

GENERAL ORDINANCE NO 97-1218

AN ORDINANCE CONCERNING ACCESS TO THE CITY
WATERSHED, AND REPEALING GENERAL ORDINANCE
NUMBERS 442 AND 749

THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. Access to the City watershed for purposes of fishing, hunting, camping, hiking, sight-seeing, picnicking, trapping of wild animals or birds, harvesting of timber or mining or removal of minerals, is prohibited on lands owned by the City, the United States Forest Service, or on private land within the areas draining into the domestic water supply sources for which the City has entered into a land use agreement. No person shall cut or remove any plant, tree, or forest product, living or dead, from these areas, without the written permission of the Director of the Department of Public Works, or the Director's authorized designee. Nothing in this ordinance shall be construed to prohibit any federal, state, or local government agency from conducting a program of animal or fishery management upon watershed property, or prohibit the hunting or trapping of fur-bearing or predatory mammals doing damage to public or private property, or prohibit the hunting or trapping of any bird or mammal for scientific purposes, which is defined as the study or examination of wildlife for the acquisition of knowledge thereof.

Section 2. The Director of the Department of Public Works, or the Director's authorized designee, is authorized and directed to post the areas with signs indicating whether access is prohibited or permitted. Failure to post the area as required in this section shall be a defense in any prosecution initiated by the City under this ordinance.

Section 3. The foregoing regulations are adopted pursuant to the provisions of ORS 448.295, 448.300, and 448.305, as now constituted. The municipal court of the City of The Dalles, and the Wasco County District Court, up until January 15, 1998, and thereafter the Wasco County Circuit Court, shall have concurrent jurisdiction to try and determine any prosecution brought under this ordinance. If prosecution is filed in the District or Circuit Court, the Court shall remit to the City, after deducting court costs, the amount of any fine collected, except as otherwise provided by ORS 46.045(2), as now constituted. If a jail term is imposed, the convicted person shall be confined in the county jail, and the County shall be entitled to recover from the City the actual costs of such incarceration.

Section 4. Upon conviction for a violation of this ordinance, a person shall be sentenced to pay a fine not to exceed \$100.00, or to serve jail term not to exceed 30 days, or to a combination of both penalties.

Section 5. General Ordinance Number 442, and General Ordinance Number 749, as amended by General Ordinance Number 1024, are hereby repealed. The repeal of these ordinances shall not have any effect upon the existing agreements between the City and the United States Department of Agriculture and the United States Forest Service, and said agreements shall continue to remain in full force and effect.

Passed by City Council and approved by the Mayor December 8, 1997.