

RESOLUTION NO. 2024-03

A RESOLUTION DIRECTING CITY STAFF TO CLOSE CITY TRAILS THAT ARE USED TO ACCESS RECREATIONAL AREAS AND POST “NO ACCESS” SIGNS

WHEREAS, Oregon law (ORS 105) provides the landowner is not liable for injury, death, or property damage that arises out of the use of the land for recreational purposes (known as “recreational use immunity”); and

WHEREAS, the Oregon Court of Appeals and Oregon Supreme Court have repeatedly issued rulings that have the effect of striking down some, or all, of the Legislature’s recreational use immunity statute; and

WHEREAS, the City’s provider of insurance liability coverage, CIS (City County Insurance Services), has recommended that local governments close trails and install signs noticing the closures; and

WHEREAS, the City does not have the staff or resources to maintain all existing access trails; and

WHEREAS, the City does not have the staff or resources to provide enforcement staff to ensure sign compliance.

NOW, THEREFORE, BE IT RESOLVED THAT

Section 1. The City Council hereby directs City staff to close trails that are used to access recreational areas, including beach access points, by posting “No Access” signs.

Section 2. The City Council hereby makes a policy decision not to attempt to enforce “No Access” sign warnings.

Section 3. If the State enacts legislation that effectively restores recreational immunity, the City Manager is authorized to direct staff to remove “No Access” signs.

Section 4. This Resolution shall be effective immediately upon adoption.

SIGNATURE PAGE FOLLOWS

APPROVED AND ADOPTED BY THE CITY COUNCIL THE 10TH DAY OF JANUARY 2024.

APPROVED


Charles McNelly, Mayor 

ATTEST


Melissa Thompson, City Recorder