



Food, Pool and Lodging Health & Safety Program Lodging Guidance

Subject: **Licensing Campgrounds Located on Public Land**

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Issue:

Many campgrounds operating on public land are being managed by private entities. Are these entities subject to licensure under Oregon Revised Statute (ORS) 446.320?

Guidance:

If a campground located on public land is being operated by a private entity, the private entity is not exempt from licensure, and must obtain a license to operate a tourist facility in Oregon under ORS 446.320.

If a campground located on public land is being operated by a public entity, such as the State of Oregon or the US Government, they are exempt from licensure as a tourist facility. Although exempt from licensure, ORS 446.325(1) requires these facilities to secure approval from the Director of the Oregon Health Authority before establishing a recreation park and must comply with the rules of the Oregon Health Authority that are specific to recreation parks (OAR 333-029, 333-031). Contact OHA if you are aware of a new recreation park on public land. OHA will work with the LPHA and the public entity to ensure that the proper approvals are received, and the facility is constructed to comply with relevant rules.

Relevant Statute:

ORS 446.320 requires a license to operate, manage or maintain a tourist facility. ORS 446.326 exempts public entities, timber companies, private utilities, and private persons or nonprofit organizations operating a transitional housing accommodation from licensure. In addition, temporary camping sites used in the course of backpacking, hiking, horseback packing, canoeing, rafting or other expeditions (unless a part of an organizational camp) are exempt from licensing.

Definitions: (ORS 446.310)

“Picnic park” means any recreation park that is for day use only and provides no recreation vehicle or overnight camping spaces.

“Recreation park” means any area designated by the person establishing, operating, managing or maintaining the same for picnicking, overnight camping or use of recreational vehicles by the general public or any segment of the public. “Recreation park” includes but is not limited to areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association or common ownership and further includes, but is not limited to, those areas divided into two or more lots, parcels, units or other interests for purposes of such use.

“Tourist facility” means any travelers’ accommodation, hostel, picnic park, recreation park and organizational camp.