

ORDINANCE NO. 149475

An Ordinance amending Chapter 20, Parks and Recreation, of the Code of the City of Portland by adding a new Section 20.12.215 to permit closure of any park or any part thereof at any time by the Commissioner in charge of the bureaus of parks or police, superintendent of the Bureau of Parks, or his designee, or an officer of the Bureau of Police, based upon designated criteria, making it unlawful to enter or remain in a park or part thereof that has been closed, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

- (1) That from time to time situations develop wherein it is desirable in the interest of public safety and health to close a park and to request those present in the park to leave such park.
- (2) That the Commissioner in Charge of the Bureau of Parks or Bureau of Police, the superintendent of the Bureau of Parks, or his designee, or an officer of the Bureau of Police should be authorized to close any park or any part thereof at any time in the interest of public safety or health, based upon specified criteria for determining that such closure is necessary.
- (3) That Chapter 20, Parks and Recreation, of the Code of the City of Portland should be amended to provide for park closure in such incidences and make it unlawful for any person in case of such closure to enter a park or any part thereof that has been closed or to remain in such park or part thereof after having been notified of the closure and having been requested to leave.

NOW, THEREFORE, the Council directs:

- (a) Chapter 20, Parks and Recreation, of the Code of the City of Portland is hereby amended by adding a new Section 20.12.215 as follows:

20.12.215 Parks may be closed at any time if deemed necessary. (1) Notwithstanding section 20.12.210 of this chapter, the commissioner in charge of the bureaus of parks or police, the superintendent of parks or his designee, or an officer of the bureau of police may close any park, or any part thereof, at any time by erecting barricades prohibiting access to any such park, or part thereof, at appropriate locations. Notices that any park, or part thereof, is closed shall be posted at appropriate locations during the period of such closure, if feasible; however, failure to post such notices shall not invalidate such closure nor shall it be a defense to a charge of violating this section of the code.

(2) The commissioner in charge of the bureaus of parks or police, the superintendent of the bureau of parks, or his designee, or an officer of the bureau of police, may close any park, or any part thereof, in accordance with this section, in the interest of public safety and health, and such decision for closure shall be based upon one or more of the following criteria or conditions existing in or near that park:

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- (a) life or property appear to be endangered and other means cannot reasonably be utilized to eliminate the danger;
- (b) the overcrowding of persons or vehicles has occurred so that necessary access to emergency assistance or emergency vehicles is unavailable;
- (c) park property or other property located near the park reasonably appears to be endangered;
- (d) that (1) loud and unreasonable noise, (2) fighting, (3) violent or tumultuous or threatening behavior, or (4) abusive or obscene language or gestures is occurring and is caused by sufficient numbers of persons so that other means cannot reasonably be utilized to eliminate the condition(s);
- (e) a hazardous condition exists;
- (f) that violation(s) of criminal offenses or ordinances is occurring and is caused by sufficient numbers of persons so that other means cannot reasonably be utilized to eliminate the conditions;
- (g) other conditions exist such that the safety of persons or property cannot reasonably be assured.

(3) During the period of closure of a park in accordance with this section, it shall be unlawful for any person to enter such park or any part thereof that has been closed, or to remain in such park, or part thereof, after having been notified of the closure and having been requested to leave by the Commissioner in charge, the superintendent or his designee, or an officer of the bureau of police. Such closure shall not exceed eighteen (18) hours without the written approval of the Commissioners in charge of the Bureau of Police and the Bureau of Parks.

Section 2. The Council declares:

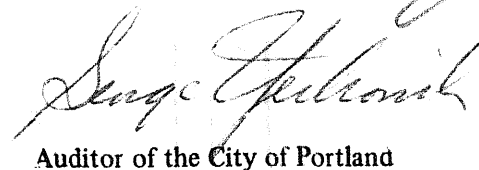
That in order that park closures in particular instances may be authorized in the interest of public safety or health without delay, therefore, an emergency exists, and this ordinance will be in force and effect from and after its passage by the Council.

Passed by the Council, APR 17 1980

Commissioner Schwab, and
Commissioner Jordan
April 1, 1980
KHScoumperdis/fg

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

Calendar No. 1372

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Title

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THURSDAY

Filed APR 11 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Deanna Houston*
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Commissioner Schwab, and Commissioner Jordan

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety <i>Q</i>
Utilities
Works

BUREAU APPROVAL	
Bureau:	
Prepared By: KHScomperdis/fg	Date: April 1, 1980
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head:	

NOTED BY
City Attorney
City Auditor
City Engineer <i>GC</i>