

ORDINANCE NO. 1162-A

INTRODUCED BY COMMISSIONER: Mark Kujala

AN ORDINANCE LIMITING LIABILITY FOR PERSONAL INJURY
OR PROPERTY DAMAGE FOR USE OF A TRAIL OR USE OF A STRUCTURE
IN A PUBLIC EASEMENT OR UNIMPROVED RIGHT OF WAY

The City of Warrenton Ordains as follows:

Section 1. As allowed by ORS 105.668(3), the City opts to limit liability as provided by ORS 150.668 (2), as follows:

A personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim or right of action based on negligence against:

- A. The city;
- B. The officers, employees or agents of the city to the extent the officers, employees or agents are entitled to defense and indemnification under ORS 30.285;
- C. The owner of land abutting the public easement, or unimproved right of way, in the city; and
- D. A nonprofit corporation and its volunteers for the construction and maintenance of the trail or the structures in a public easement or unimproved right of way in the city.

Section 2. This ordinance shall take effect 30 days after its passage.

ADOPTED BY THE CITY COMMISSION of the City of Warrenton this 28 th day of February, 2012.

First Reading: 2-~~15~~²⁸-12

Second Reading: 2-28-12

APPROVED


Karl R. Hellberg, Mayor

ATTEST


Linda Engbretson, City Recorder