

**BEFORE THE CITY COUNCIL FOR THE CITY OF  
LAFAYETTE, OREGON**

**A RESOLUTION LIMITING CITY )  
LIABILITY FROM CLAIMS OF PERSONAL )  
DAMAGE ARISING FROM PUBLIC USE FOR)  
RECREATIONAL AND OTHER PURPOSES )**

**RESOLUTION NO. 2024-08**

THE CITY COUNCIL (the "Council") OF THE CITY OF LAFAYETTE, OREGON (the "City") sat for the transaction of City business on Thursday, June 18, 2024 at 6:30 p.m. in the Council Chambers of Lafayette City Hall.

**WHEREAS**, the Oregon Public Use of Lands Act was passed in 1995 with the goal of encouraging public and private owners of land to make their land available to the public for recreational purposes free of charge; and

**WHEREAS**, Oregon Revised Statutes (ORS) 105.668 has provided that landowners, both public and private, who made their land available without charge for recreational use by the public were not liable if a person was injured while using the land for recreational and other purposes; and

**WHEREAS**, the City seeks to avail itself of the protection afforded by ORS 105.672 to 105.696 which is collectively referred to as "recreational immunity law"; and

**WHEREAS**, the "recreational immunity law" in ORS 105.672 to 105.696 has been modified by the Legislature numerous times including an important change through the 2024 session Senate Bill 1576 which became effective March 27, 2024; and

**WHEREAS**, SB 1576 (2024) provides for cities to opt into the reestablished liability protections of recreational immunity which were affected by a recent Oregon Court of Appeals ruling; and

**WHEREAS**, the City desires to continue to permit the public recreational use of City property while maintaining the liability protections afforded by the recreational immunity law; and

**WHEREAS**, the City of Lafayette has trails or structures within its public easements and unimproved rights of way that may be used by the public for activities such as walking, hiking, or biking; and

**WHEREAS**, the City of Lafayette finds that the city's trails and structures are an important public amenity, that the public's use of such trails or structures is important for the health and enjoyment of the community, and that use should be encouraged; and

**WHEREAS**, the City of Lafayette finds that it is important to protect the city, adjacent property owners, and certain nonprofit groups who provide the public with access to and perform maintenance for such trails and structures so that the public may continue to access such trails and structures; and

**WHEREAS**, the City of Lafayette finds that adopting the limitation of liability in ORS 105.668 will provide the city, adjacent property owners, and the public with such protection and will encourage the public's continued use of trails and structures in the public easements and unimproved rights of way.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF LAFAYETTE, AS FOLLOWS:**

**Section 1:** The above findings are hereby adopted.

**Section 2:** The above Whereas clauses are hereby adopted.

**Section 3:** The City hereby opts into the immunity from liability for personal injury or property damage resulting from the use of trails or structures in a public easement or in an unimproved right of way provided by ORS 105.668.

**Section 4:** the City hereby adopts to the maximum extent allowed by ORS 105.672 to 105.696 and Sections 5 and 6 of the 2024 Act Senate Bill 1576, immunity from liability for personal injury or property damage resulting from the use by the public of any City property or easement, either improved or unimproved.

**Section 5: Severability.** If any provision, section, phrase, or word of this Resolution or its application to any person or circumstance is held invalid, the invalidity does in affect other provision that can be given effect without the invalid provision or application.

**Effective Date:** This resolution is effective as of the date of its adoption.

This resolution shall be and is effective from and after its passage by the Council.

**ADOPTED** by the City Council this 18<sup>th</sup> day of June 2024.

**VOTE:** Ayes: 5 Nays: 0 Abstentions: 0 Absent: 0 Vacancies: 1

**CERTIFIED:**

**ATTEST:**

  
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Hilary Malcomson, Mayor

  
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Kennedee Richardson, City Recorder