

RESOLUTION NO. 24-11

A RESOLUTION ESTABLISHING IMMUNITY FROM CERTAIN PERSONAL INJURY OR PROPERTY DAMAGE CLAIMS DESCRIBED IN ORS 105.668, AS AMENDED BY SENATE BILL 1576

WHEREAS, the Oregon City Commission finds that the Oregon Legislature enacted Senate Bill (SB) 1576 in its 2024 Regular Session; and

WHEREAS, SB 1576 (2024) amended ORS 105.668, which limits private claims or rights of action based on negligence for 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 non-motorized vehicle or conveyance” (ORS 105.668); and

WHEREAS, the Commission finds that ORS 105.668 applies automatically to cities with a population of 500,000 or more and allows cities with a lesser population to opt to limit liability in the manner established by the law; and

WHEREAS, the Commission finds that the City of Oregon City will limit its liability from certain claims by opting in to the immunity provided for in ORS 105.668.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

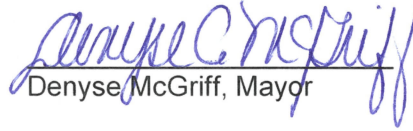
Section 1. Immunity. Pursuant to ORS 105.668(3)(a) and (b), the City of Oregon City, on behalf of itself and its officers, employees and agents, hereby opts to limit liability in the manner established by ORS 105.668(2) with respect to personal injury or property damage resulting from use of a trail in a public easement or an unimproved right of way, or from use of structures in the public easement or unimproved right of way, with respect to claimants who may be a user on foot, on a horse or on a bicycle, or other non-motorized vehicle or conveyance.

Section 2. Extended Immunity. Pursuant to ORS 105.668(3)(c) and (d), the City of Oregon City further opts to extend the immunity adopted in Section 1 of this Resolution to:

- a. The owner of land abutting public easements and unimproved right of ways located within the City; and
- b. Any nonprofit corporation and its volunteers for the construction and maintenance of trails or structures in a public easement or unimproved right of way located within the City.

Section 3. Effective Date. This resolution shall take effect immediately upon its adoption. This resolution shall take effect immediately upon its adoption by the City Commission

Approved and adopted at a regular meeting of the City Commission held on the 17th day of April 2024.


Denyse McGriff, Mayor

Attested to this 17th day of April 2024

Approved as to legal sufficiency:



Jakob Wiley, City Recorder



Carrie Ruck
City Attorney