

## **NOTICE OF PROPOSED RULEMAKING**

CHAPTER 736

PARKS AND RECREATION DEPARTMENT

FILING CAPTION: Updating rules for clarity and flexibility to provide inclusive and safe public services.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/17/2025 5:00 PM

HEARING(S):

DATE: 01/15/2025

TIME: 5:30 PM

OFFICER: Helena Kesch

REMOTE HEARING DETAILS

MEETING URL: [https://us06web.zoom.us/webinar/register/WN\\_V89ta-sURvamrsaBaOnz0g](https://us06web.zoom.us/webinar/register/WN_V89ta-sURvamrsaBaOnz0g)

PHONE NUMBER: 503-881-4637

SPECIAL INSTRUCTIONS:

Must register to receive conference link. Register at:

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NEED FOR THE RULE(S):

Division 10, the Park Area Rules are intended to guide public use of park properties. This division includes rules around use of motor vehicles, bicycles, boats and animals in parks, as well as, day use and overnight campground use. Proposed changes will address management issues staff face as visitation grows, make rules and penalties clearer and provide more flexibility for managers to provide public services, when possible.

The proposed rulemaking will update rules to consider any barriers to park use for historically underrepresented groups and make administrative changes to make rules clearer, easier to enforce and more flexible when possible.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon Parks and Recreation Rulemaking webpage:

<https://www.oregon.gov/oprd/prp/pages/prp-rulemaking.aspx>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The department estimates that there may be a positive racial equity impact based on the rule amendment, however the agency does not have data regarding the race and ethnicity of park visitors. Improvements in rule and penalties clarity will benefit all individuals.

FISCAL AND ECONOMIC IMPACT:

There may be a minimal additional cost and staff time to the agency for a more robust exclusion process.

**COST OF COMPLIANCE:**

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The state agency impacted would only be OPRD.

(2) There is no impact on small businesses.

**DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

Small businesses are not impacted by this rule so they are not included.

**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES**

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**RULES PROPOSED:**

736-010-0015, 736-010-0020, 736-010-0022, 736-010-0025, 736-010-0026, 736-010-0027, 736-010-0030, 736-010-0035, 736-010-0040, 736-010-0050, 736-010-0055, 736-010-0060, 736-010-0065

**AMEND:** 736-010-0015

**RULE TITLE:** Definitions

**RULE SUMMARY:** This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

**RULE TEXT:**

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

(1) "Boat" means all watercraft as defined in ORS 830.005 (2).

(2) "Camping" means the setting up of a tent or shelter, preparing bedding for use, parking of a motor

vehicle, RV, or other similar equipment or mooring of a vessel for the purpose of overnight occupancy.

(3) "Camping Unit" means a tent, camper, camping trailer, RV, or other shelter designed to be used as a personal living space while camping.

(4) "Closed Area" means a park or portion of a park that the public is prohibited from entering. Closures will be identified by signs in the park, notices placed on the state park website, or by verbal instruction from park staff.

(5) "Criminal Trespass" means the crime of remaining, or unlawfully re-entering a park property during the period of time in which a violator has been ordered to leave or excluded. Criminal trespass in the Second degree, ORS 164.245 is a class C Misdemeanor, citable only by law enforcement.

(6) "Commission" means the Oregon State Parks and Recreation Commission.

(7) "Dawn" means 30 minutes prior to sunrise as calculated by the National Oceanic and Atmospheric Administration.

(8) "Day Use" means those activities which are authorized to occur in an area between dawn and dusk.

(9) "Day Use Area" is a park property or portion of a park property that the department has designated for day use only.

(10) "Department" means the Oregon State Parks and Recreation Department.

(11) "Designate"— administratively assign and approve for a specific status or activity.

(12) "Director" means the department director.

(13) "District Manager" means the immediate supervisor of park managers within a specified geographic region of the state.

(14) "Domestic Animals" means an animal, other than livestock or equines, that is owned or possessed by a person.

(15) "Dusk" means 30 minutes after sunset as calculated by the National Oceanic and Atmospheric Administration..

(16) "Electric assisted bicycle" means vehicle defined under ORS 801.258.

(17) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported state park rule violations and to issue oral or written warnings or citations to enforce state park rules.

(18) "Exclusion" means the administrative action that prohibits a violator from entering a specific park

property, or properties for a specific period of time of one month or more. The violator may appeal the exclusion.

(19) "Handler" means any person who either brings a domestic animal or livestock into a park property or keeps a domestic animal at a park property.

(20) "Highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right, as describe in ORS 801.305.

(21) "Livestock" means birds, avians, horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches.

(22) "Motor Vehicle" means a vehicle that is self-propelled or designed for self-propulsion as defined in ORS 801.360.

(23) "Order to Leave" means the administrative action that orders a violator to leave a specific park property, or properties, for up to 72 hours (3 nights).

(24) "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning defined in section (26) below.

(25) "Overnight facility" means everything within the campground including showers, campsites, cabins, yurts, parking areas associated with camping and other facilities for use by overnight visitors.

(26) "Pack Animal" means equines, llamas, alpacas, and goats.

(27) "Park Property" means any state park, natural area, greenway, wayside, corridor, scenic area, monument, historic structure or area, trail, or recreation area under the jurisdiction of the department.

(28) "Park Employee" means an employee of the department while on duty.

(29) "Park Manager" means the supervisor or designated employee in charge of a park property.

(30) "Park Resource" means any natural feature, wildlife, vegetation, water, cultural artifact, archaeological remains, or human-made structure or feature of a park area.

(31) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

(32) "Person" includes individuals, a public or private corporation, an unincorporated association, a

partnership, a government or a governmental instrumentality, or a non-profit entity.

(33) “Public” includes all persons visiting or intending to visit a park property that are not park employees.

(34) “Public Indecency” has the meaning defined in ORS 163.465.

(35) “Recreational Vehicle (RV)” means motor vehicles, campers or trailers or similar type vehicles with living areas intending for temporary sleeping including vehicles converted to serve this purpose, such as sprinter vans, buses, and utility trailers.

(36) “Service Animal” means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler’s disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

(37) “State Park Rules” mean the rules, regulations, restrictions, prohibitions, or limitations established by this division for the use or protection of park properties.

(38) “State Park Website” means the internet resource with the host name <http://www.oregonstateparks.org> and its associated links.

(39) "Violate" includes failure to comply.

(40) “Violator” means a person or visitor who violates any state park rule, federal, state, county, or city law; or court order while on state park property.

(41) “Visitor” means any member of the public who arrives at or is present at a park property.

(42) “Wildlife” means fish, shellfish, amphibians and reptiles, wild birds and other wild mammals.

(43) “Wheelchair” means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

(44) "Other Agency" means local, state, federal or tribal government entity that provides mental health, law enforcement or human services.

STATUTORY/OTHER AUTHORITY: 390.124, 496.004

STATUTES/OTHER IMPLEMENTED: ORS 390.050, 390.111, 390.124

AMEND: 736-010-0020

RULE TITLE: General Regulations

RULE SUMMARY: This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

RULE TEXT:

(1) The director may establish seasons, overnight lengths of stay, camper checkout times and procedures to adjust daily park property opening and closing times, and portions of a park property that are permanently closed or limited to specific uses or activities by the public. These may differ from park property to park property and from time to time, but shall be indicated on the state park website, published maps, brochures, the current state parks guide booklet, or on posted signs at the park property.

(2) Unless otherwise specifically established by the director the following apply:

(a) The maximum length of stay for campers is 14 nights in a 30-night span per park property.

(b) The maximum length of stay for hiker/biker/boater sites is two nights in a seven-night period per park property, unless otherwise approved by a park manager or delegated park employee.

(c) Unless otherwise posted or specifically open for an event or activity, the hours of operation for a day use area are dawn to dusk.

(3) The director, by written agreement, may cooperatively exercise jurisdiction and authority over a park property with a county, city, or political subdivision thereof for the purposes of enforcing state park rules, and applicable state, county or city laws.

(4) A person shall observe and abide by all instructions, warnings, restrictions, and prohibitions on posted signs and notices and verbally communicated from park employees.

(5) A park manager or park employee may seek compliance from the public with any state park rule.

(6) A park manager or department enforcement officer may order any person that violates any state park rule to leave a park property or group of park properties

(7) A park manager or a department enforcement officer may exclude a person that violates any state park rule from the park property or multiple park properties.

(a) The duration of an exclusion is based on severity of the state park rule violation. In determining the duration of the exclusion, the park manager or a department enforcement officer will consider whether the violation:

(A) affected:

(i) Visitor or staff safety;

(ii) Park resources, as defined in OAR 736-010-0015(17); and

(iii) Park operations; or

(B) involved:

(i) Repeat violation of any state park rule, or

(ii) Bias crime as provided in section (11) and ORS 390.997.

(b) The enforcement officer shall issue a written exclusion notice. An enforcement officer that is not a peace officer may request the assistance of a peace officer and mental health practitioner or other agency in delivery of an exclusion.

(c) Exclusion notices shall contain, at a minimum:

(A) The date of the issuance;

(B) Effective dates of exclusion;

(C) Each state park rule violation involved in the exclusion;

(D) Notice of consequences of possible criminal trespass should the person fail to comply with the exclusion as provided in section (12)(b);

(E) State park property or properties, as defined in OAR 736-010-0015(14), that the person is expelled from throughout the duration of the exclusion; and

(F) The procedure for filing an appeal of the exclusion.

(d) The duration of exclusion determined under subsection (a) shall be based on the rule violation following the agency exclusion schedule described below:

(A) Level 1 exclusions may be issued for violations with minimal visitor impact or park resource damage. Level 1 exclusions are issued for park resource damage that results in a temporary closure of an area, site or facility, repeat violations when other enforcement tools have been used or when the enforcement officer deems other enforcement tools will not generate compliance.

(B) Level 2 exclusions may be issued for increased visitor impact or park resource damage valued at less than \$1,000 including behavior that results in a park area closure or repair taking up to three months or behavior that is intimidating, verbally abusive or hostile.

(C) Level 3 exclusions may be issued for violations with serious visitor impact or park resource damage valued at less than \$3,000 including behavior that results in closure or repair taking up to six months or repeated violations which result in unsafe conditions for staff or park visitors.

(D) Level 4 exclusions may be issued for violations with significant visitor impact or park resource damage valued at over \$3,000 including behavior that may result in closure of entire park for safety. Level 4 exclusions may include fighting, promoting, or encouraging fighting, or harassing park employees in the performance of their duties.

(E) Level 5 exclusions may be issued for violations which result in closure of entire park properties for safety or result in irreplaceable park damage. Committing or attempting to commit acts of violence to park staff or visitors may result in a level 5 exclusion.

(F) Level 6 exclusions may be issued for repeat violations during or after the exclusion of a level 5 exclusion.

(G) Exclusions issued under section (11) for conviction of bias crimes pursuant to ORS 390.997 are outside the scope of this exclusion matrix.

(H) Level 1 exclusions are issued for up to 30 days within a geographic area of a park property, management unit, county, or district requiring Park Manager approval. Park Manager may delegate approval authority to enforcement officer.

(I) Level 2 exclusions are issued for 31-90 days within a geographic area of a park property, management unit, county, or district and requires a Park Manager approval. Park Manager may delegate approval authority to enforcement officer.

(J) Level 3 exclusions are issued for 91-180 days within a geographic area of a management unit, county, district, or region, and requires District Manager approval.

(K) Level 4 exclusions may be issued for 181 days to 1 year within a geographic area of a district, region or statewide and requires both District Manager and Region Director approval.

(L) Level 5 exclusions are issued for 366 days to five years within a geographic area of a region or statewide and requires Deputy Director approval.

(M) Level 6 exclusions are issued for five years and above within a geographic area of a region or statewide and requires Deputy Director approval.

(N) Enforcement officers will determine the level of exclusion based on the totality of the situation. An individual with multiple past exclusions may result in a higher level or longer exclusion time frame.

(O) If additional information is presented after an initial exclusion is written, the enforcement officer may reevaluate the exclusion level. This may result in a reissuance at a different level or a rescind.

(e) A person subject to an exclusion pursuant to this section may appeal the exclusion to the agency on the agency website, by mail, phone or email.



(f) To be valid, an appeal submitted under subsection (e) must include:

(A) a statement for the basis of appeal; and

(B) the exclusion notice number; and

(C) Contact information of person requesting the appeal, including email, phone number, or mailing address.

(g) If any information in paragraphs (f)(A)-(C) is missing, the department will not begin the appeal process until the information is complete.

(h) An agency review panel shall review valid appeal requests submitted under subsection (e). The agency review panel shall determine whether the exclusion is substantiated or unsubstantiated based on rule violation and the evidence provided. The agency shall formally respond within 30 calendar days of the appeal request.

(A) An appeal request for an exclusion up through 180 days shall be reviewed by an agency review panel within the local area.

(B) An appeal request for an exclusion for more than 180 days shall be reviewed by an agency review panel convened by the Directors office.

(C) The individual may request an in-person or online review during the appeal process.

(i) During the duration of an appeal, an exclusion:

(A) Shall remain in effect for:

(i) Voluntary conduct or acts that are detrimental to visitor or staff safety; park visitor experience or action of serious or significant damage to park resources park operations; or any combination thereof; and

(ii) Unless the exclusion period expires during the appeal process;

(B) May be suspended upon request at the time of appeal for:

(i) Conduct that is expressive or communicative, including activity such as picketing, demonstrating, leafletting, or delivering a speech, and

(ii) Conduct that is involuntary or unavoidable.

(8) A peace officer may seek compliance from the public with any state park rule, may order a person who violates one or more state park rules to leave a park property, and may assist in delivery of an exclusion notice under section (7).

(9) A peace officer may order a park visitor to leave for up to 72 hours who violates any state park rule; federal, state, county, or city law; or court order from a park property or multiple park properties.

(10) A park manager or designated park employee may protect the safety or health of the public or protect park resources. This authority includes actions that may temporarily:

- (a) Permit or limit specific activities or uses in designated portions of a park property;
- (b) Designate a location within a park for a single use to avoid conflicts between users;
- (c) Restrict access to or close an entire park property;
- (d) Restrict access to or close a portion of a park property; or
- (e) Exclude a person from a park property as provided in section (7).

(11) When notified by the court of a person subject to an exclusion from park property pursuant to ORS 390.997 the director will issue an exclusion in writing via certified mail to the individual.

- (a) Individuals convicted of ORS 166.155 will be excluded for up to one year after conviction.
- (b) Individuals convicted of ORS 166.165 or repeat offenders will be excluded for up to five years after conviction.
- (c) Exclusions issued under this section do not apply to the grounds of the State Capitol State Park.
- (d) The director or designee may waive an exclusion while a person is performing community service at a park property.
- (e) The director may revoke a person's exclusion after their successful completion of court-approved community service.

(12) The following situations are criminal trespass in the second degree, a Class C misdemeanor, per ORS 164.245:

- (a) A person ordered to leave a park property that remains present as a visitor;
- (b) A person excluded from a park property that enters or remains present as a visitor;
- (c) A person enters a closed or restricted portion of a park property; and
- (d) A person engages in an activity that has been specifically prohibited or restricted at a park property or a portion of a park property.

STATUTORY/OTHER AUTHORITY: ORS 390.050, 390.121, 390.124, 164.245, 390.997, 166.155  
STATUTES/OTHER IMPLEMENTED: ORS 390.124

AMEND: 736-010-0022

RULE TITLE: Violations and Fines

RULE SUMMARY: This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

RULE TEXT:

- (1) Violation of a state park rule is a Class D violation unless otherwise specified in this division.
- (2) Vehicular violations in a park property are classified per the Oregon Vehicle Code, ORS chapters 801 to 826, unless further specified in this division.
- (3) Violations that disturb or damage park resources are Class A violations.
- (4) Violations that constitute criminal trespass per OAR 736-010-0020 are Class A violations.
- (5) Each occurrence of a violation of a state park rule shall be considered a separate offense.
- (6) Violations of state park rules are punishable, upon conviction, by a fine as provided in ORS chapter 153 with the exception of the following specific violations:
  - (a) Violations of OAR 736-015-0030(3)(a), parking without displaying a valid parking permit when required, are Class D violations;
  - (b) Violations of OAR 736-010-0026(1)(b), failure of persons under 16 years to wear protective headgear, are Class D violations;
- (7) With the exception of those specific fines set forth in section (6), enforcement officers shall cite on the presumptive fine amounts established by ORS chapter 153.

STATUTORY/OTHER AUTHORITY: ORS 153, 390

STATUTES/OTHER IMPLEMENTED: ORS 153.018, 390.050, 390.111, 390.990

AMEND: 736-010-0025

RULE TITLE: Motor Vehicles

RULE SUMMARY: This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

RULE TEXT:

- (1) Violation of this rule is a class B violation unless park resources are damaged, which would result in a Class A violation.
- (2) All park area roadways are considered public highways and all provisions of the Oregon Vehicle Code, ORS chapters 801 to 826 are applicable and enforceable on such highways.
- (3) Motor vehicle operators must comply with motor vehicle regulatory signs posted on park properties.
- (4) Motor vehicles, trailers, or other vehicles shall be operated only on public roadways and in other portions of park properties designated for motor vehicle use by signs or park employees.
- (5) Where not otherwise posted, motor vehicles may not be operated within a park property at speeds in excess of 25 miles per hour.
- (6) Motor vehicles, trailers, or other vehicles shall be parked only in designated parking areas.
- (7) The department may have a vehicle towed at the owner's expense if a vehicle is parked in a fire lane, roadway, campsite, entry way, driveway, closed area, or other location in a manner that threatens park resources, impedes park operations, or safety, or any combination thereof.
- (8) Abandoning a vehicle or leaving a vehicle unattended for 72 hours or more at a park property without permission from the park manager is prohibited. Vehicles abandoned for 72 hours or more or vehicles owned by a person who has been excluded from the park property or who is in violation of criminal trespass may be towed at the owner's expense.
- (9) Parking a motor vehicle or a trailer overnight in a day use area is prohibited without written permission of the park manager or designated park employee and such vehicles are subject to towing at the owner's expense.
- (10) Unlicensed motorized vehicles, except department service vehicles, may not be operated in park properties unless otherwise posted, with the exception of other power-driven mobility devices operated within the constraints established in section 11.
- (11) Maintenance of vehicles is prohibited on park property without manager approval.
- (12) A person may only operate an All-Terrain Vehicle (ATV) on park property:
  - (a) In designated off-highway riding areas or on park roadways which are signed for OHV use.

(b) During those seasons and hours of operation which are established by the park manager.

(13) The park manager or a park employee designated by the manager will allow the use of other power-driven mobility devices by individuals with mobility disabilities, in areas open to the public unless it is determined that the device cannot be operated in accordance with legitimate safety concerns for the operator, park visitors, park resources and park facilities. In determining if the device can be operated in a safe manner the manager or designee will consider the following criteria:

(a) The type, size, weight, dimensions, and speed of the device;

(b) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);

(c) The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices,)

(d) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility or area; and

(e) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to park resources or poses a conflict with applicable state laws and regulations.

(14) The park manager or designated park employee will provide written approval of the use of an other power driven mobility device for the person with a mobility-related disability or their caregiver via email, text, or handwritten.

(15) The use of ride on (micro-mobility device), motorized scooters, hoverboards, children's electric cars and similar motorized devices, are not allowed in areas open to the public unless approved by the park manager or designated park employee it is determined that the device cannot be operated in accordance with legitimate safety concerns for the operator, park visitors, park resources and park facilities; may only be utilized with manager or designated employee approval. In determining if the device is being operated in an unsafe manner the manager or designee will consider the following criteria:

(a) The type, size, weight, dimensions, and speed of the device;

(b) The facility's design and operational characteristics and volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);

(c) Whether legitimate safety requirements can be established to permit the safe operation of the device in the specific facility or area; and

(d) Whether the use of the device creates a substantial risk of serious harm to park resources, or poses a conflict with applicable state laws and regulations.

(e) Persons under 16 years of age are required to wear protective headgear, unless wearing the headgear would violate a religious belief or practice of the person.

STATUTORY/OTHER AUTHORITY: ORS 390.124

STATUTES/OTHER IMPLEMENTED: ORS 390.111, 390.330, 819.110, 819.120, 811 et seq., 814.500, 814.516, 814.550, 814.554

AMEND: 736-010-0026

RULE TITLE: Operator-Propelled Vehicles, Cycles or Similar Devices

RULE SUMMARY: This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

RULE TEXT:

(1) Violation of this rule is a Class D violation, unless park resources are damaged resulting in a Class A violation.

(2) Persons with mobility disabilities are allowed to use wheelchairs and manually powered mobility aids, designed for use by individuals with mobility disabilities, to access any areas open to pedestrian use.

(3) A person operating a bicycle, electric-assisted bicycle, skateboard, scooter, roller- or inline skate, or other wheeled, operator-propelled equipment that transports the operator on land must comply with the following:

(a) Motor vehicle and bicycle regulatory signs posted in park properties,

(b) Persons under 16 years of age are required to wear protective headgear, unless wearing the headgear would violate a religious belief or practice of the person.

(A) In the event that a person under 11 years of age violates this subsection, the notice of violation shall be issued to the person's parent, legal guardian or person with legal responsibility.

(B) In the event that a person is at least 12 years of age and is under 16 years of age violates this subsection, the notice of violation may be issued to the violator or that person's parent, legal guardian or person with legal responsibility, but not to both.

(c) Restrict speed and manner of operation to a reasonable and prudent practice relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other park users. This includes:

(A) Yielding the right-of-way to pedestrians and animals;

(B) Dismounting and walking in congested areas and posted walk zones;

(C) Slowing down and making presence well known in advance and using caution when overtaking other persons or animals;

(D) Displaying adequate lighting during the hours of darkness, in compliance with ORS chapters 814 to 816;

(E) Using caution when approaching turns or areas of limited sight distance;

(F) Not disturbing or harassing wildlife as provided in OAR 736-010-0055; and

(G) Operating in compliance with any additional requirements identified in ORS 814.488 when on public roads accessible by motor vehicles.

(4) A person may operate non-motorized cycles or similar devices on roads and trails at any park property, except where posted to specifically prohibit or conditionally restrict such activity.

(5) A person may operate an electric assisted bicycle on roads and trails eight feet or wider unless otherwise posted.

(6) The director or designee may open or close roads and trails to the operation of non-motorized cycles, electric assisted bicycles, or similar devices, based on an evaluation of factors related to the use of these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.

(7) A person may not operate non-motorized cycles, electric assisted bicycles, scooters, or similar devices in those portions of a park property listed below, except where authorized by the director and posted specifically or conditionally to allow such activities:

(a) Off roads or off trails;

(b) Within designated natural areas, natural forest areas, or natural area preserves except on roads or trails;

(c) On docks, piers, floats and connecting ramps; and

(d) In areas specifically designated as free from this use.

STATUTORY/OTHER AUTHORITY: ORS 390.124

STATUTES/OTHER IMPLEMENTED: ORS 390.111, 814.400 - 814.489, 814.600



AMEND: 736-010-0027

RULE TITLE: Boats and Moorages

RULE SUMMARY: This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

RULE TEXT:

- (1) Violations to this rule are a Class D violation, unless park resources are damaged resulting in a Class A violation.
- (2) The park manager may post restrictions or prohibitions on the use of boats at park properties.
- (3) Boaters must comply with regulatory signs posted in boat launching, moorage and beach areas.
- (4) Boaters shall moor or secure their boat in a manner that will not cause personal injury or damage to private property or park resources.
- (5) Boaters shall vacate moorages by the designated checkout time on the last day of the rental date unless otherwise posted.
- (6) If a person has failed to pay moorage rental rates for two consecutive days, has exceeded the moorage stay limit, or is occupying a moorage slip reserved by another, the department may have all possessions, including the boat, removed at the owner's expense. The department is not responsible for any loss or damage to possessions or boats.
- (7) The park manager may permit or restrict fishing from boat moorage docks.
- (8) A person may not swim, unless in a designated swim area, or engage in towed water sports or similar activity within 200 feet of boat moorage docks or facilities.
- (9) Boats are prohibited from entering established swimming areas except for emergency response.
- (10) The department may have a boat towed at the owner's expense if a boat is abandoned or left unattended for 72 hours or more at a park property without written permission from the park manager.

STATUTORY/OTHER AUTHORITY: ORS 390.124

STATUTES/OTHER IMPLEMENTED: ORS 390.111, 830.912, 830.914

AMEND: 736-010-0030

RULE TITLE: Domestic Animals, including saddle and pack animals

RULE SUMMARY: This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

RULE TEXT:

- (1) Violations to this rule are a Class D violation, unless park resources are damaged resulting in a Class A violation.
- (2) A handler is responsible for the behavior of their domestic animal and shall either confine their domestic animal or keep it under physical control on a leash not more than six feet long at all times except in designated off leash areas.
- (3) A service animal must be under the control of its handler. Under the ADA, service animals must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
- (4) In designated off leash areas a handler shall keep their domestic animal under control at all times such that it is within the unobstructed sight of the handler, remains responsive to voice commands, or other methods of control.
- (5) In designated off leash areas, handlers shall carry a leash or restraining device at all times and must promptly leash animals at the request or order of a park employee.
- (6) Handlers must prevent their animals from harassing, injuring or intimidating people, wildlife, and other animals.
- (7) Animals shall only be secured in a manner that is humane and does not cause damage to any park resources.
- (8) A handler shall pick up and properly dispose of their domestic animal's waste while at the park property.
- (9) With the exception of service animals as described in section (3), domestic animals are prohibited in the following locations:
  - (a) Park property buildings and structures, except for up to a total of two dogs or cats in any combination in yurts and cabins that have been designated as pet friendly by the park manager;
  - (b) Designated swim areas and their adjacent beaches.
  - (c) Other areas where posted.
- (10) The park manager or an enforcement officer may take any measure deemed necessary (including

the removal of the animal from the park property) to protect park resources or to prevent interference by the animal with the safety, comfort, or well-being of any person at the park property.

(11) Park employees may seize any domestic animal running at large in a park area and release it to an animal pound or animal control officer or shelter.

(12) The park manager may designate a portion of a park property to be open to dogs off leash for the purposes of training dogs, conducting open field trials, or exercising dogs under the control of the handler.

(13) With the exception of miniature horses as described in section (14), a person may not ride, drive, lead, or keep a horse or other large animal at any park property, except on such roads, trails, or areas designated for that purpose. A handler may not secure a horse or other large animal in a manner that may cause damage to any tree, shrub, improvement or structure.

(14) The park manager or designated park employee will allow the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and if, in the park manager or designee's assessment, the miniature horse can reasonably be allowed in a specific facility based on consideration of the following:

(a) The type, size and weight of the miniature horse and whether the facility can accommodate these features;

(b) Whether the handler has sufficient control of the miniature horse;

(c) Whether the miniature horse is housebroken; and

(d) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

STATUTORY/OTHER AUTHORITY: ORS 390.124

STATUTES/OTHER IMPLEMENTED: ORS 390.111

AMEND: 736-010-0035

RULE TITLE: Livestock and Farming

RULE SUMMARY: This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

RULE TEXT:

(1) Violations to this rule are a Class D violation, unless park resources are damaged resulting in a Class A violation.

(2) A person may not harass livestock or interfere with permitted farming activities or facilities, including fencing, at park properties.

(3) A person may conduct farming activities at park properties only with written permission of the park manager or designated park employee.

STATUTORY/OTHER AUTHORITY: ORS 390.124

STATUTES/OTHER IMPLEMENTED: ORS 390.111

AMEND: 736-010-0040

RULE TITLE: Visitor Conduct

RULE SUMMARY: This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

RULE TEXT:

- (1) Violations to this rule are a Class D violation, unless otherwise specified below or park resources are damaged resulting in a Class A violation. Peace officers may cite for criminal trespass in the second degree, a Class C misdemeanor, per ORS 164.245.
- (2) A person shall cause, build, maintain, or accelerate a fire at a park property only in:
  - (a) Park camp stoves or fireplaces provided for such purpose;
  - (b) Portions of beach areas designated as permissible for campfires; or
  - (c) Portable gas or charcoal stoves used at established campsites, picnic areas, or beach areas where fires are designated as permissible.
- (3) A person who has caused, built, maintained or accelerated an allowed fire shall:
  - (a) Burn only paper products and untreated natural wood free of attached metal, nails, glass or plastic objects;
  - (b) Burn wood no longer than 24 inches in length;
  - (c) Build fires no larger than two feet by two feet by two feet in dimension. A person may apply for a special use permit under division 16 for larger fires.
  - (d) Attend the fire at all times, breaking it apart and extinguishing it completely with water before leaving the immediate area;
  - (e) Use no gasoline, diesel or any other petroleum-based products outside of camp stoves to start or maintain a fire; and
  - (f) Ensure that any fire that they set does not cause personal injury or damage to private property or park resources.
- (4) The park manager may temporarily restrict or prohibit fires in otherwise allowed situations due to high fire hazard conditions, and all persons shall observe such restrictions. Failure to follow restrictions is a Class A violation.
- (5) A person may not injure, mutilate, deface, damage, harass, or remove any park resource, property, structure or facility of any kind at a park property, except as provided in OAR 736-010-0055.

(6) When available, a person must stay on designated trails and may not damage park resources by going off trails or creating unauthorized trails.

(7) A person shall in no manner cause any rubbish, garbage, refuse, organic or inorganic waste, animals, animal parts, or other offensive matter or any abandoned property or material to be placed or left at a park property, except for:

(a) Recreational vehicle sewage and gray water holding tank contents that are disposed of in designated dump stations;

(b) Garbage, trash, and recyclables generated while using a park property and disposed of in the designated containers provided.

(8) Offensive littering or leaving materials near waterways will be cited as a Class C misdemeanor, ORS 164.805.

(9) A person may not remove items from containers designated for recyclables, garbage, sewage or waste without authorization of the park manager.

(10) A person may not leave personal property or possessions overnight in a day use area without written permission from the park manager or designated park staff.

(11) While many activities are allowed on park property, the following activities are specifically prohibited at park properties, and a person may not engage in:

(a) Using or operating any noise producing machine, vehicle, device or instrument in a manner that disturbs or may disturb other park visitors or wildlife except as allowed in section 12 below;

(b) Using a public address system or similar device without written permission of the park manager;

(c) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, fireworks or other similar materials or substances without the written permission of the park manager or designated park employee: punishable as a Class A violation;

(d) Using a metal detector or similar device without written permission of the park manager or designated employee at any park property or portion of a park property not listed on the "Detecting Allowed" list, published on the state park website;

(e) Obstructing, harassing or interfering with a park employee or peace officer in the performance of their duties;

(f) Entering or occupying any building, facility or portion of a park property that has been closed to public access; punishable as a Class A violation or cited by peace officers as a Class C misdemeanor pursuant to ORS 164.245;

(g) Blocking, obstructing or interfering with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area; punishable as a Class A violation or could be cited by peace officers as a Class C misdemeanor pursuant to ORS 164.245;

(h) Occupying or interfering with access to any structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility; punishable as a Class A violation or could be cited by peace officers as a Class C misdemeanor pursuant to ORS 164.245;

(i) Harassing, fighting, intimidating; or promoting, instigating or encouraging fighting or similar violent conduct which would threaten the personal safety of any person at the park property;

(j) Using tobacco products except:

(A) In motor vehicles and personal camping units where allowed in accordance with all applicable laws governing smoking in vehicles;

(B) In designated campsites in developed overnight camping areas, unless temporarily suspended by the park manager due to high fire hazard conditions;

(C) In day use areas managed as Safety Rest Areas through agreements with the Oregon Department of Transportation; and

(D) For personal use by a member of a federally recognized Oregon tribe as part of their traditional religious, medicinal, or other customary cultural heritage practices;

(k) Activities or conduct which constitutes a public nuisance or hazard;

(l) Public indecency;

(m) Take-off or landing base-jumping, hang gliding, paragliding or similar activities without a special use permit

(n) Discharging any firearm, bow and arrow, slingshot, pellet gun, or other weapon capable of injuring humans or wildlife or damaging property, except at those park property locations and for those purposes specified in OAR 736-010-0055(8); punishable as a Class A violation;

(o) Placing a sign, memorial, marker or inscription of any kind, except in designated areas within a park property, without written permission from the park manager;

(12) A person may only distribute circulars, notices, leaflets, pamphlets or written or printed information of any kind within a park property after they have first obtained permission from the park manager and reported their name, address and number of leaflets to be distributed.

(13) A person must obtain a special use permit from the department for any activity or use as described in OAR 736-016-0005(1), including but not limited to an activity or use within a park property that:

(a) Is an organized group activity, outside average recreational use for a park property attended by over 50 people;

(b) Uses a portion of a park property to the exclusion of other persons or the department;

(c) Modifies or embellishes the park property, or places structures, such as tents, chairs, arches, and similar structures on the park property in a manner outside of normal recreational use, as determined by the park manager or enforcement officer;

(d) Uses public-address, amplification or lighting systems,;

(e) Charges money for participation or admission;

(f) Involves the sale of products or services;

(g) Could disturb the natural, cultural, scenic and recreational resources in the park property or adjacent areas;

(h) Could pose a safety or access concern for other park users or for those involved in the event or activity.

(14) A person who obtains a special use permit under OAR chapter 736, division 16 must comply with all the provisions of division 16, special use permit conditions, and with instructions from the department.

(15) All money or goods, having a value of \$250 or more and found by the public at park properties, must be turned over to the park manager or a park employee. All found money or goods will be disposed of according to department policy adopted in accordance with ORS 98.005.

(16) A Park Manager may close rock formations and cliffs within a park property to descending, scaling or technical rock climbing. A person that engages in such activities at such locations commits a Class A violation or could be cited by peace officers with a Class C misdemeanor as provided in section (8)(f).

(17) A Park Manager may close park access to lakes, streams or waterfalls for kayaking, boating, diving, swimming, or other water recreation activities when the park manager has determined the activity to be a danger to participants. Persons accessing through closed areas to engage in such activities commit a Class A violation or could be cited by peace officers with a Class C misdemeanor as provided in section (8)(f).

(18) A person using a park property shall pay rates and comply with procedures and restrictions as established in OAR chapter 736, division 15 for use of designated facilities or the purchase of services or products.

STATUTORY/OTHER AUTHORITY: OAR 390.124, 164.245, 164.805

STATUTES/OTHER IMPLEMENTED: ORS 390.111, 163.465, 433.835 - 433.875, 498.006



AMEND: 736-010-0050

RULE TITLE: Overnight Use

RULE SUMMARY: This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

RULE TEXT:

- (1) Violations to this rule are a Class D violation, unless otherwise specified below or park resources are damaged resulting in a Class A violation.
- (2) Overnight use is prohibited on the ocean shore abutting park properties and in any park property or portion of a park property not specifically designated for camping.
- (3) A person must comply with seasons, overnight lengths of stay, and camper checkout times as provided in OAR 736-010-0020.
- (4) Overnight facilities shall be occupied only by persons camping and allowed visitors who have paid fees for use of overnight facilities as established and required in OAR chapter 736, division 15.
- (5) Owners of vehicles in a campground later than 10:00 PM are subject to overnight use fees and must comply with OAR chapter 736, division 15.
- (6) A park employee may authorize more than one vehicle to occupy an individual campsite, subject to OAR chapter 736, division 15, but individual campsites shall not be occupied by more than one recreational vehicle at the same time, unless otherwise designated or authorized by the park manager.
- (7) A maximum of eight individuals may occupy one campsite overnight unless otherwise specified by the park manager.
- (8) Quiet hours at park property campgrounds are 10:00 P.M. to 7:00 A.M., and a person may not make, cause, or allow to be made loud noise in a manner that disturbs or may disturb park visitors during these times.
- (9) Campsites must be occupied as provided in OAR 736-015-0015. unless other arrangements have been made with the park manager or designated park employee. The registered camper shall be present each night of the stay or contact park staff if they will not be in the campground overnight.
- (10) If a person has failed to pay camping rental rates for two consecutive days or has exceeded the length of stay time limit, as provided in 736-010-0020(2) the department may have all possessions removed from the campsite at the owner's expense. The department will not be responsible for any loss or damage to possessions.
- (11) A person must be 18 years of age or older to reserve and register for campsites, cabins, yurts, and other overnight facilities in parks areas.
- (12) The registered camper shall be responsible for the activities of all users of the site.

(13) The park manager or designated park employee may require that all food, garbage and equipment used to cook or store food, when not attended, be placed in a vehicle or hard sided camping unit.

STATUTORY/OTHER AUTHORITY: ORS 390.124

STATUTES/OTHER IMPLEMENTED: ORS 390.111

AMEND: 736-010-0055

RULE TITLE: Park Resources

RULE SUMMARY: This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

RULE TEXT:

- (1) Violations to this rule are a Class D violation, unless otherwise specified below or park resources are damaged resulting in a Class A violation.
- (2) A person may not excavate, injure, disturb, destroy, alter or remove any archaeological, cultural, or historical site, object, or material from a park property, unless authorized by the director as defined in ORS 390.235 and OAR 736-051-0060 to 736-051-0080.
- (3) A visitor may only conduct the following activities with the written permission of a designated park employee unless the activity is specifically allowed by other sections of this rule:
  - (a) Dig up, or remove any sand, soil, rock, historical, or fossil materials;
  - (b) Place, remove, roll, or move any stones, logs or other objects that may endanger a person or damage park resources;
  - (c) Pick, cut, mutilate, trim, uproot, or remove any living or downed trees and vegetation;
  - (d) Harass, disturb, pursue, injure or kill wildlife; or
  - (e) Introduce or release animals onto a park property.
- (4) A person may remove small quantities of natural products from park properties for personal use without a permit as provided in subsections (a) and (b). However, the department may restrict removal of natural products to specific park properties or areas of park properties, by quantities of material, and by time of year.
  - (a) Collection is for souvenirs and includes only a small quantity of agates and other rocks, driftwood, or similar non-living items collected for non-commercial, personal use in accordance with OAR 736-021-0090.
- (5) Notwithstanding section (3) or (4), a person must comply with existing state and federal rules and regulations concerning mining or the protection of public archeological features or artifacts on state and federal lands.
- (6) Unless otherwise posted a person may gather for personal consumption berries, fruits, mushrooms, or similar edibles in quantities not to exceed one gallon per person per day.
- (7) A person may not uproot living plants or collect roots, tubers, flowers, and stems except with written permission of the park manager or designated park employee and only for scientific collection

or research purposes.

(8) A member of a federally recognized Oregon tribe may uproot living plants or collect roots, tubers, flowers and stems for personal consumption as part of their traditional religious, medicinal, or other customary cultural heritage practices.

(9) A person may only give or offer food items to wildlife within a park property when authorized by the park manager.

(10) Hunting is not allowed in any area closed by the director or designee for public safety or park resource protection purposes. The department shall post safety zone signs at primary park entry points.

(11) Hunting, shooting and trapping is prohibited in park properties except under the following provisions;

(a) In compliance with Oregon Department of Fish and Wildlife (ODFW) hunting rules and regulations, and

(A) In those park properties where hunting of game species and unprotected species is specifically allowed by this rule,

(B) With written authorization by the park manager, trapping is permitted only at park properties that are open to hunting,

(C) Unprotected species can only be hunted during authorized deer, elk and game bird hunting seasons, except as authorized by the park manager, and

(D) In areas identified on OPRD Hunting Map found at the department website. Proposed zones will be posted on the department website for a minimum of 30 days prior to the effective date.

(b) Hunting shall be permitted with shotguns or bows and arrows only during ODFW authorized seasons in designated parks, unless otherwise specified in this section. Refer to OPRD Hunting Map for location and details on game species permitted for hunting at each park location.

(c) Hunting shall be permitted with rifle in portions of LaPine State Park, Cottonwood Canyon State Park and Deschutes River State Recreation Area only during ODFW authorized seasons. Refer to OPRD Hunting Map for location and details on game species permitted within the park.

(d) Hunting waterfowl is allowed in a portion of the following park boundaries:

(A) Benson State Recreation Area

(B) Bowers Rock State Park

(C) Elijah Bristow State Park

(D) Fort Stevens State Park

(E) Government Island State Recreation Area and Lemon Island

(F) Mayer State Park

(G) Rooster Rock State Park

(H) Starvation Creek State Park

(I) Grand Island in Yamhill County

(J) At Succor Creek State Park, only hunting of upland game birds is allowed in a portion of the park.

(e) Hunting of game mammals, game birds, and unprotected species is allowed in a portion of the following park boundaries:

(A) Willamette River Greenway park properties

(B) Luckiamute State Natural Area

(C) Cottonwood Canyon State Park

(D) Deschutes River State Recreation Area

(E) LaPine State Recreation Area

(f) Dogs shall be kept on a leash, except:

(A) While controlled by a licensed hunter when being used to hunt game birds, including going

to or coming from hunting locations; and

(B) In a posted dog training area.

(g) Hunters may not erect structures or blinds with the exception of portable blinds and tree stands that must be removed daily.

(h) Hunters shall not leave personal property or possessions overnight as provided in OAR 736-010-0040(7).

STATUTORY/OTHER AUTHORITY: ORS 390.124

STATUTES/OTHER IMPLEMENTED: ORS 390.111, ORS 498.002, ORS 498.006

AMEND: 736-010-0060

RULE TITLE: Alcoholic Beverages

RULE SUMMARY: This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

RULE TEXT:

(1) Violations to this rule are a Class D violation, unless otherwise specified below or park resources are damaged, resulting in a Class A violation.

(2) A person under 21 years of age may not possess or use alcoholic beverage(s) at any park property.

(3) A person may only possess or use alcoholic beverages in the following areas with written permission from the park manager:

(a) That portion of Dabney State Recreation Area downstream from the Stark Street bridge;

(b) Lewis and Clark State Recreation Site between the east bank river frontage road and the Sandy River from I-84 upstream to the park boundary;

(c) TouVelle State Recreation Site;

(d) Tumalo State Park day use area;

(e) Bonnie Lure State Recreation Area;

(f) Warm Springs boat launch access, Deschutes River, Jefferson County;

(g) Iwetemlaykin State Heritage Site;

(h) State Capitol State Park;

(i) Cline Falls State Scenic Viewpoint; and

(j) Other park properties as signed.

(4) A person may not use an Oregon Liquor Control Commission licensed server to dispense any alcoholic beverage including malt beverages from kegs without a permit from the park manager.

STATUTORY/OTHER AUTHORITY: ORS 390.124

STATUTES/OTHER IMPLEMENTED: ORS 390.111

AMEND: 736-010-0065

RULE TITLE: Rooster Rock State Park — Nudity

RULE SUMMARY: This rule guides the public use in park properties. Amendments provides updates to address to make rules and penalties clearer and provide more flexibility for managers and park staff to provide inclusive, safe, and quality public service.

RULE TEXT:

(1) A person is prohibited from engaging in nudity, as defined in ORS 167.060, in in areas of the Rooster Rock State Park property as posted and indicated on park maps available on the State Park website.

(2) Section (1) applies only where the person engaging in nudity is in public view. Section (1) does not apply to nudity in a public bathhouse, lavatory, or within tents, campers or other enclosures which are screened so that the nudity cannot be viewed by the public.

STATUTORY/OTHER AUTHORITY: ORS 390.124, 167.060

STATUTES/OTHER IMPLEMENTED: ORS 390.111

