RESOLUTION NO. 2024-03

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 City Council (Council) of the City of Garibaldi (City) finds that the Oregon Legislature enacted Senate Bill (SB) 1576 in its 2024 Regular Session; and

WHEREAS, ORS 105.668, as amended by SB 1576, 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 nonmotorized vehicle or conveyance" (ORS 105.668); and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Garibaldi as follows:

SECTION 1 Immunity. Pursuant to ORS 105.668(3)(a) and (b), the City of Garibaldi, 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 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, with respect to claimants who may be a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance.

SECTION 2 Extended Immunity. Pursuant to ORS 105.668(3)(c) and (d), the City of Garibaldi 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.

ADOPTED by the City Council of Garibaldi and APPROVED by the Mayor of Garibaldi this 15th day of April, 2024.

K Findling

Katie Findling, Mayor

ATTEST:

Gene Welch

City Manager, Pro. Tem