **Submission of requests to dedicate.**

All requests to dedicate or donate real property to Clatsop County for Road purposes shall be on forms provided by the County Surveyor and/or the Director of Public Works and contain such information as such County officers may determine is necessary for their review of the proposed dedication or donation. (Ord. 93-12 § 3)

#### **12.20.030**    **Acceptance.**

- A. The County Surveyor and/or Director of Public Works shall review all requests submitted pursuant to Section 12.20.020 to determine whether such requests are in compliance with applicable state and County laws and regulations and further to determine whether acceptance would, in their sole judgment, be in the best interest of the traveling public and Clatsop County and, further, are capable of being maintained and regulated by Clatsop County in an efficient and economical manner. Upon such determination, the County Surveyor and/or the Director of Public Works shall cause the donating party to execute a deed of dedication and thereafter execute an acceptance of dedication thereon, all in a form satisfactory to them, which act shall constitute formal acceptance by Clatsop County of the dedicated or donated property without the need of any further action by the Clatsop County Board of Commissioners.
- B. Upon execution of the deed and acceptance described in subsection A of this section, the same shall be recorded in Clatsop County deed records. (Ord. 93-12 § 4)

## Chapter 12.24

### STANDARDS FOR ACCESS PERMITS AND OTHER ACTIVITIES OCCURRING IN PUBLIC ROADWAYS

#### Sections:

- 12.24.010 Purpose.**
- 12.24.020 Authority.**
- 12.24.030 Definitions.**
- 12.24.040 Interpretation.**
- 12.24.050 Work in rights-of-way—Permit required—Conditions.**
- 12.24.060 Exceptions to certain requirements—Interpretation.**
- 12.24.070 Signs, billboards, symbols, notices, advertisements or directional guides.**
- 12.24.080 General requirement for approach permits.**
- 12.24.090 Change in use of approach road—Permit required.**
- 12.24.100 Alteration and removal of vegetation in County road rights-of-way.**
- 12.24.110 Review of permit applications.**
- 12.24.120 Permit fees and classifications.**
- 12.24.130 Allocation of costs.**
- 12.24.140 Liability and control.**
- 12.24.150 Insurance and bond.**
- 12.24.160 Effective period of permit.**
- 12.24.170 Construction and location details.**
- 12.24.180 Adoption of state standards.**
- 12.24.190 Removal, relocation and repair.**
- 12.24.200 Other agencies.**
- 12.24.210 Violations—Removal or correction of installations—Prosecution.**

#### **12.24.010 Purpose.**

The Board of County Commissioners of Clatsop County, Oregon recognizes the need to adopt certain standards for the regulation of facilities constructed in public rights-of-way. In the interest of the health, safety and welfare of the citizens of Clatsop County and pursuant to ORS 374.310 and the Home Rule Charter for the Government of Clatsop County, the Board of Commissioners hereby determines a need to adopt the ordinance codified in this chapter. (Ord. 99-18)

#### **12.24.020 Authority.**

This chapter is adopted under the authority granted by ORS 374.310 and the County Home Rule Charter.

- A. All authority contained in ORS 374.305 through 374.325 relating to County roads applies to any facility within a public right-of-way.
- B. The Director or the Director's designee is given the authority to issue all permits provided for in this chapter and to make all decisions necessarily related to those permits. (Ord. 99-18)

#### **12.24.030 Definitions.**

As used in this chapter:

“Approach permit” means a permit allowing construction or alteration of a private driveway, approach road or other facility that provides ingress to or egress from a public road.

“County road” means a public road under the jurisdiction of the County that has been designated as a County road.

“Director” means the Director of Public Works as being responsible for administration of County road activities and includes those individuals designated by the Director to carry out the purposes of this chapter.

“Driveway” means and includes all private roads that connect to a public road and provide ingress to or egress from property.

“Facility” means and includes all roads, driveways, utilities, fences, ditches, culverts, structures, signs, landscapes and other items of a diverse nature that may be placed within or upon a public right-of-way.

“Local access road” means a public road that is not a County road, state highway or federal road.

“Public road” means a road over which the public has a right-of-way that is a matter of public record.

“Right-of-way” means land, property, or an interest therein, usually in a strip, acquired for or devoted to road purposes.

“Road” means the entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. “Road” includes, but is not limited to:

1. Ways described as streets, highways, throughways or alleys;
2. Road-related structures that are in a right-of-way, such as tunnels, culverts or similar structures; and
3. Structures that provide for continuity of the right-of-way, such as bridges.

“Road right-of-way occupation or operations permit” means a permit allowing facilities to be placed within a public road right-of-way. The permit shall state whether the permitted use is temporary or permanent.

“Roadway” means the portion of a road, including shoulders, for vehicular use.

“Traveled way” means that portion of the right-of-way, exclusive of the shoulders, designed and intended for vehicular travel.

“Tree removal permit” means a permit allowing the alteration or removal of trees located within a County right-of-way. (Ord. 99-18)

#### **12.24.040 Interpretation.**

This chapter should be construed to ensure the safe use of public roads, to preserve the structural integrity of public roads and to allocate the cost of private development upon private developers and not upon County government. Nothing in this chapter should be interpreted as implying a right or privilege to place, build, enlarge or otherwise work on any facility in the right-of-way of a public road. (Ord. 99-18)

#### **12.24.050 Work in rights-of-way—Permit required—Conditions.**

Except as provided in this chapter, no person other than County agents or employees shall place, build, enlarge or otherwise work on any facility in the right-of-way of a public road without first obtaining a road

occupation or operations permit from the Director. This applies to all work, including, but not limited to, the following.

- A. Constructing, grading, surfacing or providing drainage facilities for a private driveway or approach road.
- B. Pipelines, irrigation lines, sewer lines, underground cables, overhead wires and utility poles.
- C. Signs, billboards, symbols, notices, advertisements or directional guides.
- D. Sidewalks, curbs, gutters, retaining walls, meters, inlet basins, fences and ornamental objects.
- E. Planting of trees or other vegetation. (Ord. 99-18)

**12.24.060 Exceptions to certain requirements—Interpretation.**

A permit is not required for utilizing lawfully installed facilities as intended when installed, providing the work does not involve excavation. This exception includes the following.

- A. Inspection and cleaning of sewer and stormwater facilities;
- B. Inserting cables in existing conduits or making service connections within a terminal structure; and
- C. Utilization that is expressly acknowledged by prior permit provisions.
- D. Other activities approved in writing by the Director. (Ord. 99-18)

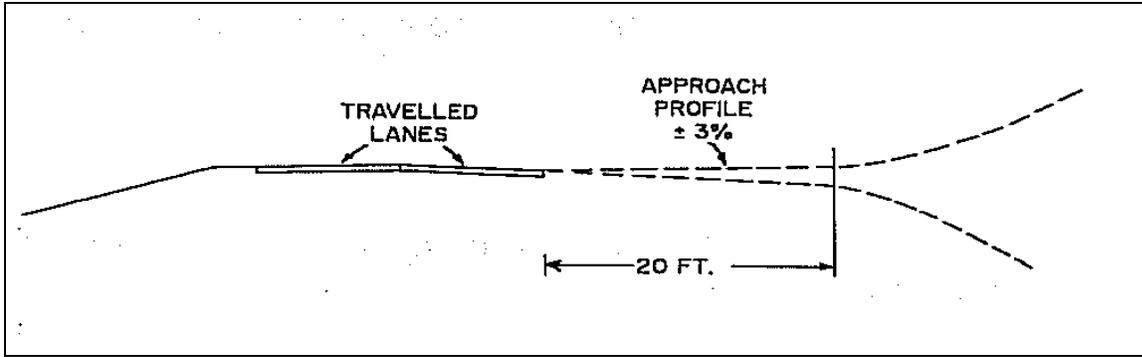
**12.24.070 Signs, billboards, symbols, notices, advertisements or directional guides.**

Trees, vegetation, permanent signs, billboards, symbols, notices, advertisements or directional guides shall not be allowed in a County right-of-way unless allowed by law, designed to facilitate traffic safety and located without causing unreasonable risk to the traveling public. Temporary signs, notices, or directional guides may be allowed for a period not exceeding seven consecutive days if in the opinion of the Director the sign, notice, or directional guide will facilitate the safe and efficient use of the public road. (Ord. 99-18)

**12.24.080 General requirement for approach permits.**

Except as otherwise provided in this chapter, no person shall construct or alter a private driveway, approach road or other facility providing ingress to or egress from a public road without first obtaining an approach permit. The general requirements of this permit include but are not limited to the following.

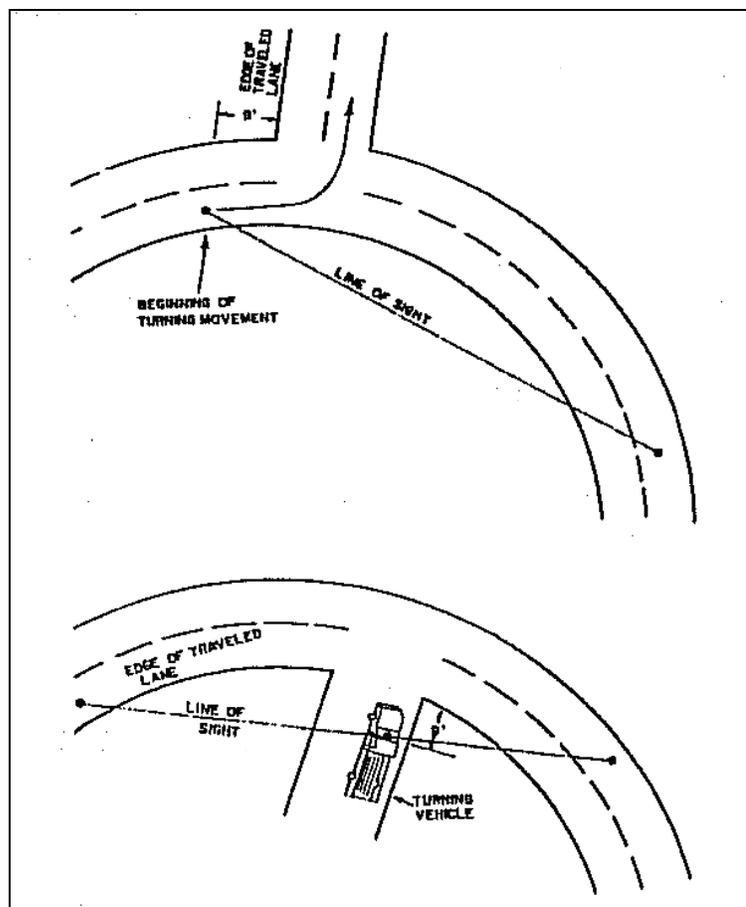
- A. The applicant must be the owner or lessee of the real property abutting the road and have the authority to apply for this permit.
- B. Construction or use of the proposed approach road may not be prohibited by law, agreement or by any permit or license issued by a governmental agency.
- C. The holder of the permit must construct the approach so as not to interfere with normal road maintenance operations.
- D. The profile of the approach centerline shall not exceed plus or minus three percent from the edge of the traveled surface for a distance of 20 feet, as follows:



E. An approach permit may be denied when, in the opinion of the Director, lack of adequate sight distance or multiple intersecting approaches would create traffic safety hazard. The applicant may be required to remove brush, widen cut banks, relocate the proposed approach or otherwise satisfy sight distance requirements and ensure that those distances are maintained. The minimum recommended sight distances for the estimated speed of the traffic (not necessarily the posted speed) are given below. The sight distance should be measured from the height of the driver’s eye or approximately 45 inches.

Speed (mph)	Minimum Sight Distance (ft.)
25	180
30	200
35	250
40	325
45	400
50	475
55	550

Sight distance shall be measured from the center of the traveled lane from a point where the turning vehicle begins its turn (nine feet behind the edge of the traveled lane) to the center of the traveled lane of which the turning vehicle may enter or cross, measured at a height above each spot of 42 inches as follows:



- F. The driveway or approach road shall as near as practicable intersect the public road at right angles.
- G. Failure to construct any approach in conformance with these provisions, permit conditions or with plans submitted by the applicant may result in cancellation of the permit and removal of the partially constructed approach at the applicant's sole expense.
- H. Proper barricades and warning signs must be maintained at all times during construction by the holder of this permit to ensure the safety of the motoring public.
- I. The public road is to be restored to its original or to a better condition. All excess rock or dirt is to be removed from the traveled portion of the road by brooming or washing, as directed. Final clean up is to be completed within one week after the approach is constructed.
- J. The entire cost of maintaining the road approach from the outside edge of the roadway to the right-of-way line shall be the responsibility of the applicant.
- K. The maximum width for a driveway in residential and resource lands shall be 24 feet. The maximum width for a driveway in industrial and commercial lands shall be 30 feet except driveways for service stations and trucking businesses may be up to 40 feet in width. In no case shall the traveled way of any driveway be less than 14 feet.
- L. The minimum distance between driveways shall be 25 feet measured from the nearest edges of the traveled ways. (Ord. 99-18)

**12.24.090 Change in use of approach road—Permit required.**

A change in the manner of using an approach road that connects to or intersects a public road requires a new approach permit. A “changed use” includes, but is not limited to:

- A. Any physical change requiring excavation, placing of an embankment, a culvert extension, construction of head walls and repair or alteration of any existing lawfully installed facility pertinent to a driveway or approach road;
- B. Any substantial change in the type or number of vehicles that were anticipated in the approval of the latest existing permit on file for a driveway or approach road; and
- C. Any other change in the approach road or its use, which the Director finds, may adversely affect the public’s safety or the public’s interest in the County road in the absence of limitations or conditions. (Ord. 99-18)

**12.24.100 Alteration and removal of vegetation in County road rights-of-way.**

- A. All trees within a County road right-of-way are subject to the County’s control, and no tree may be altered or removed without a permit from the County. The permit requirement does not apply to public utilities or the County while exercising their rights within the right-of-way. In issuing a permit, the County shall have the authority to impose such conditions as it deems necessary to the public’s safety and convenience.
- B. The County has and claims the right to remove or alter any tree, or remove any other vegetation, situated entirely within the County road right-of-way if, in the judgment of the Director, such removal is necessary to the use or improvement of the road or related facilities or for the public’s safety.
- C. If the Director finds that a tree to be removed may have marketable or ornamental value to the owner of the land abutting the half of the right-of-way on which the tree is situated, the County shall first send notice to the abutting owner, giving the owner 30 days within which to secure a permit to alter or remove the tree or other vegetation. If within that period of time the tree or other vegetation is not removed or altered to the extent necessary to the public safety and convenience as found by the Director, the County may remove or alter the tree or vegetation and, if it is a merchantable tree, retain it to defray the cost of removal. For purposes of giving notice under this subsection, the owner according to the Assessor’s records of the property abutting the half of the right-of-way within which the tree is situated shall be deemed the tree owner. If the Director or his or her designate determines that an emergency exists which may affect the public safety, no notice shall be required prior to the removal of the tree or vegetation. (Ord. 99-18)

**12.24.110 Review of permit applications.**

After a completed application with the required fee has been submitted, the Director shall review the application and shall issue a permit if the proposal complies with the provisions of this chapter and state law. The Director may impose additional written conditions on a permit after finding that such conditions are necessary to the public interest in the safe use of the road or the preservation of public improvements or adjoining property. The Director shall prepare appropriate forms to assist the applicant in providing the information necessary for the application review. If the applicant disagrees with the Director’s interpretation of the regulations, with the Director’s decision to deny the permit, or with the conditions imposed by the Director, or if the Director finds that the proposal raises problems of public safety or problems having to do with the public use or protection of the road, which problems are not addressed in the regulations, then either may refer the

application to the Board of County Commissioners, which Board shall, within 30 days, afford them an opportunity to be publicly heard and make its final decision in the matter. If the Board finds that the proposal creates a problem to public interests in the road that cannot be solved by the application of the regulations or of adequate conditions, the Board shall deny the application. (Ord. 99-18)

**12.24.120 Permit fees and classifications.**

Permit fees shall be established by resolution of the Board of Commissioners and shall be paid at the time of application. (Ord. 99-18)

**12.24.130 Allocation of costs.**

- A. The entire cost of installing, maintaining, repairing, operating, or using the facility and any expense incident to a facility or operation authorized by a permit shall be paid by the applicant.
- B. The applicant shall reimburse the County for any reasonable and necessary expenses that the County may incur in connection with the facilities or operations authorized by the permit. The reimbursement of the County shall be made by the applicant within ten days after receiving a statement from the Director. (Ord. 99-18)

**12.24.140 Liability and control.**

- A. The applicant shall indemnify and hold harmless the County and its agents against all damages, claims and expenses resulting from any injury to or death of any person or from the loss of, or damages to property when such damage, claim or expense arises out of the construction, installation, maintenance, repair, removal, relocation, operation, or use of the facility covered by the permit, or out of any operation authorized by the permit.
- B. The County, its officers, or employees shall not be held responsible or liable for injury or damage that may occur to facilities covered by the permit or any connection thereto by reason of road maintenance and construction operations or resulting from motorist or road user operations or road contractor or permittee operations.
- C. The applicant shall employ methods in performing the operations authorized by the permit that the Director may require in order to properly protect the public from injury and the road from damage.
- D. During any operations, the applicant shall maintain such flag persons, signs, lights, flares, barricades, and other safety devices during work and non-work hours as required by the Director.
- E. The applicant shall minimize interference with or interruption of traffic upon any public road. Except in emergencies, there shall be no interference with or interruption of traffic upon and along the road until a plan for the satisfactory handling of traffic has been prepared by the permit holder and approved by the Director. The applicant shall notify the Director of any emergency as soon as possible.
- F. All traffic control and safety devices used for the protection of the work areas shall conform to the current provisions of the Oregon Manual on Uniform Traffic Control Devices.
- G. To ensure compliance with the terms and conditions of the permit, the County reserves the right to inspect actions taken under a permit at any time and to require the applicant to correct all deviations from the permit.

12.24.150

- H. Any supervision and control exercised by the Director shall in no way relieve the applicant of any duty or responsibility to the general public, nor shall such supervision and control relieve the applicant from any liability for loss, damage, or injury to persons or property.
- I. Notice must be given to the Director at least two working days prior to commencement of actual construction under a permit. (Ord. 99-18)

**12.24.150 Insurance and bond.**

- A. Unless waived in writing by the Director, the applicant or his/her contractor shall obtain and carry, for the period of time required for the complete installation of the facilities authorized by the permit, including the repair and restoration of the road facilities, and also during such future period of time when operations are performed involving the repair, relocation, or removal of said facilities authorized by permit, a liability and property damage insurance policy providing coverage against any claim or suit for property damage, personal injury, or death resulting from any activities of the applicant, agents, or contractors in connection with the construction, installation, repair, or removal of facilities authorized by the permit and the repair and restoration of the road facilities. The policy shall also include as named insured, the County, its officers, agents, and employees except as to claims against the applicant, for personal injury to any officers, agents, and employees of the County or damages to any County property. The policy shall provide coverage in an amount not less than required in ORS 30.272 and 30.273. The policy shall be by an insurance company duly authorized and licensed to do business in the State of Oregon. A copy of the policy shall be submitted to the Director and approved by him or her before any work is commenced under this permit.
- B. When requested in writing by the Director, the applicant or his/her contractor, shall furnish for the period of time required for the complete installation of the facilities authorized by this permit, including the repair and restoration of the road facilities, and also during such future periods of time when operations are performed involving the repair, relocation, or removal of said facilities authorized by the permit, a bond or cash deposit in the amount specified in the special provisions of the permit. If a bond is furnished, it must be written by a surety company duly qualified and licensed to do business in Oregon and in a form satisfactory to the Director. No work shall be commenced under the permit until security has been submitted to and approved by the Director. (Ord. 99-18)

**12.24.160 Effective period of permit.**

- A. Any construction, alteration or repair allowed by a permit must be completed within six months of issuance or the permit will lapse. Upon completion of construction, an approach permit is effective indefinitely unless a specific period is stated in the permit or there is a change in use of the approach road.
- B. Failure of the applicant to comply with the terms of a permit after a ten-day written notice from the Director shall be sufficient cause for cancellation of a permit.
- C. The permit, the privileges granted, and the obligations of the permit holder created thereby shall be binding upon the successors and assigns of the permit holder. Permit holders shall give the Director written notice of assignment or transfer. (Ord. 99-18)

**12.24.170 Construction and location details.**

- A. The applicant shall submit with any application the following.

1. Drawings or sketches showing in detail and to scale the location of the proposed facility or operation with respect to existing and planned road improvements, the traveled way, the right-of-way lines, and where applicable, the access control lines and approved access points.
  2. The details of the attachment method if facilities are to be attached to a road structure.
  3. Pressure pipelines data, if applicable, as set forth below:
    - a. Design pressure of pipe;
    - b. Normal operating pressure; and
    - c. Maximum operating pressure.
- B. The applicant's completed facility shall be in conformance with the information required by this chapter and the applicant's permit unless written permission is obtained from the Director to modify during installation. When a modification is approved, applicant shall furnish the Director four sets of as constructed drawings or sketches.
- C. All work in connection with the facility authorized by the permit shall be done in a neat and workmanlike manner to the satisfaction of the Director, and construction shall conform to the rules of the Oregon Public Utility Commission, the Oregon Board of Health, or other governmental agencies having regulatory authority over the facility. If the above agencies do not prescribe standards that provide the degree of protection substantially equal to the following industry codes, then the appropriate industry codes shall apply.
1. United States of America Standards Institute, 10 East 40th Street, New York, NY 10016:
    - a. USAS B 31.1.0, *Power Piping Systems*, current issue.
    - b. USAS B 31.3, *Petroleum Refinery Piping*, current issue.
    - c. USAS B 31.4, *Liquid Petroleum Transportation Piping Systems*, current issue.
    - d. USAS B 31.8, *Gas Transmission and Distribution Piping Systems*, current issue.
  2. American Petroleum Institute, 1271 Avenue of the Americas, New York, NY 10020: API RP 1102, *Recommended Practice for Liquid Petroleum Pipelines Crossing Railroads and Highways*, current issue.
  3. American Water Works Association, 2 Park Avenue, New York, NY 10016: *AWWA Standards and Specifications*, current issue.
  4. National Bureau of Standards, U.S. Department of Commerce, for sale by Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401:
    - a. *National Electric Safety Code*, current issue.
    - b. *Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines*, current issue.
- D. Corrugated metal pipe and concrete pipe used as a conduit or casing pipe or a gravity flow carrier pipe shall, as a minimum, conform to requirements of the current issue of State of Oregon, Standard Specifications for Highway Construction. Smooth iron or steel pipe used as a conduit or casing pipe shall be the standard type used for pressure pipe.
- E. No trench shall be excavated with a top width in excess of 24 inches more than the outside diameter of the pipe, conduit, or cable to be installed unless permission is obtained from the Director.

- F. The backfilling of all trenches and tunnels must be accomplished immediately after the facility authorized by the permit has been placed therein and must be well tamped and fully compacted so as to allow the least possible amount of subsequent settlement.
- G. All debris, refuse, and waste of all kinds which may have accumulated upon the road right-of-way by reason of the operations of the applicant shall be removed immediately upon completion of the said operations, and the road right-of-way restored to the condition it was prior to construction.
- H. Unless permission is obtained from the Director to open cut for pipeline or conduit which crosses under the surfaced portion of the road and shoulders, road or street connections, road approaches, or driveways, the permit holder shall tunnel, jack, bore or drive under the surface in accordance with the following provisions.
  - 1. Trenching shall be no nearer the toe of the fill slope in fill sections or the point where the outer edges of the surfacing meets the sub-grade and a minimum of four feet from the edge of the pavement.
  - 2. Tunneling shall be by an approved method that supports the surrounding materials to prevent caving or settlement. Areas around the installed pipe or conduit shall be backfilled with moist sand, granular material, or cement grout filling all voids and packed in place with mechanical tampers or other approved devices. Lagging, bulk heading, and timbering shall be removed as the backfilling progresses.
  - 3. Jacking, driving, or boring shall be by a method approved by the Director which will hold disturbances of surrounding material to a minimum. Sluicing and jetting is not permitted. Voids or displacement outside the outside perimeter of the pipe, conduit, or cable where greater than one-tenth foot, shall be filled with sand or cement grout packed in place.
- I. When permission is granted to open cut the surfaced portion of the road, the following provisions shall be followed.
  - 1. Trench edges in paved areas shall be sawn or cut to neat lines by methods satisfactory to the Director to a depth sufficient to permit removal of pavement without damage to pavement to be left in place. Pavement within the cutting limits, together with all other excavated material, shall be removed and disposed of outside road right-of-way.
  - 2. No more than half of the traveled way shall be trenched at one time. The opened half shall be completely backfilled before opening the other half.
  - 3. Closure of intersecting streets, road approaches, or other access points will not be permitted. Upon trenching across such facilities, steel running plates, planks, or other satisfactory methods shall be used to provide for traffic to enter or leave the road or adjacent property.
  - 4. No more than 300 feet of trench longitudinally along the road shall be open at one time and no trench shall be left in open condition overnight.
  - 5. Immediately after a facility authorized by a permit has been placed in a trench outside of a roadway, the trench shall be backfilled with compacted granular material which cannot be ribboned out between the finger and thumb, and which is free from humus, organic matter, vegetable matter, frozen material, clods, sticks and debris, and contains no stones having a dimension greater than three inches.

6. Immediately after a facility authorized by a permit has been placed in a trench within a roadway, the trench shall be backfilled with a flowable fill material or controlled density fill (CDF). This material shall be placed to an elevation that will allow placing the following foundation material and wearing surface:
  - a. Where original surface was asphalt concrete or bituminous treatment or mix:
    - i. Wearing Surface. Asphalt concrete placed to a compacted thickness of four inches or the thickness of the removed pavement, whichever is greater.
    - ii. Foundation Material. Either one-inch or three-quarter-inch aggregate placed to a compacted thickness of eight inches or the thickness of the removed stone base, whichever is greater.
  - b. Where original surface was crushed rock or gravel: either one-inch or three-quarter-inch aggregate placed to a total compacted thickness of four inches or the thickness of the removed stone base and wearing surface, whichever is greater.
  - c. All materials in subsections (I)(6)(a) and (b) of this section, and their placement, shall conform to the requirements of the current Oregon State Highway Standard Specifications for Highway Construction.
7. For a period of one year following the patching of the paved surface, the applicant shall be responsible for the condition of pavement patches and, during that time, shall, upon request of the Director, repair to the Director's satisfaction any patches which become settled, cracked, broken, or otherwise faulty.
- J. Unless permission is obtained from the Director, direct burial of cable placed by the ploughing method shall be limited to a minimum of four feet outside the surfaced portion of the road.
- K. Standard warning signs for buried power or communications cable and for pipelines carrying gas or flammable liquids shall be placed at each crossing under the road and at intervals along longitudinal installations as required by current PUC order, or as specified by the Director:
  1. Signs shall be offset as near the right-of-way as practical; and
  2. Signs for installations located within the roadbed may be placed behind existing guardrail.
- L. Pole line locations over the roadway shall have a minimum height of the lowest wire at 20 feet; locations parallel and not on the traveled portion, the minimum height of the lowest wire shall be 18 feet. Poles shall be located not less than 12 feet from the edge of pavement on paved-surfaced roads, or not less than eight feet from the shoulder on gravel-surfaced roads. Wherever possible, poles shall be located along the tangent sections of roads and on the short curve radius side of curves. Poles to be located on the long radius side of curves will require additional approval by the Director and will be subject to special conditions.
- M. Pedestals installed as part of a buried cable installation are to be located one foot from the right-of-way line unless permission is obtained from the Director to locate elsewhere. In no case shall the pedestals be located within the road maintenance operating area, including mowing operations, or nearer the pavement edge than any official highway sign in the same general location.
- N. The buried cable or pipe depths shown on the permit form represents the distance from the top of the surface or ground line to the top of the cable or pipe. (Ord. 99-18)

**12.24.180 Adoption of state standards.**

To the extent that standards have not otherwise been adopted by the County, the County adopts, pursuant to ORS 368.205, as standard specifications for construction, improvement and repair to public roads, the standard specifications for highway construction adopted by the Oregon Department of Transportation. (Ord. 99-18)

**12.24.190 Removal, relocation and repair.**

- A. Permits issued under this chapter are subject to modification by the County including removal, relocation, or repair of any facility covered by the permit at the sole cost of the applicant.
- B. Upon receiving written notice from the Director to remove, relocate, or repair a facility, the applicant shall, within 30 days, make arrangements for the work to be done at the permit holder's cost, in accordance with the notice and instructions received from the Director. Before commencing this work, the permit holder shall furnish such insurance and post such bond as required by the Director.
- C. Should the permit holder fail to remove, relocate, or repair the facility, the Director may remove, relocate, or repair it and submit a statement of costs for the work to the permit holder. Upon receiving the statement, the permit holder shall pay to the County the full amount of removal, relocation, or repair costs. The applicant, in obtaining a permit, also agrees to pay statutory court costs, disbursements, and attorney fees if an action must be commenced to obtain costs billed pursuant to this section. (Ord. 99-18)

**12.24.200 Other agencies.**

Nothing in a permit issued pursuant to this chapter is intended to grant rights or imply approval in areas not falling within the authority and jurisdiction of the Director. It is the responsibility of the applicant to determine the need for and to obtain such licenses, permits, or other form of approval that may be otherwise required by Clatsop County or by state agencies, federal agencies, cities, utility companies, and railroads. (Ord. 99-18)

**12.24.210 Violations—Removal or correction of installations—Prosecution.**

- A. If any person fails to obtain a permit or to comply with the appropriate regulations or permit conditions, the Director may remove or correct the installation and recover the cost from the person responsible.
- B. In addition, any person who violates or fails to comply with any of the provisions of this chapter commits a Class B violation under Chapter 1.11. A separate offense may be deemed committed each day during or on which such unlawful condition is maintained or continued after citation or notice of violation has been given.
- C. The decision to enforce any permit requirement or condition is not a ministerial act but rather a decision left to the discretion of the Director. (Ord. 99-18)

## Chapter 12.28

### PARK RULES AND REGULATIONS

#### Sections:

- 12.28.010 Purpose.**
- 12.28.020 Definitions.**
- 12.28.030 Park restrictions.**
- 12.28.040 Restricted areas.**
- 12.28.050 Overnight camping.**
- 12.28.060 Concessions.**
- 12.28.070 Fees.**
- 12.28.080 Enforcement.**

#### **12.28.010 Purpose.**

The purpose of this chapter is to maintain County parks as safe places for recreation. This chapter will set forth the rules governing the public's use of County parks, establish fines for violation of rules and establish use fees for County park facilities. (Ord. 99-13)

#### **12.28.020 Definitions.**

“Boat,” as defined in ORS 830.005(2), means every description of watercraft, including a seaplane on the water and not in flight, used or capable of being used as a means of transportation on the water, but does not include boathouses, floating homes, air mattresses, beach and water toys, or single inner tubes.

“Motor vehicle” means every self-propelled vehicle and vehicle designed for self-propulsion, except police and other emergency motor vehicles, and does not include camping or sleeping facility vehicles.

“Park area” means any lands accepted as a County park pursuant to ORS Chapter 275.

“Park ranger” means a Clatsop County employee specifically designated to seek compliance with and enforce park ordinances.

“Sleeping facility vehicle” means any motor vehicle or device designed for overnight camping, including, but not limited to, campers, motor homes, travel trailers, and tent trailers.

“Smoking” means any inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, grass, plant, liquid, vapor or any other tobacco or tobacco-like product or any substance in any manner or any form. This includes the use of any electronic smoking or inhalant device which creates smoke, aerosol, vapor or any other byproduct, in any manner or in any form.

“Tobacco product” means any product that contains tobacco or is derived from tobacco and is intended to be put in the human body. “Tobacco product” includes all electronic smoking devices and nicotine delivery devices and products, but does not mean tobacco use cessation products approved by the United States Food and Drug Administration.

“Tobacco use” means smoking, chewing, inhaling, exhaling, vaping and any other ingestion or consumption of a tobacco or vapor product. (Ord. 15-01 § 7; Ord. 08-13 § 7; Ord. 99-13)

**12.28.030 Park restrictions.**

The following restrictions shall apply to all parks:

- A. Smoking, all tobacco products and tobacco use is prohibited in all Clatsop County Park areas.
- B. Fires may be restricted by the park ranger at any time. All fires, when allowed, shall be confined to a stove, pit, or fireplace designated for fires, attended at all times, and extinguished before its user leaves the fire. As used in this subsection, "fire" includes all open flames except for camp stoves, charcoal cookers, and other contained camping equipment used for cooking.
- C. No person shall drive a vehicle at a speed greater than is reasonable and prudent, having due regard to traffic, surface, and strength of roadways, hazards at intersections, and other conditions then existing. The maximum speed limit on all interior roads, drives, and parking lots shall be 15 miles per hour, unless otherwise posted.
- D. No person shall drive a motor vehicle on any walk, path, trail, service road, or other area, unless said walk, path, trail, service road, or area has been officially designated for use by motor vehicles.
- E. No person shall park any auto, truck, trailer, or other vehicle in any area other than an area specifically designed for such purposes.
- F. No person shall:
  1. Allow a dog or other animal to run at large. All animals shall be confined or leashed with a leash of not more than ten feet. The custodians of said animals are responsible for the animals' behavior and the removal of the animals' waste from the park;
  2. Ride, drive, lead or keep a saddle horse or other animal except on such roads, trails, or areas specifically designated for that purpose;
  3. Deposit any rubbish, garbage, glass, or other litter except in receptacles designated for that purpose;
  4. Dispose of hand and dish water other than in the receptacles provided for that purpose, or to dump human waste in gray water receptacles;
  5. Wash any clothing or other materials in a lake or stream, or in any way pollute or defile any stream, spring, well, or lake;
  6. Dump household or commercial garbage, brought from lands outside the park, in park facilities;
  7. Alter, deface, mutilate, or destroy any trail, road, parking lot, bridge, fence, building, sign, barrier, or other facility or structure;
  8. Dig up or remove any soil, stones, rocks, or other substances whatever; make any excavation, or lay or set off any blast therein except within the confines of the County rock pit;
  9. Mutilate, dig, or remove any plant, or in any way burn, destroy, or defile any tree or plant or natural feature found in the park;
  10. Create or erect signs, markers, or inscriptions of any type;
  11. Use abusive, threatening, boisterous, vile, obscene, or indecent language or gestures;
  12. Operate radios, television, musical instruments, or other noise-producing devices, or otherwise cause unnecessary sound in such a manner and at such times so as to disturb other persons;

13. Cause, attempt to cause, or bring about any public demonstrations or disturbances, or in any way create a public nuisance;
14. Discharge any firearm, slingshot, arrow, air CO<sub>2</sub>, spring activated rifle or pistol or other similar device, darts, fireworks or related explosive materials, except in areas designated for such activity;
15. Throw rocks, sticks or other objects, which may endanger the safety of any other person within said area; or
16. In any manner pursue, hunt, trap, or molest any bird or animal.

G. Rules Pertaining to Boats and Boat Trailers.

1. No person shall leave attended or unattended boats moored to County docks for more than a 30-minute time period in any location where a posted notice prohibits mooring. Posted docks are for the launching and retrieval of watercraft.
2. No person shall leave a boat or boat trailer unattended in a County park for more than eight hours without written permission from the park ranger unless parked at a designated overnight camping site.
3. Repair or servicing of boats, other than an emergency repair, is prohibited in County parks. (Ord. 15-01 § 7; Ord. 08-13 § 7; Ord. 99-13)

**12.28.040 Restricted areas.**

- A. The park ranger may, if necessary to protect natural resources or to promote safety in any park, designate areas as access restricted.
- B. No person shall enter into an access restricted area unless that person has the written permission of the park ranger. (Ord. 99-13)

**12.28.050 Overnight camping.**

- A. It is unlawful for any person to camp in a County park or on other County property, except in areas specifically designated by the County as public campgrounds. It is unlawful for any person to camp on a County or public road.
- B. In designated camping areas, residence shall be limited to ten consecutive days in any park during the period from May 15th to September 15th, and 14 days during the remainder of the year.
- C. No person shall abandon a camp established by that person. Any camp that is uninhabited for more than 24 hours shall be deemed abandoned. Abandoned vehicles and abandoned personal property shall be sold or disposed of in the manner established by Oregon law. (Ord. 99-13)

**12.28.060 Concessions.**

No person shall operate a concession, or engage in the business of selling, hawking, peddling or vending any merchandise or material, without a written permit from Clatsop County. (Ord. 99-13)

**12.28.070 Fees.**

- A. Fees for day use, overnight camping, concessions and other Clatsop County park uses shall be set by order of the Board of Commissioners.

12.28.080

- B. No person shall attempt to use a County park in a manner for which a fee is required without paying the established fee. (Ord. 99-13)

**12.28.080 Enforcement.**

- A. Violation of this chapter shall be a Class B violation under Chapter 1.11 with a separate offense for each calendar day of continuing violations.
- B. In addition to the above imposition of a fine, boats moored in a prohibited location, or boats and/or trailers left unattended for more than eight hours in County parks, except overnight camping sites, are declared to be a hazard. Such boats may be moved and impounded by the park ranger or law enforcement personnel at the owner's expense. Any trailer towed or impounded under this chapter shall be subject to the provisions of ORS Chapter 819, and the statutory provisions regarding notice, disposition and hearing will be applicable. Any boat that is impounded under this chapter shall be subject to the statutory provisions regarding notice, disposition and hearing under the provisions of ORS Chapter 830. (Ord. 08-13 § 7; Ord. 99-13)

## Chapter 12.32

### SPECIAL EVENTS IN COUNTY PARKS

**Sections:**

- 12.32.010 Definitions.**
- 12.32.020 Permit required.**
- 12.32.030 Application for permit.**
- 12.32.040 Issuance or denial of permit.**
- 12.32.050 Contents of permit.**
- 12.32.060 Review procedure.**
- 12.32.070 Revocation of permit.**
- 12.32.080 Indemnity and insurance.**
- 12.32.090 County cost.**
- 12.32.100 Deposit.**
- 12.32.110 Compliance with laws.**
- 12.32.120 Penalty.**

**12.32.010 Definitions.**

A “special event park use” means:

1. Non-exclusive use of Cullaby Lake Park by an organized group of 200 or more people between June 30th and the Sunday following Labor Day.
2. Non-exclusive use by an organized group of more than 50 people of any County park besides Cullaby Lake Park, or of Cullaby Lake Park between the Monday following Labor Day and June 29th.
3. Use of any County park after posted closure, or exclusive use of any portion of a park (excluding boat ramps, shelter use or assigned camping spaces).
4. Park use for commercial purposes (excluding concessionaires who have concession contracts with the County).
5. Park use for any event providing live music or any event with a noise producing activity. “Noise producing activity” is producing a sound that is plainly audible outside the boundaries of the County park where the noise is produced.

“Board” means the Board of County Commissioners for Clatsop County.

“Park supervisor” means the Clatsop County Manager or the County Manager’s designee. (Ord. 11-11 § 7; Ord. 00-09)

**12.32.020 Permit required.**

A permit is required for any activity defined as a special event park use. It is unlawful for any person to conduct an event for which a special event permit is required, or knowingly participate in any such event, unless or until a permit has been obtained. (Ord. 11-11 § 7; Ord. 00-09)

**12.32.030 Application for permit.**

Any person who wants to conduct an event for which a special event permit is required shall apply to the park supervisor for a permit at least 60 days in advance of the date of the proposed event. The park supervisor may, at his or her discretion, consider any application for a permit to conduct such an event which is filed less than 60 days prior to the date such event is to be conducted. The application for such permit shall be made in writing on a form provided by the County. In order that adequate arrangements may be made for the proper policing of the event, the application shall contain the following information:

- A. The name of the applicant, the sponsoring organization, the event chair and the addresses and telephone numbers of each.
- B. The purpose of the event, the date when it is proposed to be conducted, and the specific proposed location of the event.
- C. An application fee of \$100.00; provided, the application fee may be waived for any organized group of less than 50 persons who apply to use a County park after posted closure.
- D. If applicant seeks to sell goods or services, the items to be sold must be listed and the proposed hours of sale. If applicant proposes to sell alcohol, an OLCC permit and additional insurance will be required. The County may require additional fees (including a percentage of the gross) for large volume sales.
- E. Such other information as the park supervisor may deem reasonably necessary.
- F. Any required deposit and the use fee established by order of the Board. (Ord. 11-11 § 7; Ord. 00-09)

**12.32.040 Issuance or denial of permit.**

- A. Standards for Issuance. The park supervisor shall issue a permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the park supervisor finds that:
  - 1. The time, size, or an activity at the event will disrupt to an unreasonable extent the peace of other citizens or will endanger the safety of participants or citizens, or cause a safety hazard.
  - 2. The event is of a size or nature that requires the diversion of too many County law enforcement officers, public works employees or other County personnel to properly control the event or that allowing the event would deny reasonable law enforcement or other emergency service protection to the County.
  - 3. Such event will interfere with another event for which a permit has been issued.
  - 4. The event when considered in conjunction with special events that have already been approved will overly restrict the general public's ability to access and enjoy park facilities.
- B. Standards for Denial. The park supervisor shall deny an application for a special events permit and notify the applicant of such denial where:
  - 1. The park supervisor makes any finding contrary to the findings required to be made for the issuance of a permit.
  - 2. The information contained in the application is found to be false or nonexistent in any material detail.
  - 3. The applicant refuses to agree to abide by or comply with all conditions of the permit. (Ord. 11-11 § 7; Ord. 00-09)

**12.32.050 Contents of permit.**

A permit of a special event shall specify:

- A. Indemnity and insurance as provided herein.
- B. The specified location to be used for the special event.
- C. The starting and ending time of the event.
- D. Requirements for sanitary facilities and trash removal.
- E. Requirements for crowd control, parking control and other staffing.
- F. Requirements for notice and signage.
- G. Requirements for pre-event meetings.
- H. Conditions for limited sale of goods or services.
- I. Any other condition reasonably calculated to reduce or minimize the dangers and hazards to public health, safety, tranquility and welfare. (Ord. 11-11 § 7; Ord. 00-09)

**12.32.060 Review procedure.**

Upon denial by the park supervisor of an application, the applicant may appeal the determination of the park supervisor within seven days thereafter to the Board. The Board shall consider the appeal as soon as practicable after receipt of the appeal. Upon such appeal, the applicant and appellant shall have the right to be heard. The Board may reverse, affirm, or modify in any regard the determination of the park supervisor. (Ord. 11-11 § 7; Ord. 00-09)

**12.32.070 Revocation of permit.**

Any special events permit issued pursuant to this chapter may be summarily revoked by the park supervisor or Sheriff at any time when by reason of disaster, public calamity, riot or other emergency, the Sheriff or park supervisor determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail. (Ord. 11-11 § 7; Ord. 00-09)

**12.32.080 Indemnity and insurance.**

Applicants shall agree in writing to assume the defense of and indemnify and save harmless the County, its commissioners, boards, officers, employees and agents, from all suits, actions, damages or claims to which the County may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such special event and the activities permitted in connection therewith. Applicants shall provide the County with evidence of liability insurance in amounts not less than the Oregon Tort Claim limits set forth in ORS 30.272 and ORS 30.273. All policies shall name the County as an additional insured. Provided, the park supervisor may waive proof of insurance if circumstances warrant for events of less than 200 participants. (Ord. 11-11 § 7; Ord. 00-09)

**12.32.090 County cost.**

Applicants shall pay to the County the cost of County personnel who are required by the County to work or perform duties during or as a result of such events and all other costs incurred by the County, including, but not limited to, trash removal, facility clean-up and crowd control assistance. Applicants shall provide the

12.32.100

County a deposit, as described below, in an amount required by the park supervisor for the purpose of covering costs to the County. (Ord. 11-11 § 7; Ord. 00-09)

**12.32.100 Deposit.**

Applicant shall provide a deposit to the County not less than 15 days prior to the event in an amount set by the park supervisor. The deposit shall be in cash or by certified check. Applicant shall not be entitled to interest on funds deposited. The expenses the County incurs before, during, after, or as a result of the event, including any costs associated with enforcing the conditions of applicant's permit, shall be deducted from the deposit. Any remaining funds shall be refunded to the applicant within 30 days of the event. (Ord. 11-11 § 7; Ord. 00-09)

**12.32.110 Compliance with laws.**

Issuance of a permit under this chapter shall not relieve applicant of the responsibility to comply with all applicable ordinances and laws, and obtain all other required permits and licenses necessary for an event. (Ord. 11-11 § 7; Ord. 00-09)

**12.32.120 Penalty.**

Any person, firm or corporation violating any provision of this chapter shall be guilty of a Class B violation under Chapter 1.11. (Ord. 11-11 § 7; Ord. 00-09)

## Chapter 12.36

### SOCIAL GATHERINGS

**Sections:**

- 12.36.010 Administration.**
- 12.36.020 Permits.**
- 12.36.030 Permit process.**
- 12.36.040 Operation of social gatherings.**
- 12.36.050 Enforcement and penalties.**

**12.36.010 Administration.**

- A. Application. This chapter is intended to regulate event gatherings with more than 1,000 persons, but fewer than 3,000 persons continuously over at least an eight-hour period, or 3,000 or more people for more than an eight-hour period but less than a 24-hour period. This chapter does not pertain to “mass gatherings” as that term is defined in ORS 433.735, but is intended to regulate less intensive events. Those events that meet the state mass gathering definition shall comply with state statutory and regulatory requirements; this chapter shall not create a local definition of mass gatherings.
- B. State Mass Gathering Requirements Inapplicable. Because Clatsop County has defined social gatherings to be exclusive of the state definition of mass gatherings, state regulations and requirements relating to mass gatherings shall be inapplicable to social gatherings as defined by this chapter.
- C. Definitions.
- “Administrator” means the Clatsop County Manager, or a designee.
- “Health Department” means the Clatsop County Health Department.
- “Organizer” includes any person who holds, stages, or sponsors a social gathering and the owner, lessee, or possessor of the real property upon which the social gathering is to take place.
- “Outdoor mass gathering” has the meaning set forth in ORS 433.735.
- “Permit holder” is the person to whom a permit is issued for a social gathering. If a corporation applies for the permit, the corporation must designate one or more individuals who will be the County’s point of contract.
- “Sheriff” means the Clatsop County Sheriff, or his/her designee.
- “Social gathering” means an event, activity or assembly that (a) continues or can reasonably be expected to continue for more than eight consecutive hours, but less than 120 consecutive hours within any six-month period; and (b) continuously has more than 1,000 persons, but less than 3,000 persons on the real property for more than eight consecutive hours, or has 3,000 or more persons on the real property for more than eight consecutive hours and less than 24 consecutive hours.
- D. Land Use. Neither a mass gathering nor a social gathering, as described above, is a land use. However, land use approval through the Clatsop County Community Development Department shall be required of any property owner, contract purchaser or lessee upon whose real property five or more mass gatherings or social gatherings are held in any 12-month period. The intent of this provision is to determine

when an underlying property is engaged in a use, the intensity of which requires land use approval. (Ord. 11-12 § 7)

**12.36.020 Permits.**

**A. Permits Required for Social Gatherings.**

1. The County may issue a permit for a social gathering upon application and payment of the required fee when the permit applicant demonstrates compliance with or the ability to comply with all applicable health laws, building codes, zoning regulations, and safety rules and agrees to reimburse the County for all expenses.
2. No social gathering shall be held in Clatsop County outside the limits of incorporated cities unless the organizer first obtains a permit and complies with all provisions of this chapter. One permit shall be required for each social gathering. Civil liability for failure to comply with the provisions of this chapter shall rest in all persons who are responsible for obtaining permits under this provision.
3. The permit shall be kept posted in a conspicuous place upon the premises of the assembly. No permit shall be transferred or assigned without the consent of the Board of County Commissioners.

**B. Exceptions.** This chapter shall not apply to any regularly organized and supervised school district activity or program that takes place on school property, nor to any activity of a municipal corporation or government agency nor to activities occurring at the Clatsop County parks or any state park, the Clatsop County Fairgrounds, Camp Rilea, and Camp Kiwanilong. (Ord. 11-12 § 7)

**12.36.030 Permit process.**

**A. Permit Application Fee.** The application fee shall be established by Board order, and shall be an estimate of anticipated costs to the County for receiving, processing and reviewing applications. The total fee shall not exceed \$5,000.00.

**B. Permit Application for Social Gathering.**

1. The application shall include all of the following and shall be filed at least 60 days before the proposed gathering:
  - a. Name, address and telephone number of the property owner and permit applicant or, if a corporation, the name, address and telephone number of the individual(s) who will represent the corporation as the point of contact and permit holder;
  - b. Assessor map and tax lot number, address and zoning designation of the place of the proposed gathering;
  - c. Date of the proposed gathering, including set-up and clean-up;
  - d. Estimated attendance at the proposed gathering;
  - e. Estimated parking requirements;
  - f. A narrative describing the nature of the event, the sponsor, the hours it will be open to the public, how traffic is to be handled, the provisions to be made for on-site waste, solid waste disposal, including recycling of materials, potable water, refuse removal, safety measures and any other information that may be requested by the Administrator;

- g. A detailed site plan that shows the layout of the event, including parking area, traffic flow, sanitation and refuse stations, vendor and program locations property boundaries and roads;
  - h. A statement of whether alcohol will be available and if so, by whom and in what location, along with a copy of the Oregon Liquor Control Commission permit; and
  - i. Such other appropriate information as the Administrator shall require in order to insure compliance with this chapter. If such additional information is not supplied within two weeks of the Administrator's request, the application will be deemed incomplete.
  - j. The deposit required pursuant to subsection E of this section.
- 2. Incomplete applications shall be denied and the application fee, less County costs, shall be returned to the permit applicant.
  - 3. The Board may issue, upon application, a permit for up to five years. Such permit is discretionary and may only be applied for by an organizer of a social gathering which has been held pursuant to properly issued permits in the three immediately preceding years. The fee for a multi-year permit shall be set by Board order. All other requirements of this chapter shall apply to a multi-year permit application as if the application was for a single-year permit.
- C. Notice Requirements—Public Hearing.
- 1. The Administrator shall send notice of the application to the Sheriff and other interested law enforcement agencies, the County Planning Director, the County Health Administrator, the County Building Official, the County Administrative Officer, and the chief of the fire district in which the gathering is to be held. The Administrator may request such cooperation and assistance from other state and local agencies as deemed necessary.
  - 2. Each official receiving notice of the application under this subsection shall submit comments or responses in writing to the Administrator within 14 days after the date the notice was mailed. The comments may include recommendations as to granting the permit and recommended conditions that should be imposed.
  - 3. The Administrator shall make a recommendation on the application to the Board of Commissioners.
  - 4. The Board of Commissioners shall hold a public hearing on the issue of the application's compliance with all of the requirements of this chapter. Notice of the time and place of such hearing including a general explanation of the matter to be considered shall be published at least ten calendar days before the hearing in a newspaper of general circulation in the County. Notice shall also be sent to property owners within 1,000 feet of the property upon which the social gathering will be held.
- D. Conditions of Permit.
- 1. The Board of Commissioners may, as conditions of the permit, require:
    - a. Twice-daily inspection by appropriate County staff for compliance with County code, state law, and applicable Oregon Administrative Rules;
    - b. Twice-daily inspection by the Fire Chief, or designee of the fire district in which the social gathering site is located, for compliance with fire safety regulations;

- c. Twice-daily inspection of the social gathering site by the County Sheriff, or other law enforcement designee, for compliance with conditions of the permit concerning crowd control, traffic management and compliance with state and local laws, including criminal laws;
  - d. If the inspections described above reveal deficiencies in compliance with state or local law, the inspectors may return as often as needed until the deficiencies are cured. If the deficiencies are not cured or cannot be cured, the County Sheriff may terminate the social gathering;
  - e. The permit holder shall provide the County with evidence of liability insurance in amounts not less than the Oregon Tort Claim limits set forth in ORS 30.272 and ORS 30.273. The insurance policy may not be cancelable, and shall provide coverage against liability for death, injury, or disability of any human, or for damage to property arising out of the social gathering. The insurance policy must be an "occurrence" policy, or its equivalent which provides for payment of claims made during the 180-day period after the scheduled termination of the event. Clatsop County shall be named as an additional insured under the policy. The permit for the social gathering shall be voided by the Administrator if the permit holder does not file proof of the non-cancelable insurance required by this section with the Administrator at least thirty days before the first day of the event. A performance bond to ensure clean up of the event may also be imposed as a condition of approval;
  - f. The permit holder to keep a reasonable count of persons and vehicles entering and leaving the social gathering site;
  - g. The permit holder to designate a contact person who shall be easily identified and who shall remain at the social gathering site at all times; and
  - h. The permit holder to maintain order, require compliance with all state and local laws, and provide for the orderly dispersal of those in attendance if state and local laws are not observed.
2. The Board shall have the authority to take any action necessary, including modification or revocation of a permit, to (a) remedy noncompliance with conditions of a permit; and (b) ensure a permit holder complies with all provisions of the permit, this chapter or other local or state requirements.
- E. Deposit. The permit holder shall provide a deposit to the County not less than 15 days prior to the event in an amount set by the Administrator. The deposit shall be in cash or by certified check. Applicant shall not be entitled to interest on funds deposited. The costs and expenses the County incurs before, during, after, or as a result of the event, including any costs associated with enforcing the conditions of applicant's permit, shall be deducted from the deposit. If the costs and expenses incurred by the County exceed the amount of the deposit, the Administrator shall bill the permit holder and the permit holder shall pay the bill for such additional costs and expenses within 90 days after the social gathering. If the deposit exceeds the amount of the costs and expenses incurred by the County, the remaining balance shall be refunded to the applicant within 30 days of the social gathering.
- F. Authority of Sheriff to Regulate Social Gatherings.
- 1. For a social gathering held under a valid permit, the County Sheriff has the authority to order the crowd to disperse and leave the social gathering site if the permit holder cannot maintain order and compliance with all applicable state and local laws, or refuses to maintain order and compli-

ance with state and local laws or refuses or is unable to adhere to the terms and conditions of the permit.

2. If at any time during the social gathering held under a valid permit, the number of individuals or vehicles attending the gathering exceeds the number of individuals or vehicles estimated in the permit application and creates, in the belief of the Sheriff, an unreasonable threat to the health, safety and welfare of the public, the County Sheriff has the authority to require the permit holder to limit further admissions until a sufficient number of individuals or vehicles have left the site to eliminate the health, safety or welfare threat to the public. (Ord. 11-12 § 7)

#### **12.36.040 Operation of social gatherings.**

- A. Duration of Operation.
  1. No social gathering shall be conducted in the unincorporated areas of Clatsop County within 1,000 feet of any neighboring residence between the hours of 12:01 a.m. and 9:00 a.m. without the approval of the Board of Commissioners.
  2. The use of amplification shall be regulated so that it will not interfere with the normal use of any school, church, residence or other permanent place of human habitation unless prior written consent is obtained from all affected persons. A sound level in excess of 70 decibels prior to 10:00 p.m. and in excess of 50 decibels after 10:00 p.m. (as measured upon the A scale of a standard sound level meter on affected property) shall constitute interference.
- B. Sale of Intoxicating Liquor Prohibited. No organizer shall permit any person to sell intoxicating liquor at a social gathering, nor permit intoxicating liquor to be sold on the premises without first obtaining appropriate licenses from the Oregon Liquor Control Commission, copies of which shall be submitted to the Administrator.
- C. Illegal Drugs Prohibited. No organizer of a social gathering shall permit any person to bring controlled substances into a social gathering, unless legally prescribed by a physician, nor permit controlled substances to be used on the premises, unless legally prescribed by a physician.
- D. Illegal Fireworks Prohibited. No organizer of a social gathering shall permit any person to bring illegal fireworks into a social gathering, or set off the fireworks on the premises. (Ord. 12-03 § 8; Ord. 11-12 § 7)

#### **12.36.050 Enforcement and penalties.**

- A. Enforcement.
  1. The County Counsel or District Attorney for Clatsop County may maintain an action in any court of general jurisdiction to prevent, restrain, or enjoin any violation of this chapter.
  2. If social gathering attendees remain on the social gathering site after the scheduled end of the gathering or the organizer or permit holder fails to remove all debris or residue by the end of the cleanup period specified in the social gathering permit, the Sheriff or County code enforcement officers may issue citations to the landowner, all persons remaining at the event site, and to all persons who have left debris behind.
  3. In addition to any other remedies provided, if the social gathering site is not restored to its previous condition, or better, the County may arrange for cleanup of the site, and then file an action for

damages against the organizers, including the landowner or successor landowner and the permit holder.

- B. Public Nuisance. Compliance with the terms of this chapter shall constitute minimum health, sanitation and safety provisions; failure to comply with the terms and conditions of this chapter and state law shall constitute a public nuisance and shall be subject to all provided criminal, civil and equitable remedies.
- C. Penalties. Any person who violates any provision of this chapter or who willfully violates the terms of the permit, or who counsels, aids, or abets in such a violation, shall be guilty of a Class A violation under Chapter 1.11. Each day of violation shall be considered a separate offense. (Ord. 11-12 § 7)