

LINCOLN COUNTY ORDINANCES

Effective June 16, 2018

ORDINANCE 2018-02 – LITTER CONTROL

This ordinance applies to the whole of Lincoln County besides properties located within incorporated municipalities that have ordinance making powers.

2018-02-01 – TITLE

This ordinance may be cited as the “Lincoln County Litter Ordinance.”

2018-02-02 – DEFINITIONS

As used in this ordinance, the following definitions apply:

- (1) “Agency” means the Lincoln County Health Department, the Lincoln County Sheriff’s Office, and all other duly appointed Lincoln County law enforcement officers having jurisdiction.
- (2) “Garbage disposal site” means any landfill, transfer station, recycling facility, or remote dumpster location designated and maintained for refuse collection by Lincoln County or a private waste management or recycling company.
- (3) (a) “Junk vehicle” means a motor vehicle, including recreational vehicles such as dirt bikes, ATVs, or snowmobiles, or their disconnected components:
 - (i) that is discarded, ruined, wrecked, or dismantled
 - (ii) that is not lawfully and validly licensed; and
 - (iii) that remains inoperative or incapable of being driven.(b) If a vehicle is permanently registered but otherwise meets the criteria for a junk vehicle under (3)(a), the vehicle is a junk vehicle.
- (4) “Litter” means any quantity of uncontained or openly stored materials which may be classed as trash, debris, rubbish, refuse, garbage or junk, including but not limited to:
 - (a) any worn out or discarded article or material that is ready for destruction or has been collected or stored for recycling or salvage;
 - (b) old or scrap metals, wire, rope, rags, batteries, paper, tires, cardboard, plastic, cans, wood, concrete, glass, crockery, or rubber;
 - (c) dead domestic animals;
 - (d) animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food that is not incorporated into a properly maintained compost system;
 - (e) discarded, broken, or unusable furniture, fencing, or building materials;
 - (f) discarded, broken, or non-functioning appliances, campers, mobile homes, boats, junk vehicles, machinery, fixtures, or any component parts thereof, that

are serving no apparent purpose, or will not be made to function within a reasonable time;

- (g) As used in this ordinance, “litter” may not be defined as or construed to apply to:
 - (i) Normal facilities and appurtenances of farming, ranching, logging, mining, agricultural operations, or other natural resource based industries during their normal operation;
 - (ii) Lead, steel, copper, or brass deposits directly resulting from shooting activities at a shooting range;
 - (iii) Construction or demolition projects during the active period of the project or a reasonable time thereafter;
 - (iv) Materials used in the normal course of servicing, manufacturing, or processing other materials or products, so long as the materials are neatly stacked or piled.
- (5) “Openly stored” means kept or accumulated in a way that is readily visible from any public place, regardless of whether the litter is confined within or outside of a fence or other natural or man-made enclosure, or covered in whole or in part.
- (6) “Public place” means any area, whether privately or publicly owned, to which the public have access by right or by invitation, expressed or implied; this definition includes any public roads or rights of way.
- (7) “Public road” means any highway, street, road, or alley that is a publicly maintained way open to the public for vehicular travel.
- (8) “Uncontained” means not properly confined to a garbage can or dumpster and not covered with a properly fitting lid; this definition includes any garbage kept in a plastic bag that is otherwise openly stored.
- (9) “Uncovered or unsecured load” means a load that is not protected from the wind or is loaded in a manner that litter may fall or spill on the ground.

2018-02-03 – LITTERING PROHIBITIONS

- (1) It is unlawful for an owner, lessee, or occupant of private property to allow litter to accumulate on his or her property.
- (2) It is unlawful for any person to deposit or scatter litter in a public place outside a designated garbage can, dumpster, or garbage disposal site.
- (3) It is unlawful for any person to transport garbage or refuse on a public road as an uncovered or unsecured load.

2018-02-04 – ENFORCEMENT

- (1) All duly appointed officers of the Agency are authorized to enforce the provisions of this ordinance.
- (2) The Agency has the following authorities and responsibilities:

- (a) The authority to inspect from a public location when a potential violation or complaint has been reported;
- (b) The authority to determine whether this ordinance applies after inspecting the property or area;
- (c) The authority to set a deadline for compliance and to approve or disapprove a proposed compliance plan;
- (d) The authority to serve a written Notice to Appear and Complaint on the person who violates any section of this ordinance, and the responsibility to file the Notice and Complaint in Justice Court;
- (e) The responsibility to provide the County Attorney with sufficient documentation to enable him or her to prosecute the violation as a misdemeanor.

2018-02-05 – PENALTIES

Any violation of the provisions of this ordinance shall constitute a misdemeanor punishable, upon conviction, by a fine not to exceed \$200.00 per violation. Violation of this ordinance may not be punishable by imprisonment. Each day the violation exists is a separately punishable offense.

ORDINANCE 2018-03 – DOG CONTROL

This ordinance applies to the whole of Lincoln County besides properties located within incorporated municipalities that have ordinance making powers.

2018-03-01 – TITLE

This ordinance may be cited as the “Lincoln County Dog Control Ordinance”

2018-03-02 – DEFINITIONS

As used in this ordinance, the following definitions apply:

- (1) “Animal” means any domesticated animal or livestock.
- (2) “At Large” means off the premises of its owner and not under the immediate control of its owner or authorized agent by the owner, either by leash, voice, or signal control; or by complete confinement within or upon a vehicle. Dogs controlling or protecting livestock or engaged in other agriculture related activities, dogs engaged in hunting related activities, and police service dogs are excluded from this definition. Behaviors included within the definition of “at large” include, but are not limited to, any of the following:
 - (a) Chasing vehicles or bicycles in public streets, ways, parks, or easements;
 - (b) Rummaging through or scattering garbage or rubbish;
 - (c) Interfering with vehicular or pedestrian traffic.

- (3) “Bite” means a laceration, bruise, or puncture inflicted by the teeth of a dog.
- (4) “Officer” means any duly appointed law enforcement officer having jurisdiction within Lincoln County or other duly appointed and qualified Animal Control Officer designated by the Board of County Commissioners to enforce the provisions of this ordinance.
- (5) “Owner” means any person who owns, harbors, or keeps a dog.
- (6) “Vaccination” means the inoculation of a dog or cat with anti-rabies vaccine, administered by a licensed veterinarian.
- (7) “Vicious Dog” means a dog which harasses, chases, bites, or attempts to bite any human being without provocation or which harasses, bites, or attempts to bite any other animal without provocation. A police service dog that bites or chases any person while engaged in the lawful performance of its duties is not considered a vicious dog under this ordinance.

2018-03-03 – DOG LICENSING, LICENSE TAGS, AND EXEMPTIONS

- (1) It is unlawful for any person to keep, harbor, or maintain in Lincoln County any dog over six (6) months of age unless the dog is duly registered and licensed in accordance with Lincoln County Health Department’s written policies and regulations, or is exempted under such policies.
- (2) Failure to license a dog in violation of this ordinance constitutes a misdemeanor punishable by imprisonment in the Lincoln County Jail not to exceed one (1) week, a fine not to exceed \$25.00, or both.

2018-03-04 – DOGS AT LARGE

- (1) It is unlawful for the owner or person having charge, care, custody, or control of any dog to allow that dog to be at large.
- (2) Any dog found at large may be impounded by the Officer. Impoundment may result in the dog being made available for adoption, humanely euthanized, or otherwise destroyed as necessary, in accordance with Lincoln County Health Department’s written policies and regulations.

2018-03-05 – VICIOUS DOGS

- (1) It is unlawful for any person to keep, harbor, or maintain any vicious dog in Lincoln County unless the dog is:
 - (a) Securely and adequately confined upon the property of the owner or other person having charge, care, or control of the dog so as not to injure any person or property or be a hazard to public safety.
 - (b) Under proper restraint and leashed on a line not to exceed six (6) feet in length, properly muzzled, and under the immediate control of a person of

suitable age and discretion to control or restrain the dog, while off the premises of the owner.

- (2) If a vicious dog is not being effectively controlled as provided for in this ordinance, the Officer may restrain, control, humanely euthanize, impound, or quarantine the dog.
- (3) If any dog bites any person in the county, the following procedure must be followed:
 - (a) The person bitten, or that person's parent or guardian, must immediately report the dog bite to Lincoln County Health Department.
 - (b) The owner of the vicious dog may be required to surrender the dog to the Officer or the Lincoln County Health Department for quarantine within twenty-four (24) hours after service of the order. The order may be served by the Officer. If the owner cannot be found at his place of residence, the order may be served by leaving it with a person of suitable age and discretion at, or by placing it in a prominent place at the front door of, the residence.
 - (c) It is unlawful for any person to refuse or neglect to surrender any vicious dog within twenty-four (24) hours after service of the order as herein provided, and the Officer will seize and impound the dog at the owner's expense. If the owner is unknown and the dog is running at large, the Officer may seize and impound the dog without notice.
 - (d) All dogs impounded under this section will be quarantined in accordance with Lincoln County Health Department's written policies and regulations.
 - (e) It is unlawful for any person to remove any dog that is quarantined under this section from the place of quarantine without written permission of the Lincoln County Health Department.

2018-03-06 – BARKING OR HOWLING DOGS

- (1) It is unlawful for any person to own, keep, harbor, or maintain any dog, which unreasonably annoys or disturbs the peace and quiet of any person by undue barking or howling.
- (2) This Section does not apply to a dog owned, kept, or harbored at the Lincoln County Animal Shelter or as part of the business of a licensed veterinarian, animal boarding facility, or agricultural or livestock operation.

2018-03-07 – ENFORCEMENT

- (1) All duly appointed Lincoln County law enforcement and Animal Control Officers are authorized to enforce the provisions of this ordinance.
- (2) The Officer has the following authorities and responsibilities, in addition to responsibilities otherwise outlined in this ordinance:

- (a) The authority to investigate a complaint or potential violation of this ordinance;
 - (b) The authority to restrain, control, impound, quarantine, humanely euthanize, or otherwise destroy any dog as permitted by this ordinance.
 - (c) The authority to serve a written Notice to Appear and Complaint on the person who violates any section of this ordinance, and the responsibility to file the Notice and Complaint in Justice Court;
 - (d) The responsibility to provide the County Attorney with sufficient documentation to enable him or her to prosecute the violation as a misdemeanor. Evidence of a violation of any section of this ordinance may include, but is not limited to, the following:
 - (i) Written affirmation or statement from a witness
 - (ii) Video or audio recording, photographs, or written documentation
 - (iii) Documentation by the Officer.
- (3) It is unlawful for any person to knowingly and intentionally interfere with any Officer in the lawful discharge of the duties prescribed by this ordinance.

2018-03-08 – PENALTIES

- (1) Violation of any part of this ordinance will constitute a misdemeanor punishable by imprisonment in the Lincoln County Jail not exceeding six (6) months or by a fine not to exceed \$500.00, or both, unless a specific penalty for the violation is defined in this ordinance.
- (2) The penalty for a violation of Section 5 of this ordinance, “Vicious Dog”, may include humane euthanasia of the dog.

ORDINANCE 2018-04 – PARK RULES

This ordinance applies to all designated parks or public recreation areas owned or administered by Lincoln County within Lincoln County.

2018-04-01 – TITLE

This ordinance may be cited as the “Lincoln County Parks Ordinance.”

2018-04-02 – DEFINITIONS

As used in this ordinance, the following definitions apply:

- (1) “Camp” means to set up or to remain in or at a campsite.
- (2) “Campsite” means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained as a place to dwell or sleep, regardless of whether the place incorporates the use of any tent, lean-to, shack, or any other structure or vehicle.
- (3) “Board” means the Board of County Commissioners.

2018-04-03 – PARK RULES

The following rules apply to all designated parks or public recreation areas owned or administered by Lincoln County.

- (1) No person may discharge any fireworks, firearm, air or gas weapon (including paintball guns), or arrow from a bow on or over either land or water unless specifically authorized by the Board.
- (2) No person may permit a domesticated animal to run at large. Pets must be restrained or kept on a leash at all times except within designated dog park areas.
- (3) No motor vehicle may be driven off authorized roads, except into designated parking areas.
- (4) No motor vehicle may be driven at a speed greater than the posted speed limit.
- (5) No person may park any vehicle, trailer, camper, or boat except in designated parking areas.
- (6) No person may camp overnight without prior permission from the Board.
- (7) No person may build or maintain a fire unless in a designated fire pit.
- (8) No person may destroy, deface, injure, remove, or otherwise damage any natural or improved property or willfully or negligently cut, destroy, or mutilate any tree, shrub, or plant.
- (9) No person may disturb or remove the topsoil cover.
- (10) No unauthorized person may enter upon any portion of any area that is posted as restricted to public passage.
- (11) No person may dump fish or animals or parts thereof, human excrement, refuse, rubbish, or wash water (except in receptacles provided for this purpose), nor pollute or litter in any manner.
- (12) No commercial or political signs may be posted without prior permission from the Board.
- (13) No person or group may use these lands for any commercial purpose without prior permission from the Board and meeting any necessary insurance or liability requirements.
- (14) No group of more than fifty (50) people may use a County administered recreation area except with prior permission from the Board.
- (15) No person may operate motorized over-the-snow equipment in any area unless specifically designated for that type of use.
- (16) The hours of public use for all county parks and recreation facilities are from 6:00 a.m. to 11:00 p.m. Public use is prohibited from 11:00 p.m. to 6:00 a.m. unless otherwise specified or permitted by the Board.

2018-04-04 – PERMISSIONS

Permission required under this ordinance may be obtained by contacting the County Commissioner of the District in which the specific park or recreational area is located.

2018-04-05 – ENFORCEMENT

- (1) All duly appointed Lincoln County law enforcement officers are authorized to enforce the provisions of this ordinance.
- (2) Law enforcement officers have the following authorities and responsibilities:
 - (a) The authority to investigate a complaint or potential violation of this ordinance;
 - (b) The authority to expel or remove any person who violates any section of this ordinance or other state law from the area.
 - (c) The authority to serve a written Notice to Appear and Complaint on the person who violates any section of this ordinance, and the responsibility to file the Notice and Complaint in Justice Court;
 - (d) The responsibility to provide the County Attorney with sufficient documentation to enable him or her to prosecute the violation as a misdemeanor.

2018-04-06 – PENALTIES

Except as otherwise provided by state law regarding conduct regulated under this ordinance, any violation of this ordinance constitutes a misdemeanor, punishable upon conviction by a fine not to exceed \$200.00 per violation. Violation of this ordinance may not be punishable by imprisonment.