

RESOLUTION NO. 09-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCAPPOOSE,
OREGON CONSENTING TO THE APPLICATION OF THE COLUMBIA COUNTY
PUBLIC ROAD EVENT ORDINANCE**

WHEREAS, Columbia County has adopted County Ordinance 2008-01 entitled "Columbia County Public Road Event Ordinance" and attached hereto as Exhibit A; and

WHEREAS, Columbia County adopted County Ordinance 2008-01 amending the Columbia County Public Event Ordinance to allow any city within Columbia County to consent to the application of the Ordinance within the city, either generally or for a particular Public Road Event, and to increase application fees.

NOW, THEREFORE, BE IT RESOLVED that pursuant to ORS 203.040, the City consents to the application of the Columbia County Public Road Event Ordinance, as amended, to public roads events that occur inside the City.


PASSED AND ADOPTED by the City Council of Scappoose and signed by me, and the City Recorder in authentication of its passage this 18th day of May, 2009.

CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

Attest:



Susan M Reeves, CMC
City Recorder



CITY OF SCAPPOOSE

Request for Council Action

Date Submitted: May 12, 2009

Agenda Date Requested: May 18, 2009

To: Scappoose City Council

Through: Jon Hanken - City Manager

From: Doug Greisen - Chief of Police

Subject: Resolution to adopt Columbia County Ordinance Number 2008-01

TYPE OF ACTION REQUESTED:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> None - Report Only |

ISSUE:

This resolution would allow the City of Scappoose to receive reimbursement cost for public road events through Columbia County Ordinance Number 2008-01.

ANALYSIS:

Columbia County Government adopted Ordinance No. 2008 – 01 known as the “Columbia County Public Road Event”. This ordinance allows any city within Columbia County to consent to the application of this Ordinance within the city, either generally or for a particular Public Road Event.

Currently the City of Scappoose has a few events coming through our community and at times places a financial burden on us; these events include:

- Seattle to Portland Bicycle Ride
- Hood to Coast Relay
- Motorcade.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the Columbia)
County Public Road Event Ordinance)
and Declaring an Emergency) **ORDINANCE NO. 2008 - 01**
_____)

The Board of County Commissioners for Columbia County ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 2008 - 01. Exhibit "A", which is attached hereto and incorporated herein by this reference, shall be known as the "Columbia County Public Road Event Ordinance".

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035.

SECTION 3. PURPOSE.

This ordinance is intended to amend the "Columbia County Public Event Ordinance" to allow any city within Columbia County to consent to the application of this Ordinance within the city, either generally or for a particular Public Road Event and to increase application fees.

SECTION 4. AMENDMENT.

The "Columbia County Public Road Event Ordinance" is amended to read as shown in Exhibit "A" which is attached hereto and incorporated herein by this reference.

SECTION 5. AMENDMENTS.

The Board may amend the uses of Columbia County roads under this Ordinance, may amend the fee schedules and may correct scrivener's errors by order of the Board of County Commissioners.

SECTION 6. CONFORMANCE WITH OTHER LAWS.

This ordinance shall in no way be a substitute for, nor eliminate the necessity of conforming with, any and all laws and administrative rules of the State of Oregon, or its agencies, or any other ordinance, rule, or regulation of Columbia County.

SECTION 7. SEVERABILITY.

If any provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and

and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 8. EMERGENCY CLAUSE; EFFECTIVE DATE.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect immediately upon its adoption.

DATED this 14th day of May, 2008.

Approved as to form

By: Sarah Hausler
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Chair

Attest:

By: Jane Sunnagh
Recording Secretary

By: Not Present
Commissioner

By: Jeta M. Hernandez
Commissioner

First Reading: May 14, 2008
Second Reading: May 14, 2008
Effective Date: May 14, 2008

EXHIBIT "A"

[Note: Additions are shown in **bold**; deletions are shown in ~~strikeout~~.]

COLUMBIA COUNTY PUBLIC ROAD EVENT ORDINANCE

SECTION 1. TITLE.

This ordinance shall be known as the "Columbia County Public Road Event Ordinance".

SECTION 2. DEFINITIONS.

A. Parade. "Parade" means any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any portion of a public road which does not comply with normal and usual traffic regulations or controls.

B. Footrace. "Footrace" means an organized run of 100 or more participants who are at any one time upon any portion of a public road. Athletic competitions sponsored by a Columbia County school district are not included within this definition.

C. Motorcade. "Motorcade" means an organized procession containing twenty-five or more vehicles, except funeral processions and military convoys, upon any portion of a public road.

D. Walkathon. "Walkathon" means any organized walk of 100 or more participants who are at any one time upon any portion of a public road.

E. Bicycle Tour. "Bicycle Tour" means any organized group of 50 or more bicycles upon any portion of a public road.

F. Public Road Event. "Public 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.

G. Public Road. "Public Road" means any public road, as defined in ORS 368.001(5), in Columbia County. ~~except those within the limits of any incorporated city~~ **"Public Road" shall not include any road within the limits of any incorporated city in Columbia County unless consent is given to the Administrator for the application of this ordinance within the city, either generally or for a particular Public Road Event.**

H. Large Event. "Large Event" is any parade, footrace motorcade, walkathon, bicycle tour, events requiring extensive roadside parking, road rally, or other significant road event, except funeral processions, involving more than 100 vehicles, 300 bicycles or 300 pedestrian participants that are at any one time upon any portion of a public road.

I. Administrator. "Administrator" means the person designated by order or resolution of the Board of County Commissioners to administer this ordinance.

J. Event Requiring Extensive Roadside Parking. "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 or~~ public road under

county jurisdiction. Parking within state highway right-of-way is not included in this definition.

K. Road Rally. "Road Rally" means any organized contest of speed or of driving skills utilizing automobiles or motorized vehicles of any kind upon any public road.

L. Other Significant Road Event. "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 ordinance.

SECTION 3. PERMITS.

A. It shall be unlawful for any person to conduct a parade, footrace, motorcade, walkathon, bicycle tour, events requiring extensive roadside parking, road rally, other significant road event or large event in or upon any public road or knowingly participate in any such public road event unless and until a permit to conduct such public road event has been obtained from the Administrator or, as hereinafter provided, from the Board of County Commissioners.

B. It shall be unlawful, and no permit shall be issued, to conduct any public road event after sunset and before sunrise, unless the Administrator or the Board of County Commissioners 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.

SECTION 4. APPLICATIONS FOR PERMITS; FEES.

A. Any person who wants to conduct a public road event shall apply to the Administrator for a permit at least sixty (60) days in advance of the date of the proposed public road event. The Administrator may at his or her discretion consider any application for a permit to conduct a public road event which is filed less than sixty (60) days prior to the date the public road event 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 public road event, the application shall contain the following information:

1. The name of the applicant, the sponsoring organization, the public road event chairperson and the addresses and telephone numbers of each;
2. The purpose of the public road event, the date when it is proposed to be conducted, the location of the assembly area(s), route(s) to be traveled and the approximate time when the public road event will assemble, start and terminate;
3. Such other information as the Administrator may deem reasonably necessary;

B. The person or organization applying for the public road event permit shall also tender along with the application an application fee. The application fee shall be ~~\$10.00~~ **\$100.00**, except that for large events the application fee shall be ~~\$50.00~~ **\$300.00**.

C. The person or organization applying for the public road event permit shall also tender along with the application the deposit required by Section 12 of this ordinance.

SECTION 5. ISSUANCE OR DENIAL OF PERMIT.

A. Standards for Issuance. The Administrator or, in the event of a large event, the Board of County Commissioners, shall issue a permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the Administrator or Board of County Commissioners finds that:

1. The time, route and size of the public road event 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 other than traffic.

2. The public road event is of a size or nature that requires the diversion of too many law enforcement officers, public works employees or other personnel to properly control the public road event or that allowing the public road event would deny reasonable law enforcement or other emergency service protection to citizens of the County.

3. Such public road event will interfere with another public road event for which a permit has been issued.

4. The County Public Works Director determines the public road event would damage public roads.

B. Standard for Denial. The Administrator or, in the case of Large Events, the Board of County Commissioners, shall deny an application for a public road event permit and notify the applicant of such denial where:

1. The Administrator or Board of County Commissioners 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.

SECTION 6. CONTENTS OF PERMIT.

A. In each permit the Administrator or, in the case of large events, the Board of County Commissioners, shall specify:

1. The assembly area and time therefor;
2. The starting and ending time of the public road event;
3. The minimum and maximum speeds, if applicable;
4. The route of the public road event;

5. What portions of public roads to be traversed may be occupied by such public road event;
6. The number of persons required to monitor the public road event;
7. The number and types of vehicles, if any;
8. That permittee shall advise all participants in the public road event by written notice of the terms and conditions of the permit prior to the commencement of such public 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.

B. All conditions of the permit shall be complied with so far as reasonably practicable.

SECTION 7. REVIEW PROCEDURE.

Approval or denial of an application made pursuant to Section 5.B may be appealed to the Board of County Commissioners. Said appeal must be in writing and received by the Board of County Commissioners 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 of County Commissioners may reverse, affirm, or modify in any regard the determination of the Administrator.

SECTION 8. LARGE EVENTS.

The permit of any large event shall be issued solely by the Board of County Commissioners.

SECTION 9. REVOCATION OF PERMITS.

Any permit for a public road event issued pursuant to this ordinance may be summarily revoked by the Administrator at any time when by reason of disaster, public calamity, riot or other emergency, the Administrator 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 or registered mail, return receipt requested.

SECTION 10. HOLD HARMLESS.

Applicants shall agree in writing to indemnify, defend and save and hold harmless the County, its Commissioners, boards, officers, including the Administrator, 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 public road event and the activities permitted in connection therewith. Applicants shall provide County with evidence of insurance with single limit policy amounts of \$1,000,000.00, naming

County, its officers, agents and employees as additional insureds. ~~Provided, the~~ The Administrator may waive proof of insurance if circumstances warrant for public road events other than large events. **Applicants shall also agree to indemnify, defend and save and hold harmless any city that consents to the application of this Ordinance, either generally or for a particular Public Road Event, its council, officers, agents and employees, and provide a certificate of insurance naming that city and its council, officers, agents and employees as additional insureds whenever a Public Road Event or portion of a Public Road Event is scheduled to take place in that city.**

SECTION 11. COSTS AND EXPENSES.

Applicants shall pay to the County the cost of County **personnel** and personnel from other public agencies who are required to work or perform duties during or as a result of such public road events and all other costs and expenses 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, a sum in an amount required by the Administrator or Board of County Commissioners for the purpose of covering costs and expenses to the County and other public agencies. ~~Applicants are not required to pay costs and expenses incurred by County and other public agencies for those portions of public road events which occur within the limits of any incorporated city.~~

SECTION 12. DEPOSIT.

Applicants shall provide a deposit to the County not less than 15 days prior to the public road event in an amount set by the Administrator or, in the case of a Large Event, the Board of County Commissioners. The deposit shall be in cash or by certified check. Applicants 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 public road event, including any costs and expenses associated with enforcing the conditions of an 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 permittee and the permittee shall pay the bill for such additional costs and expenses within 90 days after the public 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 public road event. The Administrator shall present the documentation of costs and expenses to the Board for approval prior to billing the permittee, disbursing the reimbursement monies, and/or returning any unused deposit amounts.

SECTION 13. COMPLIANCE WITH LAWS.

Issuance of a permit under this ordinance 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 a public road event.

SECTION 14. CONDITIONS IN PERMITS.

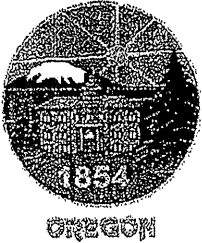
Any permit granted under this ordinance may contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and the public health, safety, tranquility and welfare including but not limited to changes in time, duration and number of participants.

SECTION 15. PENALTY.

This ordinance is enforceable under, and violators hereof are subject to, the penalties provided in the Columbia County Enforcement Ordinance.

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COLUMBIA COUNTY



OFFICE OF COUNTY COUNSEL

Columbia County Courthouse ♦ 230 Strand, Room 318 ♦ St. Helens, OR 97051-2096
503.397.3839 ♦ 503.366.3925 (Fax) ♦ www.co.columbia.or.us

RECEIVED

MAY 30 2008

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CITY OF ST. HELENS

May 28, 2008

TO CITIES WITHIN COLUMBIA COUNTY

Re: Public Road Events

As you may know, Columbia County has had in place a Public Road Event Ordinance which enables us to monitor such events and recoup any expenses we might have incurred as a result of the event.

Since several local City agencies have expressed an interest in being able to participate in the monitoring and reimbursement of impact costs afforded by this ordinance, we have amended the Public Road Event Ordinance effective May 15, 2008. A copy is enclosed.

The amendment allows a city to elect to consent to the application of this ordinance within the city either with regard to all public road events or to just a particular event.

If you would like the terms of the ordinance to be applicable within city limits, please have your council pass a resolution consenting to the applicability of Columbia County's Ordinance No. 2008-1, the Public Road Event Ordinance, and forward it to me, as administrator of the Ordinance.

Please let me know if you have any questions or need any additional information. Thank you.

Sincerely,

Cynthia Zemaitis, Paralegal /
Natural Resources Administrator

enclosure

c: Board of Commissioners

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RESOLUTION NO. 1485

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ST. HELENS,
OREGON TO PARTICIPATE IN THE COLUMBIA COUNTY PUBLIC
ROAD EVENT ORDINANCE**

WHEREAS, Columbia County has adopted the Columbia County Public Road Event Ordinance; and

WHEREAS, Columbia County approved Ordinance 2008-01 amending the Columbia County Public Event Ordinance to allow any city within Columbia County to consent to the application of the Ordinance within the city, either generally or for a particular Public Road Event and to increase application fees.

NOW, THEREFORE, BE IT RESOLVED that the City desires that public roads events that occur inside the City limits fall under Columbia County Ordinance 2008-01, attached hereto as "Exhibit A".

Passed and adopted by the City Council on this 16th day of July, 2008 by the following vote:

Ayes: Barlow, Morten, Locke, Peterson

Nays: None

Approved by the Mayor: July 16, 2008



Randy Peterson, Mayor

ATTEST:



Kathy Payne, City Recorder