

BE IT REMEMBERED, that at a regular term of the Board of Commissioners of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Commissioner, when were present:

The Honorable	<u>R. Matthew Scarfo</u>	<u>Chair</u>
	<u>Donna Beverage</u>	<u>Commissioner</u>
	<u>Paul Anderes</u>	<u>Commissioner</u>

WHEN, on WEDNESDAY, the 6th day of October 2021, among others the following proceedings were had to-wit:

IN THE MATTER OF AN ORDINANCE)	
REPLACING ORDINANCE 2009-01 WHICH)	
ESTABLISHED RULES AND REGULATIONS)	ORDINANCE NO.
FOR THE MT. EMILY RECREATION AREA (MERA))	2021 – 05

Now, it comes to the attention of the Union County Board of Commissioners the need to adopt an updated ordinance governing the Mt. Emily Recreation Area (MERA).

WHEREAS, Union County acquired the Mt. Emily Recreation Area (MERA) for the development and maintenance of parks, forest and other reservations and providing the means for public access to recreational trails, historic sites, streams and other natural areas and to operate, maintain, protect and improve a park system and conduct a recreational program. As an aid to the accomplishment of these duties, the Board has the authority to enact ordinances and to declare that the violation thereof shall be a penal offense; and

WHEREAS, Union County desires to develop and maintain trails, staging areas, and related facilities within the Mt. Emily Recreation Area (MERA) to promote safe, enjoyable, responsible, legal and appropriate forms of recreational activities; and

WHEREAS, pursuant to ORS counties are authorized to establish, through written ordinance, routes for the operation of unlicensed off-highway vehicles (OHVs) on designated county roads, and to enact regulations for the operation of OHVs on such designated county roads, if consistent with the applicable Oregon statutes and regulations; and

WHEREAS, Union County further finds that many designated county roads provide opportunities for MERA access and that these opportunities may reduce conflicts between users and facilitate responsible OHV recreation; and

WHEREAS, the Union County Board of Commissioners adopted Ordinance 2009-01, In the Matter of an Ordinance establishing rules and regulations for the Mt. Emily Recreation Area and declaring an emergency, on June 18, 2009; and

WHEREAS, it is necessary to amend Ordinance 2009-01 in order to maintain safe, enjoyable, responsible, legal and appropriate forms of recreational activities within the Mt. Emily Recreation Area (MERA).

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, COUNTY OF UNION, STATE OF OREGON:

SECTION 1: DEFINITIONS

- A. **“Camping”** shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreational vehicle or other vehicle for the purpose of remaining overnight.
- B. **“Class II all-terrain vehicle”** means any motor vehicle as defined in ORS 801.193.

- C. **“Coordinator”** shall mean the Coordinator of MERA, or his/her designee.
- D. **“Motorcycle”** means any motor vehicle designed to travel with not more than two wheels in contact with the ground, and so that the driver sits astride the vehicle frame and a Class III all-terrain vehicle as defined in ORS 801.194.
- E. **“Motor Vehicle”** means any vehicle which is self-propelled.
- F. **“Multi-wheeled motorized vehicle”** means a Class 1 all-terrain vehicle as defined in ORS 801.190 and any other motor vehicle, except a tractor, designed to travel with three or more wheels in contact with the ground, with the driver sitting astride the vehicle frame.
- G. **“Non-motorized vehicles”** means cycles or similar devices that are wheeled, operator-propelled equipment which transports the operator on land, except all wheelchairs, to include but not limited to unicycles, bicycles, tricycles, carts, skateboards and scooters.
- H. **“Off Highway Vehicle (OHV)”** shall mean a 2, 3, 4, or 6-wheel non-highway vehicle commonly known as an ATV, UTV or off-road motorcycle, manufactured primarily for recreational non-highway all terrain use.
- I. **“Off-road vehicle”** means any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain.
- J. **“Park”** means and includes all the MERA, park roads, parkways, trails, or other properties within park boundaries.
- K. **“Permit”** Any group or organization desiring to use park facilities for a specific purpose, shall obtain a Special Use Permit before engaging in such activity, which Use Permit shall be issued by the Coordinator, or his/her designee.
- L. **“Person”** shall mean all individuals, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent or employee.
- M. **“Public Right-of-Way”** means any road that is part of the Union County road system.
- N. **“Special Event”** shall mean a group recreation activity in the MERA, sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the MERA to ensure public welfare and safety, and facility or environmental protection.
- O. **“Trail”** means any path or track designed for use by pedestrians, bicycles, ATVs, or equestrians, and which is not of sufficient width, nor designed to permit its use by standard passenger automobiles, or other right-of-way specifically designated and posted for non-vehicular use.

SECTION 2: Regulations and Restrictions Pertaining to the Mt. Emily Recreation Area

- A. Camping is only allowed in designated campsites at the Fox Hill Staging/Camping Area. No other camping allowed in the MERA.
- B. Overnight camping is limited to not more than five (5) consecutive nights during any 30-day period with a minimum of 30 days between overnight stays.
- C. All campers will be required to maintain a clean and orderly campsite and dispose of any waste and garbage.
- D. No person shall build any fire in the park except in areas designated for such purposes. This section shall not be construed to prohibit the use of barbecues or other portable stoves in such place and manner as not to create a hazard.
- E. No person shall possess, discharge, set off, or cause to be discharged, in or into any park area, firecrackers, rockets, fireworks, explosives, or substance harmful to the life or safety of persons or property.
- F. Hunting is allowed in the MERA, no firearm target practice is allowed.
- G. Woodcutting is allowed by permit only. The permit will be issued by Union County.

- H. All dogs, pets or domestic animals must be controlled by the owner at all times while in the MERA.
- I. Signs, posters, advertisements, decoration, notices or any similar communication may not be affixed to any tree, shrub, fence, railing, post, or structure within the MERA, without prior written permission from the MERA Coordinator.
- J. All trails will be designed and designated for specific types of use. Only those designated uses shall be allowed on the trail.
- K. Motorized use allowed on designated routes only, those routes will be marked and mapped.
- L. Spark arrestors required at all times on Class I and III ATVs.
- M. Any new trail construction shall be approved by the MERA Coordinator.
- N. Persons operating motorized and non-motorized vehicles in the MERA shall:
 - 1. Obey regulatory signs.
 - 2. Restrict speed and manner of operation to reasonable and prudent practices relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and safety of all park visitors.
 - 3. All yield to pedestrians.
 - 4. Use caution when approaching turns or areas of limited sight distance.
 - 5. Not disturb or harass wildlife.
 - 6. Comply with any additional requirements of the MERA rules.
- O. The MERA and facilities are owned, operated and maintained by Union County for public use. The MERA and recreation facilities are available to individual persons or groups for profit and nonprofit events and activities consistent with MERA rules and regulations.

Reservations and/or a Special Use Permit for use of the park are required for any community or private event, or athletic or sporting type activity involving more than routine use of the MERA (except the archery range). Routine use is defined as individual recreation or groups less than 30 individuals where no fee or profit is collected.

- P. The Special Use Permit Application for use of the MERA must be completed and returned to the MERA Coordinator 30 days prior to the date of the event(s), to allow, where applicable, for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required MERA preparations and coordination. The MERA Coordinator shall approve or disapprove a permit application and establish the conditions for an approved application. The Coordinator shall determine the need for any reimbursement or payment necessary to cover costs incurred by Union County for staffing, equipment, facilities, or special services not normally provided by the MERA, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the conduct of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided by the applicant prior to the issuance of the permit.

If additional unanticipated costs are incurred by Union County resulting from the event, the applicant shall reimburse Union County for such costs in a timely manner.

- P. The MERA rules and regulations are designed to be consistent with federal, state or local law, rule or regulation. Any park rule or regulation that is inconsistent with federal, state or local law or found to be otherwise void shall not affect the application of all other valid park rules and regulations. Park patrons are ultimately responsible to

ensure that their conduct is within the law of whichever civil authority has jurisdiction, regardless of compliance with the MERA rules and regulations.

SECTION 3: Regulations and Restrictions Pertaining to the Operation of Off-Highway Vehicles on Designated Union County Roads

- A. Pursuant to the regulatory authority granted to Union County under Ordinance 2019-01
 - 1. Union County Roads designated as being open for public travel for OHVs shall be defined and designated by an “Off-Highway Vehicle Travel Map”. This map shall be maintained by Union County and may be changed, modified or amended by Union County through the public process. These maps will be made available to the public.
 - 2. Any person operating an OHV on any designated Union County Public Right-of-Way must have in their possession a valid current driver’s license issued by the State of Oregon, or by any other state.
 - 3. When operated on any Union County road designated for OHV use, OHVs shall be considered to be “motor vehicles” as defined in the Oregon Motor Vehicle Law, and shall be required to maintain at least the minimum liability insurance coverage required by such law.
 - 4. It shall be a violation of this Ordinance for any person to operate an OHV on any Union County Public Right-of-Way not designated for use by OHVs.
- B. The provisions of Section 3(a) shall not apply to any person operating an OHV on any Union County Public Right-of-Way for bona fide agricultural purposes. For purposes of this ordinance “agricultural purposes” is defined to mean the use of land for the production of food, fiber, weed control, fire mitigation, maintaining ditches or other activities intended for the maintenance of real property, and the growing of crops and/or the grazing of animals on natural prime or improved pastureland, as well as the clearing of vegetation exclusively for the growing of crops and/or grazing of animals.

Section 4: Penalties for Violation of this Ordinance

Violation of any section of this ordinance that is not a traffic infraction is punishable by a fine not to exceed one thousand dollars (\$1,000.00). The parent or legal guardian of a child violating any section of this ordinance, is guilty of an infraction punishable by a fine of not to exceed one thousand dollars (\$1,000.00).

Section 5: Civil Liabilities

In addition to the penalties provided in this ordinance, the owner and or operator of any OHV or non-motorized vehicle as described by this ordinance shall be liable for any damage to County property, including but not limited to, damage to natural resources, equipment, or facilities. Union County may recover from the person responsible three times the amount of damage.

Section 6: Conflicting Ordinances

This Ordinance shall replace Ordinance 2009-01. If any provision of this Ordinance is deemed to be in conflict with any other existing Ordinance in Union County, the provisions of this Ordinance shall govern.

First Reading Date: _____

Second Reading Date: _____

Approved this _____ day of _____, 2021.

R. Matthew Scarfo, CHAIR

Donna Beverage, COMMISSIONER

Paul Anderes, COMMISSIONER