

**RESOLUTION NO. 02-2024**

**A RESOLUTION OPTING-IN TO ORS 105.668, TO ESTABLISH IMMUNITY FROM CERTAIN PERSONAL INJURY AND PROPERTY DAMAGE CLAIMS**

**WHEREAS**, The City Council of the Oakridge finds that the Oregon State Legislature enacted House Bill 2865 in its 2011 Regular Session, which then became codified in law in ORS 105.668; and

**WHEREAS**, ORS 105.668 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, on a bicycle, or on any other nonmotorized vehicle or conveyance; and

**WHEREAS**, The Oakridge City 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 in to limit liability in the manner established by the law; and

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

**NOW THEREFORE, BE IT HEREBY RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF OAKRIDGE, OREGON**, as follows:

Section 1. The City of Oakridge, on behalf of its officers, employees and agents, hereby opts to limit its liability 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, on a bicycle, or on any and all other nonmotorized vehicle or conveyance.

Section 2. 2. The City of Oakridge further opts to extend the immunity contained in Section 1 of this resolution and ORS 105.668 to:


- a. The owner of land abutting the public easement in the city, and unimproved right- of-way in the City; and
- b. All nonprofit organizations and their volunteers engaged in the construction or maintenance of any trails or structures in a public easement or in an unimproved right-of-way in the city.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Oakridge, that this Resolution be adopted in its entirety.

**BE IT FURTHER RESOLVED** that this resolution shall be effective immediately upon passage.

**PASSED BY THE COUNCIL** of the City of Oakridge this 2 day of February, 2024.

**APPROVED AND SIGNED BY THE MAYOR** of the City of Oakridge this 2 day of February, 2024.

Signed:   
\_\_\_\_\_  
Bryan Cutchen, Mayor

Attest:   
\_\_\_\_\_  
Jackie Taylor, City Recorder

Ayes: 5

Nays: 0