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JUL 14 2008  
TASSI O'NEIL  
COUNTY CLERK

BEFORE THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

IN THE MATTER OF ESTABLISHING )  
RESTRICTIONS OF USE WITHIN THE ) ORDINANCE # 68  
SANDLAKE RECREATION AREA )

The Board of Commissioners for Tillamook County ORDAINS as follows:

SECTION I: FINDINGS.

1.10 Tillamook County is the owner of certain real property as more particularly shown on the attached Exhibit A, which is located within the Sandlake Recreation area.

1.20 The United States Forest Service (USFS) as the major landowner operates the Sandlake Recreation area under a multi-agency management plan for providing recreational opportunities for all-terrain vehicles (ATVs).

1.30 Emergency Medical Service (EMS) agencies and others have provided data and information concerning the high number of ATV accidents involving personal injuries and deaths within the Sandlake Recreation area.

1.40 The Sandlake Recreational area has noted a significant increase in user numbers over the past decade. With this increased user population there has become an increased need to manage the recreational area to provide a safe environment for all who utilize the riding area.

1.50 Emergency room physicians, deputy sheriffs, park staff, and others who are familiar with the operations of the Sandlake Recreational Area believe the number of injury accidents and fatalities could be significantly reduced by placing a limitation on hours during which ATVs could be operated at Sandlake Recreational Area. By restricting the operation of ATVs between the hours of 12:00 midnight and 6:00 a.m. at the Sandlake Recreational Area, the managers of the park believe that the number of alcohol-related accidents will be reduced as well as providing "quiet time" for campers would encourage more family-related activities at the Sandlake Recreational Area.

1.60 This limited-hours-of-operation concept is also recognized on parts of the Dunes National Recreation Area in the Florence, Oregon area.

SECTION II: RESTRICTIONS OF USE.

2.10 The following uses are restricted within the Sandlake Recreation Area:

2.10.1 No person shall be permitted to operate any motor vehicle or ATV between the hours of 12:00 midnight and 6:00 a.m. daily unless such operation is exempted by Section III of this ordinance.

### SECTION III: EXEMPT PERSONS AND OPERATIONS.

3.10 The following persons and operations are exempt from this ordinance:

3.10.1 Any federal, state or local officer, or member of an organized rescue, EMS or fire fighting force in the performance of an official duty;

3.10.2 Any vehicle operation related to an emergency situation; and

3.10.3 Any vehicle operation from an established campsite on restricted public land to the paved areas of the Sandlake Recreation Area and to access Galloway County Road for ingress and egress to the Sandlake Recreation Area.

### SECTION IV: ENFORCEMENT.

4.10 Any law enforcement officer, upon determining that any of the above violations have occurred, may:

4.10.1 Issue the person charged with such violation, a summons and complaint to appear in the Justice Court of the State of Oregon for Tillamook County to answer such complaint; and

4.10.2 Expel the person or persons from the Sandlake Recreation Area.

4.11 For purposes of this ordinance, a USFS employee shall have those powers and authority of "persons specifically authorized" to enforce infractions as set forth in Oregon Revised Statutes 153.005(1)(F) and ORS Chapter 153 generally.

4.20 The County Counsel for Tillamook County shall act as the prosecuting attorney for the County in such matters.

4.30 The Tillamook County Sheriff may appoint special deputy sheriffs to enforce this ordinance.

### SECTION V: VIOLATIONS, PENALTIES AND BAIL.

5.10 A person commits the offense of Violation of Posted Restrictions of Use at Sandlake Recreation Area if the person is on public land within the Sandlake Recreation Area at a time when the land is closed to public use or when specific types of activity are limited, and notice of the closure or restriction has been posted or otherwise duly promulgated by a governmental unit or agency with authority to impose the closure or restriction.

5.20 The offenses set forth in this ordinance are declared to be Class A violations and are punishable, upon conviction, by the imposition of a fine with a maximum penalty of \$500.00.

5.30 The bail amount for a citation issued pursuant to this ordinance shall be \$175.00.

5.40 All fines for violations under this ordinance shall be deposited into the county general fund.

**SECTION VI: SEVERABILITY.**

6.10 If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or unlawful such decision shall not affect the remaining portions of this ordinance. The Board hereby declares that it would have passed each phrase thereof, irrespective of the fact that any one or more of such provisions be declared unconstitutional or unlawful.

**SECTION VII: DECLARATION OF AN EMERGENCY.**

7.10 The Board of Commissioners finds that the enactment of this Ordinance is necessary for the public health, safety and general welfare; that an emergency exists; and this ordinance shall take effect on September 1, 2008.

DATE OF FIRST READING: 7-9-08

DATED this 9th day of July, 2008.

**BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON**

**Aye    Nay    Abstain/Absent**

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Charles J. Hurliman, **Chair**

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Tim Josi  
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Tim Josi, **Vice-Chair**

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Mark Labhart  
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Mark Labhart, **Commissioner**

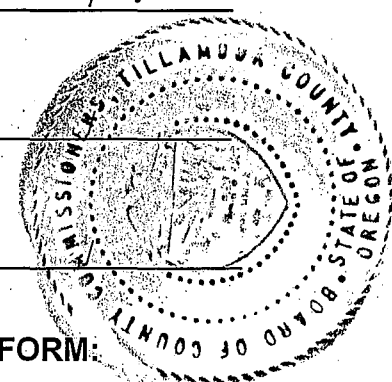
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**ATTEST:** Tassi O'Neil, **County Clerk**

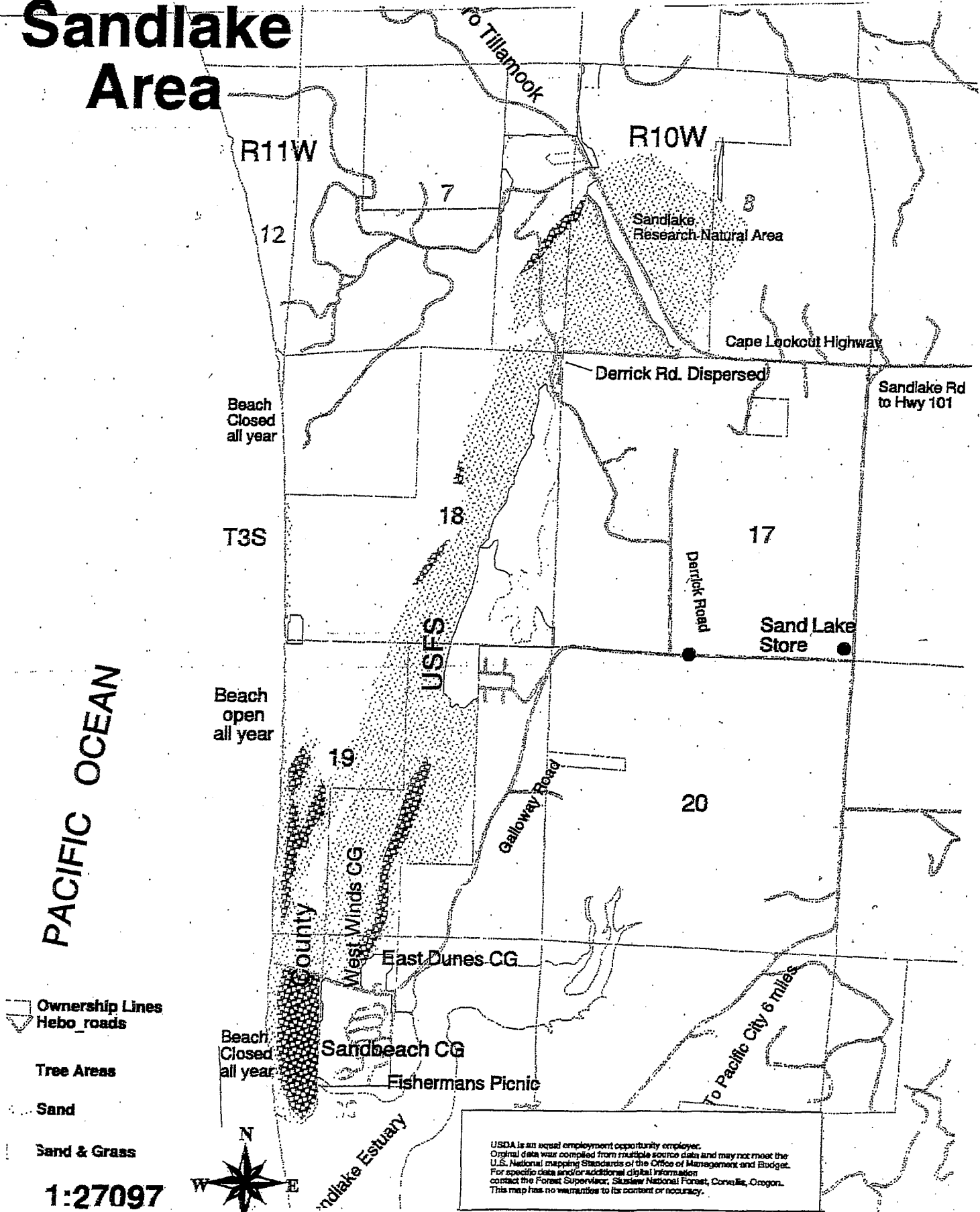
**APPROVED AS TO FORM:**

By: Susan L. Beckett  
Special Deputy

William K. Sargent  
William K. Sargent, **County Counsel**



# Sandlake Area



USDA is an equal employment opportunity employer.  
 Original data was compiled from multiple source data and may not meet the  
 U.S. National Mapping Standards of the Office of Management and Budget.  
 For specific data and/or additional digital information  
 contact the Forest Supervisor, Siuslaw National Forest, Converse, Oregon.  
 This map has no warranties as to its content or accuracy.