

ORDINANCE NO. 151390

An ordinance amending Title 14, Public Peace, Safety and Morals, Chapter 14.24, Maintaining public order, by enacting a new section, Section 14.24.170, Authority to restrict access to certain areas, to temporarily restrict access to certain dangerous areas where officers of the Bureau of Police and other emergency services personnel are carrying out their official duties, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That certain emergency situations arise that require temporary restriction of access to an area, to allow proper performance of the public peace, health and safety functions, to safeguard evidence of criminal acts, and to insure the safety of individual members of the public and emergency services personnel.
2. That officers of the Bureau of Police are not specifically authorized to restrict access to such areas without a mayoral declaration of emergency.
3. That police officers should, therefore, be granted authority to restrict access to certain areas, under specified conditions, for a reasonable length of time.

NOW, THEREFORE, the Council directs:

- a. That Chapter 14.24, Maintaining public order, of the Code is hereby amended by enacting a new section as follows:

14.24.170 Authority to restrict access to certain areas.

(a) Whenever a threat to the public health or safety is created by any fire, explosion, accident, cave-in, or similar emergency, catastrophe or disaster, or by disturbance, riot, presence of an armed person, hostage being held, or other disturbance, an officer,

of the rank of sergeant or above, of the Bureau of Police may restrict or deny access to persons to the area where such threat exists, for the duration of such threat, when the presence of such persons in such area would constitute a danger to themselves or when such officer reasonably believes that the presence of such persons would substantially interfere with the performance of police or other emergency services.

(b) Whenever it appears to be reasonably necessary to investigate, or to preserve or collect evidence of, criminal acts, an officer of the Bureau of Police may restrict or deny access to any room, building or enclosure, or any open area, by cordoning off such area by the use of persons, vehicles, ropes, markers or any other means.

(c) As used in this section, "restrict or deny access" means that officers of the Bureau of Police have the authority to regulate or prohibit the presence or movement of persons or vehicles to, from, and within any area, to evacuate persons and to move or remove any property therefrom, until the reason for such restriction or denial of access no longer exists.

(d) It is unlawful for any person to enter or to refuse to leave any area closed or restricted in access pursuant to subsections (a) or (b) above, unless such person has specific statutory authority, or the permission of the on-scene ranking officer of the Bureau of Police, to be within such area.

(e) In accordance with the authority granted by this section, and in consideration of the law enforcement and emergency services needs involved, provision shall be made for reasonable access to such areas by members of the media for the purpose of news gathering and reporting.

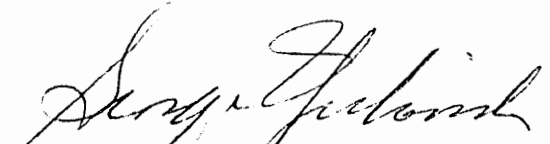
ORDINANCE No.

Section 2. The Council declares that this ordinance is necessary for the immediate preservation of the public health, safety and welfare, and, therefore, an emergency is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 9 1981**

Commissioner Jordan
KHScoumperdis:djb
April 2, 1981

Attest:


Auditor of the City of Portland

Calendar No. 1127

ORDINANCE No. 151390

Title

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Filed APR 3 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerkovich*
Deputy

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
COMMISSIONER JORDAN

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

BUREAU APPROVAL
Bureau:
Prepared By: <i>KHS</i> Date:
KHSeoulperdis:djb 4-2-81
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head:

CALENDAR
Consent <input type="checkbox"/> Regular <input checked="" type="checkbox"/>

NOTED BY
City Attorney <i>CA (KHS)</i>
City Auditor
City Engineer