

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 13-4

IN THE MATTER OF ADDING
CHAPTER 19 TO THE LANE CODE TO
ADD PROVISIONS FOR USE OF THE
DESIGNATED FREE SPEECH AREA
(LC 19.100-12.120)

WHEREAS, certain changes to Lane Code are desired to add provisions for use of the designated free speech area; and

WHEREAS Lane Code Chapter 19 is created; and

WHEREAS, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

NOW, THEREFORE, the Board of County Commissioners of Lane County ORDAINS as follows:

Lane Code is updated by removing, substituting and adding the following sections:

REMOVE THESE SECTIONS

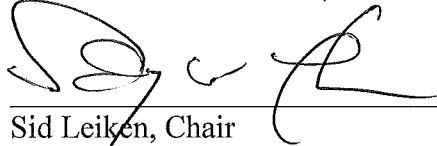
INSERT THESE SECTIONS

n/a

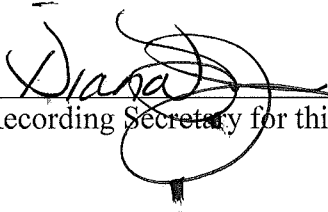
19

Amended sections are attached and incorporated herein by reference.

ENACTED this 17th day of September, 2013.



Sid Leiken, Chair
Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date

9-3-13

LANE COUNTY OFFICE OF LEGAL COUNSEL

Chapter 19

LANE COUNTY DESIGNATED FREE SPEECH AREA TIME, MANNER AND PLACE PROVISIONS

19.100 Purpose and Findings

The purpose of this chapter is to establish the Lane County Designated Free Speech Area in which residents and visitors to Lane County may engage in free speech as guaranteed by the Constitutions of the State of Oregon and the United States. Lane County has long recognized freedom of speech and honors the memory of Wayne Morse through the 1984 naming of a public plaza immediately adjacent to the Lane County Courthouse as the "Wayne Morse Terrace". Previous Administrative actions recognized a specific area within the Plaza as the "actual free speech area".

19.110 Definitions.

For purpose of this chapter, the following words and phrases have the meanings ascribed:

Actual Free Speech Area: An area within the Wayne Morse Terrace, beginning at the podium west of Harris Hall, a semi-oval area contained by the Wayne Morse statue on the south and the planter areas to the west and north, and measuring approximately 71' x 73'.

Camp: Means to set up or to remain in or at a campsite.

Campsite: Means any place where any bedding, sleeping bag, or other material used for bedding is placed to maintain a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

Organized user: An individual or group of individuals whose intent is to utilize the free speech area to exercise their free speech rights.

Wayne Morse Terrace: The front plaza of the Lane County Courthouse, abutted by W 8th Avenue and Oak St, so designated by Lane County Board Order No. 84-6-19-2.

19.115 Limits on Use

- (1) The Designated Free Speech Area is open from 6AM-11PM.
- (2) Users of the Free Speech Area may not create a nuisance as otherwise defined in Lane Code or Eugene Municipal Code.

19.120 Permitted Use Required

- (1) A utility permit must be acquired for any use of the Designated Free Speech Area that requires electricity.
- (2) The County Administrator or designee will establish procedures for the actual issuance of permits consistent with Chapter 60 of the Lane Manual.
- (3) Fees. Utility permit fees shall be established by separate Order of the Board.

19.125 Enforcement

Unauthorized use of the Designated Free Speech Area may be punishable as trespass under Lane Code §6.025 and the City of Eugene Municipal Code §4.815.

At left margin indicates changes
Bold indicates material being added
Strikethrough indicates material being deleted

LEGISLATIVE
FORMAT

19.100

Lane Code

19.125

Chapter 19

LANE COUNTY DESIGNATED FREE SPEECH AREA TIME, MANNER AND PLACE PROVISIONS

19.100 Purpose and Findings

The purpose of this chapter is to establish the Lane County Designated Free Speech Area in which residents and visitors to Lane County may engage in free speech as guaranteed by the Constitutions of the State of Oregon and the United States. Lane County has long recognized freedom of speech and honors the memory of Wayne Morse through the 1984 naming of a public plaza immediately adjacent to the Lane County Courthouse as the "Wayne Morse Terrace". Previous Administrative actions recognized a specific area within the Plaza as the "actual free speech area".

19.110 Definitions.

For purpose of this chapter, the following words and phrases have the meanings ascribed: Actual Free Speech Area: An area within the Wayne Morse Terrace, beginning at the podium west of Harris Hall, a semi-oval area contained by the Wayne Morse statue on the south and the planter areas to the west and north, and measuring approximately 71' x 73'.

Camp: Means to set up or to remain in or at a campsite.

Campsite: Means any place where any bedding, sleeping bag, or other material used for bedding is placed to maintain a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

Organized user: An individual or group of individuals whose intent is to utilize the free speech area to exercise their free speech rights.

Wayne Morse Terrace: The front plaza of the Lane County Courthouse, abutted by W 8th Avenue and Oak St, so designated by Lane County Board Order No. 84-6-19-2.

19.115 Limits on Use

- (1) The Designated Free Speech Area is open from 6AM-11PM.
- (2) Users of the Free Speech Area may not create a nuisance as otherwise defined in Lane Code or Eugene Municipal Code.

19.120 Permitted Use Required

- (1) A utility permit must be acquired for any use of the Designated Free Speech Area that requires electricity.
- (2) The County Administrator or designee will establish procedures for the actual issuance of permits consistent with Chapter 60 of the Lane Manual.
- (3) Fees. Utility permit fees shall be established by separate Order of the Board.

19.125 Enforcement

Unauthorized use of the Designated Free Speech Area may be punishable as trespass under Lane Code §6.025 and the City of Eugene Municipal Code §4.815.