

PARKS AND RECREATION DEPARTMENT

DIVISION 10

GENERAL STATE PARK AREA RULES AND REGULATIONS

736-010-0005

Purpose, Statutory Authority, and Scope of Rules, ~~Statutory Authority~~

(1) ~~The purpose of t~~This division is to guide and govern~~s~~ the public use operation of park areas properties that are provided under the jurisdiction of the department pursuant to ORS 390.111 and 390.121, in a manner that upholds their ~~which provides the department complete jurisdiction and authority over all park areas acquired by the state for~~ scenic, historic, natural, cultural and recreational values ~~purposes~~. Additional information about the use of park properties is available on the state park website.

(2) This division is adopted pursuant to the commission's authority to manage, operate and maintain park ~~areas~~ properties provided in per ORS 390.121; the commission's authority to adopt rules necessary for the use and administration of park ~~areas~~ properties provided in per ORS 390.124; and the authority of the director and park employees specifically designated by the director to enforce state park ~~area~~ rules by citation provided in per ORS 390.050.

(3) This division is based on an assessment of public uses currently allowed on park properties and does not, and is not intended to, create any obligation or liability on the part of the department to supervise or ensure the safety of individuals accessing park properties. The department does not assume any liability for the recreational use of park properties by the public beyond those specified in ORS 105.682.

Stat. Auth.: ORS 390.050, 390.111, 390.121, & 390.124

Stats. Implemented: ORS 390.124

736-010-0010

Statutory Authority and Procedures

The text of this rule, 736-010-0010, was combined with rule 736-010-0005 above.

Stat. Auth.: ORS 390

Stats. Implemented: ORS 390.050, 390.111, 390.121, 390.124

736-010-0015

Definitions

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

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

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

~~(32)~~ "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 and notices placed on the OPRD website.

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

(5) "Dawn" means 30 minutes prior to sunrise as calculated by the U.S. Naval Observatory.

~~(63)~~ "Department" means the Oregon State Parks and Recreation Department.

~~(74)~~ "Director" means the department director.

~~(68)~~ "Domestic Animals" are those animals whose food and shelter are provided by a human custodian.

(9) "Dusk" means 30 minutes after sunset as calculated by the U.S. Naval Observatory.

~~(105)~~ "Enforcement Officer" means a peace officer acting under written agreement with the department or a commissioned officer of the Oregon State Police or a 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 ~~area~~-rules.

~~(811)~~ "Handler" means any person who either brings a domestic animal into a park property or keeps a domestic animal at a park property.

(12) "Motorized Vehicle" means any vehicle being powered by an engine or motor which is capable of transporting a person.

~~(136)~~ "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 (15) below.

~~(147)~~ "Park ~~Area~~Property" means any state park, natural area, wayside, corridor, scenic area, monument, historic structure or area, trail, ~~or~~ recreation area, including the ocean shore adjacent to any ~~park area~~park property boundary, park area, or other real property under the ownership, management, or jurisdiction of the department.

~~(815)~~ "Park Employee" means an employee of the department while on duty.

~~(169)~~ "Park Manager" means the supervisor or designated employee in charge of a ~~park-area~~park property.

~~(4017)~~ "Park Resources" means any natural feature, wildlife, vegetation, water, cultural artifact, archaeological remains, or human-made structure or feature of a park area.

(~~41~~18) "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.

(~~42~~19) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, or a non-profit entity.

(20) "Public" includes all persons visiting or intending to visit a park property that are not park employees.

(~~43~~21) "Service Animal" means any dog 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.

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

(23) "State Park Website" means the internet resource with the host name <http://www.oregon.gov/OPRD/Parks/> and its associated links.

(~~24~~14) "Violate" includes failure to comply.

(25) "Visitor" means any member of the public who arrives at or is present at a park property.

(~~26~~15) "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.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.050, 390.111 & 390.124

736-010-0020

General Regulations

(1) The director may establish seasons, overnight lengths of stay, camper checkout times and procedures to adjust daily ~~park area~~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) When not specifically established by the director the following apply:

(a) The maximum length of stay for campers is 14 consecutive nights in a 17 night span. After 3 nights out of the park, campers may return to start a new stay.

(b) The maximum length of stay for hiker/biker sites is 3 consecutive nights in a 7 night period per park.

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

~~(23)~~ The director, by written agreement, may cooperatively exercise jurisdiction and authority over a ~~park area~~ 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 from park employees and may not obstruct, harass or interfere with a park employee's official duties including enforcement of state park rules.

~~(53)~~ A park manager or park employee may seek compliance from the public with any state park ~~park-area~~ rule in a manner that is consistent with their level of authority.

~~(64)~~ A park manager or ~~designated park employee~~ department enforcement officer may order any person that violates any ~~park-area~~ state park rule to leave a ~~park-area~~ park property.

~~(57)~~ A park manager or a ~~department~~ department enforcement officer may exclude a person that violates any state ~~park-area~~ park -rule from the ~~park-area~~ park property or multiple park properties for a specified period of time.

(8) A commissioned officer of the Oregon State Police may seek compliance from the public with any state park rule and may order a person who violates one or more state park rule to leave a park property.

~~(96)~~ A peace officer, pursuant to a written agreement with the department, may seek compliance from the public with any ~~state~~ ~~park-area~~ park -rule and may order a person who violates one or more state park ~~area~~ park -rules to leave the ~~park-area~~ park property.

~~(107)~~ A peace officer, pursuant to a written agreement with the department, or a commissioned officer of the Oregon State Police may exclude or recommend that the park manager exclude a person who violates any state ~~park-area~~ park -rule; federal, state, county, or city law; or court order from a ~~park area~~ park property or multiple park properties for a specified period of time.

~~(118)~~ 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-area~~ 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-area~~ park property;

(d) Restrict access to or close a portion of a ~~park-area~~ park property; or

(e) Exclude a person from a ~~park-area~~ park property.

~~(129)~~ A person excluded from a ~~park-area~~ park property may contest the exclusion notice by filing a written appeal within seven days of the exclusion date. The person excluded must submit the appeal to the District Manager responsible for the park where the notice of exclusion was issued.

(13) 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.

Stat. Auth.: ORS 390.050, 390.121, 390.124, 164.245

Stats. Implemented: ORS 390.124

736-010-0022

Violations and Fines

(1) Violation of a state park rule is a ~~A person that violates any park rule commits either a Class A, B, C, or D violation unless otherwise specified in this division. punishable, upon conviction, by a fine as provided in ORS 153.018(2).~~

(2) Vehicular violations in a park property are classified per the Oregon Vehicle Code, ORS 801-826, 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 736-010-0020 are Class C violations.

(5) Each occurrence of a violation of a ~~state park area~~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 153 with the exception of the following specific violations:

(a) Violations of 736-010-0025(3), parking in an area not designated for motor vehicles, are Class D violations with a specific fine of \$60;

(b) Violations of 736-010-0026(1)(b), failure of persons under 16 years to wear protective headgear, are Class D violations with a specific fine of \$60;

(c) Violations of 736-010-0030, domestic animals, are Class D violations with a specific fine of \$60.

(d) Violations of 736-010-0040(7), visitor conduct prohibitions, are Class D violations with a specific fine of \$60.

(e) Violations of 736-010-0040(15), failure to pay rates, are Class D violations with a specific fine of \$60.

(f) Violations of 736-010-0050(7), overnight quiet hours, are Class D violations with a specific fine of \$60.

(7) With the exception of those specific fines set forth in 736-010-0022(6), enforcement officers shall cite on the presumptive fine amounts established by ORS 153.

Stat. Auth.: ORS 153 & 390

Stats. Implemented: ORS 153.018, 390.050, 390.111 & 390.990

736-010-0025

Motor Vehicles

(1) All provisions of the Oregon Vehicle Code ORS 801-826 ~~park area roadways are considered public roadways and all provisions of motor vehicle laws of the State of Oregon~~ are applicable and enforceable on public roadways and parking areas at park properties.

(2) Motorists must comply with motor vehicle regulatory signs posted ~~in on~~ park ~~areas~~ properties.

(3) Motor vehicles, trailers, or other vehicles shall be operated only on public roadways and parked only and in designated parking areas, or other portions of park properties ~~constructed or~~ designated for motor vehicle use by signs or park employees.

(4) Where not otherwise posted, motor vehicles may not be operated within a ~~park area~~ park property at speeds in excess of 25 miles per hour. A violation of this rule is a Class B violation.

~~(4) Automobiles, trailers, or other vehicles shall be parked only in designated parking areas.~~

(5) 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 or impedes park operations, safety, or both.

(6) Abandoning a vehicle or leaving a vehicle unattended for longer than 72 hours at a park property without permission from the park manager are prohibited and are Class B violations. Vehicles ~~Abandoned vehicles exceeding for longer than~~ 72 hours or vehicles owned by a person who has been excluded from the park ~~park property~~ or who is in violation of criminal trespass may be towed at the owner's expense.

(7) Parking a ~~All~~ motor vehicle or s and a trailers ~~s parking~~ overnight in a day use areas ~~is prohibited without must obtain a permit~~ written permission of the park manager or designated park employee and ~~Motor vehicles and trailers without a permit such are vehicles are~~ subject to towing at the owner's expense.

(8) Unlicensed motorized vehicles, except ~~park area~~ department service vehicles, may not be operated in park ~~areas~~ properties unless otherwise posted, with the exception of other power-driven mobility devices operated within the constraints established in this rule ~~the operation of motor-assisted scooters by disabled persons on bicycle lanes or paths.~~

(9) A person may operate an Off-Highway Vehicle (OHV) on park property under the following conditions:

(a) An OHV may only be operated in designated off-highway riding areas or on park roadways which are signed for OHV use.

(b) A person may operate an OHV ~~in on~~ park ~~properties~~ areas only during those seasons and hours of operation which are established by the park manager.

~~(11c)~~ A person shall operate an OHV below the maximum permissible decibel level [as published on the department's ATV information web page](#).

~~(12) A person may not operate a motor assisted scooter in a park area, including on a bicycle lane or bicycle path.~~

~~(13)~~¹⁰ The park manager or ~~his or her designee~~ [an 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, and the availability of storage for the device, if requested by the user);

(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 the immediate environment or natural or cultural resources, or poses a conflict with applicable state laws and regulations.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.330, 819.110, 819.120, 811 et seq., 814.500, 814.516, 814.550 & 814.554

736-010-0026

Non-Motorized Vehicles, Cycles or Similar Devices

(1) A person operating a 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 ~~areas~~ [properties](#),

(b) Persons under 16 years of age are required to wear protective headgear,

(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 between 11 and 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.

Division 10 Rule Revisions - Draft for Comment (June 10, 2013)

(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.

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

(3) The director or designee may open or close roads and trails to the operation of non-motorized cycles 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.

(4) A person may ~~not~~ operate non-motorized cycles, scooters, or similar devices ~~at in any park area~~ 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 open for motor vehicles through them; ~~and~~
- (c) On docks, piers, floats and connecting ramps; and
- (d) In areas specifically designated as free from this use.-

(5) Individuals with mobility disabilities can use wheelchairs and manually-powered mobility aids, designed for use by individuals with mobility disabilities, to access any areas open to pedestrian use.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 814.400 - 814.489 & 814.600

736-010-0027

Boats and Moorages

- (1) The park manager may post restrictions or prohibitions on the use of motorboats or other watercraft ~~in~~ at park ~~areas~~properties.
- (2) Boaters must comply with regulatory signs posted in boat launching, moorage and beach areas.
- (3) Boaters shall moor or secure their boat in a manner that will not cause personal injury or damage to private property or park resources.
- (4) Boaters shall vacate moorages by the designated checkout time on the last day of the rental date unless otherwise posted.
- (5) 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 watercraft, removed at the owner's expense. The department is not responsible for any loss or damage to possessions or watercraft.
- (6) The park manager may permit or restrict fishing from boat moorage docks.
- (7) A person may not swim or water ski within 200 feet of ~~or from~~ boat moorage docks or facilities.
- (8) Motorized boats and all other watercraft are prohibited from entering established swimming areas except for the protection or rescue of human life.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 830.912 & 830.914

736-010-0030

Domestic Animals

- ~~(1) Domestic animals means those animals whose food and shelter are provided by a human custodian. Handler means any person who either brings a domestic animal into a park area or keeps a domestic animal in a park area.~~
- ~~(2) A handler is responsible for the behavior of their domestic animal and~~ A handler 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.
- ~~(2) In designated off leash areas a handler shall keep their~~ The domestic animal ~~shall be~~ under physical control at all times such that it is within the unobstructed sight of the handler and remains responsive to voice commands or other methods of control.
- ~~(3) Handlers shall carry a leash or restraining device at all times while~~ on park property in designated off leash areas and must promptly leash animals at the request or order of a park employee ~~whether in a designated off leash area or other part of park property~~.
- ~~(4) Handlers must prevent their domestic animal from harassing or intimidating people, wildlife, and other domestic animals.~~
- ~~(5) Domestic animals shall only be hitched or confined in a manner that does not cause damage to any park resources.~~

~~(63)~~ A handler shall pick up and properly dispose of their ~~A handler is responsible for the animal's behavior and containment and for the removal of the~~ domestic animal's waste while ~~in~~ at the ~~park area~~ park property.

~~(74)~~ With the exception of service animals and miniature horses as described elsewhere in this rule, section (9) below, domestic animals are prohibited in the following locations:

(a) ~~Park area~~ Park property buildings and structures, except for up to a total of two dogs ~~or and two~~ cats in any combination in yurts and cabins that have been designated as pet friendly by the park manager;

(b) Bodies of water, except hunting dogs are allowed in those areas described in OAR 736-010-0055;

(c) Beaches adjacent to designated ~~for~~ swimming areas; and

(d) Other areas where posted.

~~(85)~~ The park manager or an enforcement officer may take any measure deemed necessary (including the removal of ~~the~~ an animal from the ~~park area~~ park property) to protect park resources or to prevent interference by the animal with the safety, comfort, or ~~well-being~~ well-being of any person ~~in~~ at the ~~park area~~ park property.

~~(96)~~ Park employees may seize any domestic animal running at large ~~in~~ at a ~~park area~~ park property and release to an animal pound or animal control officer or shelter.

~~(107)~~ The park manager may designate a portion of a ~~park area~~ park property ~~as to be~~ open to dogs off leash for the purposes of training dogs, conducting open field trials, or exercising dogs; under the control of when the handler ~~is in control of the dog~~.

~~(118)~~ With the exception of miniature horses as described in section (9) below, a person may not ride, drive, lead, or keep a horse or other large animal ~~in~~ at any ~~park area~~ park property, except on such roads, trails, or areas designated for that purpose. A handler may not hitch or confine a horse or other large animal in a manner that may cause damage to any tree, shrub, improvement or structure.

~~(129)~~ The park manager or ~~his or her~~ 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.

Stat. Auth ORS 390.124

Stats. Implemented: ORS 390.111

736-010-0035

Livestock and Farming

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

(2) A person may ~~not~~ conduct ~~non-permitted~~ farming activities ~~at~~ in park ~~areas~~ properties only with written permission of the park manager or designated park employee.

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

736-010-0040

Visitor Conduct

(1) A person shall cause, build, maintain, or accelerate a fire at a park property only in ~~Fires in park areas shall be confined to:~~

(a) Park camp stoves or fireplaces provided for such purpose;

(b) Portions of beach areas designated as permissible for campfires; or

(c) Portable stoves used ~~in~~ at established campsites, picnic areas, or beach areas where fires are designated as permissible ~~allowed~~.

(2) A person who has caused, built, or maintained an allowed fire shall: ~~Every fire shall be extinguished before its users leave the park area. No fire shall be allowed to cause personal injury or damage to private property or park resources.~~

(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) Attend the fire at all times, breaking it apart and extinguishing it completely with water before leaving the immediate area;

(d) Use no gasoline, diesel or any other petroleum-based products to start a fire; and

(e) Ensure that any fire that they set does not cause personal injury or damage to private property or park resources.

(3) 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.

(4) A person may not injure, mutilate, deface, damage, harass, or remove any park resource property, structure or facility of any kind ~~in~~ at a ~~park area~~ park property, except as provided in OAR 736-010-0055.

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

~~(a) A person shall leave garbage, recyclables, sewage or waste in a park area only in the designated containers provided.~~

~~(6) A person may not dispose of garbage, recyclables, sewage, or waste generated by activities conducted outside a park area in a park area, with the exception of recreational vehicle sewage and gray water holding tank contents to be 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.

~~(67)~~ A person shall refrain from removing ~~may not remove~~ items from containers designated for recyclables, garbage, sewage or waste without authorization of the park manager.

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

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

(a) ~~Use-Using~~ or ~~operation-operating~~ of any noise producing machine, vehicle, device or instrument in a manner that disturbs or may disturb other park ~~area-~~visitors without written permission of the park manager;

(b) ~~Use of~~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;

(d) ~~Use of~~Using a metal detector or similar device without ~~a~~ written permission of the park manager or designated park employee ~~permit from the department in at~~ any park property or portion of a park property ~~property~~ not listed on the "Detecting Allowed" list, published on the OPRD 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 area~~park property that has been closed to public access which is a Class C violation;

(g) Blocking, obstructing or interfering with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area which is a Class C violation;

(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 which is a Class C violation;

(i) Fighting; or promoting, instigating or encouraging fighting or similar violent conduct which would threaten the physical ~~well~~well-being of any person ~~in at~~ the ~~park area~~park property;

Division 10 Rule Revisions - Draft for Comment (June 10, 2013)

(j) Smoking in any areas where the Oregon Indoor Clean Air Act, ORS 433.835 to 433.875, prohibits smoking;

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

(l) Public indecency as defined in ORS 163.465;

(m) Base-jumping, hang gliding, paragliding or similar activities ~~are not allowed in park areas~~ without a written ~~permit~~ permission from the park manager, ~~except that the~~ The use of hang gliders is allowed at Cape Kiwanda State Natural Area;

(n) Discharging any firearm, bow and arrow, slingshot, pellet gun, or other weapon capable of injuring humans or wildlife or damaging property, except ~~in at~~ those ~~park area~~ park property locations and for those purposes specified in OAR 736-010-0055(7);

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

(9) A person may ~~only not~~ distribute circulars, notices, leaflets, pamphlets or written or printed information of any kind within a ~~park area~~ park property ~~after unless~~ they have first obtained permission from the park manager and reported their name, address and number of leaflets to be distributed.

(10) ~~A person may not operate a concession, solicit, sell or offer for sale, peddle, hawk or vend any goods, wares, merchandise, food, liquids or services~~ 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 or event 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, other than those designed for personal use;

(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.

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

~~in a park area without prior written authorization from the park manager.~~

(1~~2~~4) All money or goods, having a value of \$100 or more and found by the public ~~in~~ at park ~~properties~~areas, must be turned over to the park manager or park employee on duty. All found money or goods will be disposed of according to department policy adopted in accordance with ORS 98.005.

(1~~3~~2) The director or designee may close rock formations and cliffs within a ~~park area~~park property to descending, scaling or technical rock climbing, and no person shall engage in such activities at such locations or else commit a Class C violation.

(1~~4~~3) The director or designee may close park access to lakes, streams or waterfalls ~~to~~ for kayaking, boating, diving, ~~or~~ 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 C violation.

(1~~5~~4) A person using a ~~park area~~park property shall pay rates and comply with procedures and restrictions as established in OAR chapter 736, division 15 for use of ~~selected~~designated facilities or the purchase of services or products.

Stat. Auth.: OAR 390.124

Stats. Implemented: ORS 390.111, 163.465, 433.835 - 433.875 & 498.006

736-010-0045 [Renumbered to 736-010-0040]

736-010-0050

Overnight Use

(1) Overnight use is ~~not permitted~~prohibited on the ocean shore abutting park ~~areas~~properties and, ~~or in~~ at any park ~~property area~~ or portion of a park property not specifically designated for camping.

(2) A person must comply with seasons, overnight lengths of stay, and camper checkout times as established per OAR 736-010-0020.

(3) Overnight facilities shall be occupied only by persons and allowed visitors who have paid overnight use fees as established and required in OAR chapter 736, division 15~~paid customers or permitted visitors only~~.

(4) 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.

(5) A park employee may authorize more than one vehicle to occupy an individual campsite, subject to OAR chapter 736, division 15, but ~~not~~ individual campsites shall not be occupied by ~~no~~ more than one recreational vehicle at the same time, unless authorized by ~~the~~ a park ~~manager~~employee.

(6) A maximum of eight individuals may occupy one campsite unless otherwise specified by the park manager.

(7) Quiet hours at park property campgrounds are 10:00 P.M. to 7:00 A.M., and no person shall make or cause or allow to be made loud noise in a manner that in the estimation of an enforcement officer disturbs or may disturb park property visitors during these times.

(8) ~~Non-reserved campsites~~ Campsites must be occupied the first night after any belongings are left in the site and must remain occupied each night during the entire length of stay unless other arrangements

have been made with the park manager or designated park employee. If a person has failed to pay camping rental rates for two consecutive days or has exceeded the length of stay time limit, 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.

(9) ~~Campers~~ 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.

(10) The registered camper shall be present in the campsite each night of the stay or they shall provide park staff a means of contacting them if they will not be in the campsite overnight.

(10) The registered camper ~~will~~ shall be responsible for the activities of all users of the site.

(11) 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.

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

736-010-0055

Park~~Cultural, Historic, Natural and Wildlife~~ Resources

(1) A person ~~shall only~~ may not excavate, injure, disturb, ~~destroy, alter,~~ or remove any archaeological, cultural, or historical ~~site, object, or~~ material from a ~~park area~~ park property, ~~when~~ unless authorized by the director as defined in ORS 390.235 and OAR 736-051-0060 to 736-051-0080.

(2) A person while on park property shall only conduct the following activities ~~may not, except~~ with the written permission of the ~~park~~ director, or park manager, or designated park employee unless the activity is specifically allowed by other sections of OAR 736-010-0055:

(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; ~~or~~

(c) Pick, cut, mutilate, trim, uproot, or remove any living vegetation; ~~plants or natural resources of any type from any park area, except as allowed by sections (3) to (5) and (7) of this rule.~~

(d) Harass, disturb, pursue, injure or kill wildlife; or

(d) Introduce and release animals onto the park property.

(3) A person may remove small quantities of natural materials from a park property for personal use without written permission of the department, but only if done in accordance with the following provisions:

(a) Collection is done at a park property or portion of a park property at which the department has not specifically prohibited the removal of natural products either by location or time of year through the posting of signs, publishing of maps or brochures, or indicating on the state park website; and

(b) Collection is for souvenirs that may serve as a reminder of a person's park visit and includes only a small quantity of agates and other rocks, driftwood, or similar non-living items collected for non-commercial, personal use.

~~A person may collect limited souvenirs of agate and gem stone rock materials within the boundaries of Succor Creek State Recreation Area away from the developed public use areas and roadways of the park under the following conditions:~~

~~(a) No commercial digging, quarrying, or removal of rock is allowed;~~

~~(b) No excavating or rock collecting is allowed within a distance of 500 feet from any developed public use picnic area or campground, or 200 feet from an improved highway or park road within the park area; or within the area of an archeological site;~~

~~(c) Excavation is restricted to standard hand tools including a hand pick, shovel, or hammer;~~

~~(d) The use of mechanical excavators including, but not limited to bulldozers, backhoes, scoops, tractors, or the use of other power tools to excavate or remove materials is prohibited;~~

~~(e) Excavation of rock or soil materials around the root zone of trees and shrubs is prohibited.~~

(4) Notwithstanding section (2) or (3), a person must comply with existing state and federal rules and regulations concerning mining or the protection of public archeological features or artifacts on ~~the~~ state and federal lands ~~of this area~~.

(5) Unless otherwise posted, a person may gather for personal consumption berries, fruits, mushrooms, or similar edibles, in quantities not to exceed five gallons per person per day.

(6) A person may not uproot living plants, ~~and~~ collect roots, tubers, flowers, and stems ~~may not be collected~~ except with a written ~~permit~~ permission of the park manager or designated park employee and only for scientific collection or research purposes, or by a Native American tribal member for personal consumption as part of their traditional cultural heritage as defined in department policy. Driftwood may be taken in small amounts in accordance with OAR 736-026-0010.

(6) A person may ~~not only~~ give or offer food items to ~~any~~ wildlife within a ~~park area~~ park property ~~except~~ when authorized by the park manager.

(7) A person or handler may ~~not only~~ hunt, pursue, trap, kill, injure, ~~harass, or~~ molest or remove any wildlife or disturb their habitats within a ~~park area~~ park property, ~~except~~ under the following provisions:

(a) In those park ~~areas~~ properties where hunting and trapping is specifically allowed by this rule, ~~but only in compliance a person must comply~~ with the rules and regulations of the Oregon Department of Fish and Wildlife.

(b) In those park areas where hunting is allowed, dogs being used for hunting game birds or unprotected wildlife or being trained for hunting or tracking shall be in the handler's control at all times.

(c) While sSeasonally hunting ~~of~~ waterfowl ~~is allowed in at~~ the following park ~~areas~~ properties:

Division 10 Rule Revisions - Draft for Comment (June 10, 2013)

(A) Bowers Rock State Park;

(B) That portion of Elijah Bristow State Park located north of the main channel of the Middle Fork of the Willamette River;

(C) Portions of Fort Stevens State Park adjacent to Trestle Bay as posted;

(D) That portion of Willamette Mission State Park located on Grand Island in Yamhill County;

(E) That portion of Government Island State Recreation Area including the perimeter of both Government and Lemon Islands, not above the mean high water mark as posted;

(F) That portion of Rooster Rock State Park which includes Sand Island as well as the bank which runs parallel to the south of the island, except ~~Hunting will not be allowed~~ during the special waterfowl hunting season which starts in September, as posted;

(G) That portion of Benson State Recreation Area at Dalton Point, north of I-84, starting 300' east of the boat ramp running to the eastern most tip of the property at river mile 134 as posted;

(H) That portion of Starvation Creek State Park, north of I-84, river mile 159.6 to 160.2 as posted;

(I) That portion of Mayer State Park including the entire Salisbury Slough area and the pond 800' Northwest of the boat ramp as posted.

(d) Seasonal hunting of game wildlife is allowed within Deschutes River State Recreational Area south of the stream gauge cable crossing line and parallel extensions of the cable crossing line to the east and west park boundaries.

(e) Seasonal hunting of deer is allowed in portions of La Pine State Recreation Area north of the east-west power line road, approximately one mile north of the campground booth.

(f) Seasonal hunting of game wildlife and upland game birds is allowed on department property at Cottonwood Canyon State Park except:

(A) Hunting is not allowed within the 200 yard area surrounding the boat launch at the ~~former~~-J.S. Burrell site at Cottonwood Bridge, and

(B) Hunting is not allowed in any area closed by the director or designee for public safety or park resource protection purposes. The department will post such closures at designated park entrances.

(g) Seasonal hunting of upland game birds is allowed in Succor Creek State Park, except within 500 feet of camping areas located near the Succor Creek Bridge and posted Safety Zones.

(h) Trapping is allowed only by special permit from the department in Bowers Rock State Park, Deschutes State Recreation Area, Elijah Bristow State Park, and Willamette Mission State Park.

(i) Hunting is allowed with shotguns or bows and arrows only, during authorized seasons in all

Division 10 Rule Revisions - Draft for Comment (June 10, 2013)

Willamette River Greenway Corridor parcels, except in those parcels described below, where all hunting is prohibited:

(A) Wapato Access (Virginia Lake), River Mile 17.0–18.0, Multnomah Channel, Right bank when facing downstream;

(B) Crown Zellerbach, River Mile 21.3, Main Channel, Left Bank when facing downstream;

(C) Merrell (Mary S. Young State Park), River Mile 23.6, Main Channel, Left Bank when facing downstream;

(D) Willamette Shores, Inc. (Mary S. Young State Park), Main Channel, River Mile 24.0, Main Channel, Left Bank when facing downstream;

(E) Meldrum Bar Park (City of Gladstone) River Mile 24.2–24.4, Main Channel, Right Bank when facing downstream;

(F) Hattan-Fisher, River Mile 24.3, Main Channel, Left Bank when facing downstream;

(G) Dahl Park (City of Gladstone) River Mile 24.7, Main Channel, Right Bank when facing downstream;

(H) Coalca Landing, River Mile 30.7, Main Channel, Right Bank when facing downstream;

(I) Lang, River Mile 30.7, Main Channel, Left Bank when facing downstream;

(J) Pete's Mountain Landing, River Mile 30.8, Main Channel, Left Bank when facing downstream;

(K) Peach Cove Landing, River Mile 31.5, Main Channel, Left Bank when facing downstream;

(L) Brandborg, River Mile 32.0, Main Channel, Left Bank when facing downstream;

(M) Asche, River Mile 34.1, Main Channel, Left Bank when facing downstream;

(N) Molalla River State Park, River mile 34.6–36.1, Main Channel, Right Bank when facing downstream
[\(Note: hunting is not allowed along the Mollala River within the park boundary\);](#)

(O) Willamette Meridian Landing, River Mile 37, Main Channel, Left Bank when facing downstream;

(P) French Prairie Access, River Mile 41.0, Main Channel, Right Bank when facing downstream;

(Q) Parrett Mountain Access, River Mile 45.5–46.0, Main Channel, Left Bank when facing downstream;

(R) Hess Creek Landing, River Mile 53, Main Channel, Left Bank when facing downstream;

~~(S) San Salvador Access, River Mile 56.7, Main Channel, Right Bank when facing downstream;~~

~~(TS)~~ Lincoln Access, River Mile 76.2–77.0, Main Channel, Left Bank when facing downstream;

~~(UI)~~ Lincoln Access (Doak's Ferry) River Mile 77.6, Main Channel, Left Bank when facing downstream;

~~(VU)~~ Darrow Rocks Access, River Mile 78.1, Main Channel, Left Bank when facing downstream;

Division 10 Rule Revisions - Draft for Comment (June 10, 2013)

~~(WV)~~ Ross Island Sand & Gravel (Salem Waterfront), River Mile 82.8, Main Channel, Right Bank when facing downstream;

~~(XW)~~ Hall's Ferry Access, River Mile 91.3, Main Channel, Right Bank when facing downstream;

~~(YX)~~ Springfill Access, River Mile 113.8, Main Channel, Left Bank when facing downstream;

~~(ZY)~~ Takenah Landing (City of Albany), River Mile 118.5, Main Channel, Left Bank when facing downstream (Closed only for 500 feet west of parking area);

(Z) Sam Daws, River Mile 145.8, Main Channel, Right Bank when facing downstream;

(AA) Jasper Bridge, River Mile 195.2, Middle Fork, Right Bank when facing downstream;

(BB) Minshall, Eller, River Mile 119.9, Main Channel, Left Bank when facing downstream;

(CC) Jones, Lanham, River Mile 120.1, Main Channel, Left Bank when facing downstream;

(DD) F. Schmidt, P. Schmidt, River Mile 120.3, Main Channel, Left Bank when facing downstream;

(EE) Browns Landing, River Mile 167.1, Main Channel, Left Bank when facing downstream;

(FF) Marshall Island Landing, River Mile 168.1, Main Channel, Left Bank when facing downstream;

~~(EEGG)~~ Truax Island Access, River Mile 168.7, Main Channel, Left Bank when facing downstream (closed only for 500 feet west of parking area);

~~(FFHH)~~ Marshall Island Access (Banton), River Mile 168.7, Main Channel, Left Bank when facing downstream;

(II) Christensen Landing, River Mile 168.7, Main Channel, Right Bank when facing downstream;

~~(GGJJ)~~ Log Jam Access, River Mile 194.4–194.8, Middle Fork, Left Bank when facing downstream;

~~(HHKK)~~ Pengra Access, River Mile 195.2, Middle Fork, Right Bank when facing downstream;

(LL) Glassbar Island, River Mile 188.7, Middle Fork, confluence of the Coast Fork and Middle Fork;

~~(MMM)~~ Cougar Mountain Access, River Mile 15.5, Coast Fork, Right Bank when facing downstream; and

~~(JNN)~~ Lynx Hollow Access, River Mile 17.2, Coast Fork, Left Bank when facing downstream ~~(Closed except for 100 foot strip along riverbank);~~

~~(KKi)~~ Trapping is allowed only with written authorization from the department in the Willamette River Greenway Corridor parcels closed to hunting, as listed above. Trapping is allowed in all other Willamette River Greenway Corridor parcels.

(k) When hunting on those properties allowed by this rule hunters may not erect structures or blinds with the exception of portable blinds and tree stands which must be removed daily.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 498.002 & 498.006

736-010-0060

Alcoholic Beverages

(1) A person under 21 years of age may not possess or use alcoholic beverage(s) ~~in-at~~ any park ~~property~~area.

(2) A person may ~~not only~~ possess or use alcoholic beverages in the following areas with written permission~~except by permit~~ from the park manager:

~~(a) Bald Peak State Scenic Viewpoint;~~

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

~~(c)~~ 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;

~~(d)~~ TouVelle State Recreation Site;

~~(e)~~ Tumalo State Park day use area;

~~(f)~~ Bonnie Lure State Recreation Area;

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

~~(h)~~ Iwetemlaykin State Heritage Site;

(h) State Capitol State Park;

(i) Cline Falls State Scenic Viewpoint; and

~~(j)~~ Other park ~~areas~~properties as signed.

(3) 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.

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

736-010-0065

Rooster Rock State Park -- Nudity

(1) A person of post-pubescent age or over 12 years of age is prohibited from engaging in nudity, as defined in ORS 167.060, in any part of the park property west of the established boundary running north and south 100 yards east of the easternmost beach access stairway and east above~~area west of the boundary established by a line running north and south from 100 yards east of the easternmost beach~~

~~access stairway and south of a line running east and west along~~ the approximate high water mark of the Columbia River in Rooster Rock State Park.

~~(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.~~

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

736-010-0066

State Capitol State Park — Recognitions and Honorary Features

(1) Purpose. The purpose of this rule is to provide guidance for honoring individuals, groups, or events that are of exceptional significance to Oregon or to the history of the nation, while respecting existing features and aesthetics of the State Capitol State Park and the Capitol Mall area, as well as the values of Oregonians, in general.

(2) Recognitions and honorary features may include installations of plantings, traditional park amenities, or features that are consistent with the department's State Capitol State Park Comprehensive Plan.

(3) Application and Approval Process.

(a) Persons interested in sponsoring recognitions or honorary feature shall make application to the director in a manner prescribed by the department.

(b) The application shall indicate how the proposal meets the criteria listed in section (4).

(c) The department will review and evaluate the application and coordinate with the applicant to obtain any additional information that the department may require to adequately review the proposal.

(d) The director shall determine whether the department deems a proposal significant or minor, taking into consideration the design, size, scope, location, construction process, and infrastructure needs of the proposal.

(e) The department will appoint a department liaison to the applicant for significant proposals. The liaison will assist the applicant with preliminary design and the review process.

(f) The application shall provide an identified estimate of costs and funding sources for design, construction, regular maintenance, and repair of the proposed feature.

(g) For significant proposals, the Assistant Director, Heritage Programs will convene a review committee that may be comprised of a representative of the State Capitol Foundation, Governor's Office, Legislative Administrative Committee, Capitol Planning Commission, City of Salem, a citizen at large, and at least one representative of an agency whose offices are located on the Capitol Mall. The review committee shall provide an opportunity to consider input from the public. It will review significant proposals to assess their compliance with criteria and objectives prescribed in this rule and make a recommendation to the director for further action that may include suggestions for changes to the design or location.

(h) Upon receiving a positive recommendation from the review committee, the director will present the proposal to the State Parks and Recreation Commission for consideration and possible approval.

Division 10 Rule Revisions - Draft for Comment (June 10, 2013)

(i) The department accepts no responsibility for any expenditure incurred by the applicant prior to approval by the Commission or subsequently. Construction or installation may not begin until the Commission grants approval and the applicant has obtained all necessary state and local permits.

(j) For minor proposals to place recognitions or honorary features consisting of small plantings, benches and other small installations that are consistent with the State Capitol State Park Comprehensive Plan, the director may consider and approve or deny such requests without further review or approval.

(4) Criteria for Recognitions and Honorary Features.

(a) The subject of the recognition shall be widely known and appreciated for great contributions and significance to the state of Oregon, the history of the nation, or both;

(b) The subject of the recognition, if a person, shall have been deceased for at least ten years, and if an event, shall have occurred at least ten years prior;

(c) The proposed feature shall enhance the aesthetics of the park and shall be consistent with the adopted State Capitol State Park Comprehensive Plan;

(d) The proposed feature shall not:

(A) Be located in the open, grassy areas of the Central Mall and Willson Park ovals;

(B) Disturb major trees and plantings;

(C) interfere with traffic flows or sightlines; or

(D) Disturb other installations and structures;

(e) There shall be demonstrated, statewide, public support for the recognition or honorary feature;

(f) There shall be specific, valid reasons why other venues, that have been carefully explored, were not a suitable alternative location.

(g) The proposed feature shall not create unmitigated or significant additional liability; repair and maintenance cost; or safety and security concern, for the department;

(5) Costs. All expenses for design, fabrication, and installation shall be borne by the applicant. The department shall assist the applicant to determine the requirements for installation. Prior to installation, the applicant shall provide for deposit in the Recognition and Honorary Feature Maintenance Trust Fund an amount equal to 15 percent of the project replacement value to be expended for maintenance and repair of recognitions and honorary features in the State Capitol State Park.

(6) Design Approval and Installation.

(a) The department must approve the final design of the project. The proposed feature must meet all applicable codes and standards.

(b) For projects constructed and installed by the applicant, the department will assign a project manager to provide construction inspection and oversight. The applicant is responsible for acquiring all necessary permits prior to construction.

Division 10 Rule Revisions - Draft for Comment (June 10, 2013)

(c) For projects constructed and installed by the department on behalf of the applicant, the applicant shall reimburse the department for the costs of bid preparation, contracting services, permits, construction inspection and project management oversight.

(d) The applicant shall remain responsible and liable for the project until it is accepted in writing by the department.

(7) Recognitions and honorary features shall become the sole property of the department.

(8) The department shall maintain a registry of existing and future recognitions and honorary features in the agency's asset records.

(9) Maintenance.

(a) The department shall establish a Recognition and Honorary Feature Trust Fund from funds provided by applicants and donations. The fund shall be used to defray the costs of maintenance and repair of recognitions and honorary features in the State Capitol State Park.

(b) The department may relocate or remove existing recognitions or honorary features, if determined necessary. The department will consult a review committee prior to relocation or removal.

(c) If living recognitions or honorary features such as trees or plantings die, are damaged, or present a hazard to the public or adjacent buildings or structures, the department may remove or replace them at its discretion. If plaques or recognition items are associated with the removed trees or plantings, they will be offered first if possible to the family of the individual recognized, or secondarily, to the State Capitol Foundation for archiving.

Stat. Auth.: ORS 390.050, 390.121 & 390.124

Stats. Implemented: ORS 390.111

736-010-0070 [Renumbered to **736-010-0040**]

736-010-0098 [Renumbered to **736-015-0010**]

736-010-0099 [Renumbered to **736-015-0015**]

736-010-0100 [Renumbered to **736-015-0020**]

736-010-0115 [Renumbered to **736-015-0026**]

736-010-0120 [Renumbered to **736-015-0035**]

736-010-0125 [Renumbered to **736-015-0040**]