

ORDINANCE NO. 1290

AN ORDINANCE ESTABLISHING CHAPTER 92.60 OF THE PRINEVILLE MUNICIPAL CODE LIMITING LIABILITY FOR USE OF CERTAIN RECREATIONAL PROPERTY AND DECLARING AN EMERGENCY

Whereas, ongoing litigation relating to recreational immunity has severely limited the statutory protections afforded to local jurisdictions, including the City of Prineville (“City”).

Whereas, due to the uncertainty of a potential legislative resolution to this concern, the City in conjunction with its insurance provider, has begun taking steps necessary to protect the City from potential liability relating to recreational locations, including trails.

Whereas, the statutory liability limitation contained in ORS 105.668 automatically applies to cities with a population greater than 500,000 but requires small municipalities to affirmatively adopt the liability limitation to be afforded such protections.

Whereas, the proposed Chapter 92.60 of the Prineville Municipal Code is attached hereto as Exhibit A.

Whereas, due to the recent caselaw developments relating to the applicability of recreational immunity to local jurisdictions, and the potential liability exposure to the City of Prineville, the City Council believes that a state of emergency exists, and this Ordinance should become effective immediately upon passage.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE DO ORDAIN AS FOLLOWS:

1. Prineville Municipal Code Chapter 92.60 entitled “Liability Limitation Resulting From Use of Trails In A Public Easement Or Unimproved Right-of-Way Under ORS 105.668,” is hereby established, as outlined in the attached Exhibit A.

2. This Ordinance, being necessary for the immediate preservation of public peace, health, and safety of the City of Prineville, an emergency is declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage.

Presented for the first time at a regular meeting of the City Council held on May 14, 2024, and passed unanimously therein.

Rodney J. Bebee, Mayor

ATTEST:

Lisa Morgan, City Recorder