

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 18-10

IN THE MATTER OF AMENDING LANE CODE CHAPTER 6 TO BRING THE RULES GOVERNING PUBLIC PROPERTY IN THE DOWNTOWN EUGENE AREA INTO ALIGNMENT AND DECLARING AN EMERGENCY (LC 6.025)

WHEREAS, certain changes to Lane Code Chapter 6 are designed to bring the rules governing public property in the downtown Eugene area into alignment; and

WHEREAS, the attached amendment will allow for a timely response to the unlawful occupation of certain county-owned property;

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

Lane Code Chapter 6 is amended by removing, substituting and adding the following sections:

REMOVE THIS SECTION

INSERT THIS SECTION

6.025

6.025

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

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

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

An emergency is hereby declared to exist and this ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency, and for the immediate preservation of the public peace, health, and safety, takes effect immediately.

ENACTED this 27th day of November 2018.



Jay Bozievich, Chair
Lane County Board of Commissioners


Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 10/27/18 Lane County

OFFICE OF LEGAL COUNSEL

Chapter 6

OFFENSES

PUBLIC PROPERTY

6.025 Trespass on Public Property.

(1) No person shall, without having a lawful purpose, loiter or wander in or upon County owned buildings or premises.

(2) No person shall enter in or upon County owned buildings or premises and conduct themselves in such a manner so as to interfere with the peaceful use of said buildings or premises by other persons.

(3) No person shall congregate with others in or upon any County owned building or premises in such a manner to either interfere with the peaceful use of said buildings or premises by other persons or whereby such conduct may cause a breach of the peace.

(4) It shall be presumed that a person is acting without a lawful purpose if:

(a) Said person is in or upon any County owned building or premises at times other than during hours of normal business or operation, and for purposes of the butterfly parking lot, its contiguous county property, and the Public Service Building and its contiguous county property, "normal business hours or operation" does not include 11 p.m. to 6 a.m., and without permission to be there, or

(b) Said person is in or upon any County owned building or premises and upon request of a duly authorized officer refuses to disclose said person's purpose of being there or refuses to leave said building or premises.

(5) As used in this section, "County owned building or premises" includes, but shall not be limited to, County roads, County owned parks and parking lots, the County Courthouse, the Juvenile Court Center, the County Fairgrounds and Extension Building, and Willamalane Park and Recreation District roads, parks, parking lots and buildings.

(6) As used in this section 6.025, "duly authorized officer", includes, but is not limited to, the Lane County Board of Commissioners or the Lane County Administrator, or any person delegated the authority to control county property by the Lane County Board of Commissioners or the Lane County Administrator. The delegation of authority need not be in writing.

(Revised by Ordinance No. 13-78, Effective 8.11.78; 1-00, 4.12.00; 15-07, 1.14.16)

POSTED LIMITS OF USE

6.030 Violation of Posted Limits of Use.

(1) A person commits the offense of violation of posted limits of use of a park or Local Access road or County road if the person does any of the following:

(a) Enters or remains in a County park, Local Access road or County road and appurtenant right-of-way in violation of the terms of any posted sign giving notice of the limits of use.

(b) Operates or parks, or causes to be operated or parked, any motor vehicle on a County park, Local Access road or County road in violation of the terms of any posted sign giving notice of the limits of use.

(2) Definitions. For the purposes of this section, the following words and phrases shall mean:

Local Access. Any road as so defined in ORS 368.001(3) [1999 Ed.]

County Road. Any County road as defined in ORS 368.001(1) [1999 Ed.]

Park. For the purpose of this offense:

(a) Any land owned or leased by Lane County and designated as a park by order of the Board of County Commissioners outside the limits of any incorporated city.

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