

TITLE 20 - PARKS & RECREATION

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CHAPTER 20.04 - GENERAL PROVISIONS

(Chapter replaced by Ordinance No. 173530,
effective July 30, 1999.)

Sections:

20.04.010	Definitions.
20.04.020	Use Encouraged.
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20.04.010 Definitions.

(Amended by Ordinance Nos. 178282 and 183750, effective June 4, 2010.) As used in this Title, unless the context requires otherwise, the following definitions apply:

- A. **“Bureau” or “Portland Parks and Recreation”** means the Bureau of Parks and Recreation of the City of Portland.
- B. **“Commissioner”** means the Commissioner in Charge of Portland Parks and Recreation. Wherever this Title grants authority to or places responsibility on the Commissioner, that authority or responsibility may be exercised by any person designated by the Commissioner.
- C. **“Council”** means the City Council of the City of Portland, Oregon.
- D. **“Director”** means the Director of Portland Parks and Recreation, or the Bureau head, however designated. Wherever this Title grants authority to or places responsibility on the Director, that authority or responsibility may be exercised by any person designated by the Director.
- E. **“Park”** means any publicly or privately owned real property, and the buildings, structures and facilities thereon, placed under the jurisdiction of Portland Parks and Recreation for park or recreational purposes, and includes all land granted to the City for such purposes.
- F. **“Parks Reservation Center”** means the person or persons authorized by the Director to receive, process, issue or deny permits for the use of any Park.
- G. **“Park Officer”** means any of the following, while acting in the scope of employment, agency or duty:
 - 1. Any employee or agent of Portland Parks and Recreation;

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2. Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau;
3. Any person providing security services in any Park pursuant to any contract with the City when the contract delegates such exclusion authority, or providing security services pursuant to any contract with any person, firm or corporation managing the Park on the City's behalf;
4. Golf Course concessionaires and their employees;
5. In the South Park Blocks, any public safety employee of Portland State University;
6. Any person specifically designated in writing as a "Park Officer" by the Commissioner or by the Director.

H. “Field permitting Organization.” Any entity that permits or assigns permitting duties for organized sports use (as defined in Section 33.910.030) on public parks and public schools (as described in Section 33.920.480). Sections 20.04.050 through 20.04.080 of this Chapter shall apply to any site owned or operated by any school district in the City of Portland, whether or not Portland Parks and Recreation is the field permitting organization for that site.

20.04.020 Use Encouraged.

The Parks are maintained for the recreation of the public and the greatest possible use is encouraged, subject only to such regulation as will preserve the Parks for the purposes for which they are laid out and the enjoyment, convenience, and safety of all concerned.

20.04.030 Powers of the Council.

The Council, except as herein otherwise provided, shall have the general management and supervision of all Parks, squares, openings, and public grounds surrounding public buildings now owned or hereafter acquired by the City, and also shall have power to regulate and control the planting, trimming, growing, use, preservation, and maintenance of all shade or ornamental trees, shrubs, plants, or flowers in, upon, or over any street, boulevard, path, or sidewalk of the City. The Council may adopt such rules and regulations for the use, management, and supervision of the Parks, squares, openings, public grounds, and grounds surrounding public buildings, bath houses, or other places of recreation, now belonging to the City or hereafter acquired by it, as to the Council may seem reasonable and necessary.

20.04.040 Commissioner to Make Rules and Regulations.

The Commissioner is authorized to make such rules and regulations not in conflict with the ordinances of the City as the Commissioner finds necessary for the better control and management of the Parks. If any person feels aggrieved by any such rule or regulation, the person may appeal to the Council for its amendment or repeal by filing with the City

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Auditor a petition which shall be presented to the Council at its next regular meeting. Until and unless amended or repealed by the Council, any rule or regulation made by the Commissioner shall be in full force and effect as if it were an ordinance.

20.04.050 Public Notification – Recreational Fields.

(Added by Ordinance No. 183750, effective June 4, 2010.)

- A.** Field permitting organizations (FPOs) are responsible for mailing a public notice to owners of residentially-zoned property within a radius of 400 feet of the site property lines, recognized neighborhood organizations within a radius of 1,000 feet of the site property lines, and existing organized sports user groups (permit holders) of the site for any of the following proposed improvements on schools, school sites or park sites that are adjacent to residential property and that do not require a (Title 33) conditional use:
- 1.** Adding one (1) new field for organized sports use where there is current or previous (last 10 years) approved organized sports use elsewhere at the school or park site. The new field must be no more than 300 feet from the current or previous organized sports use. The addition of two (2) or more fields requires a conditional use. A new field more than 300 feet from the current or previous organized sports use requires a conditional use (see Title 33);
 - 2.** Upgrading, improving, or converting an existing recreational field for organized sports use primarily by older youth (ages 13-17) or adults (for baseball, age 10 and older), where there is no such current or previous (last 10 years) use on the subject field;
 - 3.** Bleachers or seating fixtures 210 lineal feet or smaller in size per field and less than 100 feet from an abutting residential property;
 - 4.** Concession stands 1,500 square feet or smaller in size (temporary or permanent) and within 100 feet of a residential property; or
 - 5.** Parking areas with 5 parking spaces or fewer AND within 15 feet of a residential property.
- B.** The notice shall describe in detail the type of improvements or change in use proposed. The notice shall include the type, size, location, and setbacks proposed for the field as well as the current (if any) and proposed sports user groups. The public notice of proposed field improvement will provide contact information for the neighbors to call or send written questions, comments, or concerns within 21 calendar days. If these written comments can be addressed to the neighbor's satisfaction, no further action is necessary. The FPO shall respond to these written comments in writing within 21 days.

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- C. If the FPO's written responses to the written concerns received after the public notice are not satisfactory, a public meeting can be scheduled if requested by a neighborhood association within 1,000 feet of the subject site. The request must be made within 45 calendar days of the date of the last FPO written response to comments. A Good Neighbor Agreement (GNA) may be proposed by Portland Parks and Recreation, the school district, both organizations jointly, or other appropriate FPO if there are remaining concerns after the public meeting. Neighborhood associations within 1,000 feet of the subject site may also request a GNA, in writing, within 10 calendar days of the date of the public meeting. GNAs can be linked to sports field use permits and may address a variety of compatibility issues such as:
1. Hours of use outside currently established park & school operating hours;
 2. Tournament play;
 3. Placement of fields, temporary portable restrooms, storage areas, etc.;
 4. Screening for privacy and safety (netting and/or landscaping);
 5. Noise concerns outside established noise ordinance regulations (portable music players, whistles, bullhorns, etc.);
 6. Litter, loitering, and other nuisances; and
 7. Parking usage.
- D. The field permitting organization may require sports groups and field improvement project proponents to assist with and help pay for the preparation and distribution of the required notice.

20.04.060 Good Neighbor Agreements – Recreational Fields.

(Added by Ordinance No. 183750, effective June 4, 2010.)

- A. The Director or the Director's designee is authorized to negotiate, execute and administer Good Neighbor Agreements (GNAs) under Section 20.04.050 on behalf of the City, when the City is the Field Permitting Organization (FPO).
- B. When the City is not the FPO, the FPO may negotiate, execute and administer GNAs under Section 20.04.050 according to its own internal processes.
- C. All GNAs, whether entered into by the City or by any other FPO, must comply with the Good Neighbor Agreement Policy adopted by Portland Parks & Recreation, including the process.

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20.04.070 Completion of Field Improvements.

(Added by Ordinance No. 183750, effective June 4, 2010.) If a Good Neighbor Agreement process is initiated, it must be completed or resolved before any of the proposed improvements in Section 20.04.050 A. are implemented.

20.04.080 Building Permit Applications.

(Added by Ordinance No. 183750, effective June 4, 2010.) All of the steps required in Title 20 must be completed before an applicant may apply for a building permit.

CHAPTER 20.08 - PERMITS

(Chapter replaced by Ordinance No. 173530,
effective July 30, 1999.)

Sections:

- 20.08.010 Permits Required for Park Uses.
- 20.08.020 Applications; Reservation Center to Promulgate Policies and Procedures.
- 20.08.030 Permits to be Exhibited.
- 20.08.040 Permits Subject to Ordinances and Regulations.
- 20.08.050 Permits Non-Transferrable.
- 20.08.060 Prohibited Conduct at Permitted Events.
- 20.08.070 Non-Park Use of Park Property.

20.08.010 Permits Required for Park Uses.

It is unlawful for any person to conduct or participate in any activity in a Park, for which a permit is required, unless the Parks Reservation Center has issued a permit for the activity. A permit is required for any activity in a Park under any one or more of the following circumstances:

- A. The activity is intended to involve, is reasonably likely to involve, or actually involves, as participants and/or spectators, at any one time, 150 or more persons;
- B. The activity includes the placement of any temporary or permanent structure, including but not limited to any table, bench, stage, fence, tent or other facility in a Park. No permit is required under this Subsection for the placement of any temporary facility in an area of a Park which the Director has designated for such use without a permit;
- C. The activity requires, or is reasonably likely to require, City services additional to those already provided to the public as a matter of course in the Park, including but not limited to: increased police or fire protection; the turning on or off of water; provision of utilities, such as gas, electricity or sewer; placing, removing, opening or closing bollards, gates or fences; or the special preparation of fields or other facilities;
- D. The person or persons engaged in the activity seek to exclude, or to have the right to exclude, any member of the public from the activity or from any Park or from any area of any Park;
- E. The activity is conducted in any building in any Park, except for personal use of public restrooms; or
- F. The activity includes using the Park or Park area in a manner inconsistent with uses designated by the Director for that Park or Park area, or includes conduct that

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otherwise is prohibited in a Park, including, but not limited to, conducting business, charging admission or otherwise receiving payment for goods or services related to the activity, or possessing, serving or consuming alcoholic beverages.

20.08.020 Applications; Reservation Center to Promulgate Policies and Procedures.

- A.** Any person desiring a permit under Section 20.08.010 shall apply with the Parks Reservation Center. The Parks Reservation Center, subject to the Director's approval, shall establish written policies and procedures, including but not limited to fees and standard conditions, for applications and for permits. The written policies and procedures shall be available for public inspection. Every application shall state the purpose for which the Park would be used, the date and time of the proposed use, the name of the Park, and the area thereof that would be used, the anticipated number of persons who would be present and such other information relating to the contemplated use as the Parks Reservation Center may require.
- B.** The Parks Reservation Center shall issue the requested permit if a complete application complying with all adopted policies and procedures is filed and all of the following conditions are met:
- 1.** The proposed activity is consistent with the size of the Park and any specialized purpose for which it is normally used, or for which specialized facilities have been provided;
 - 2.** The proposed activity will not have an unreasonably adverse impact, from noise, litter or traffic, on the Park or on the surrounding neighborhood;
 - 3.** The proposed activity does not pose an unreasonable risk to public health or safety or to the physical integrity of the Park;
 - 4.** The applicant pays all required fees and agrees to comply with all conditions of the permit;
 - 5.** The proposed use is otherwise lawful, but nothing in this Chapter shall require the issuance of a permit for an activity otherwise prohibited by this Title;
 - 6.** The proposed activity does not conflict with an activity already scheduled for the Park or for which a different permit already has been applied for or issued for the Park;
 - 7.** The applicant, including any person, firm or corporation affiliated with the applicant and with the activity, has not failed to comply with conditions of any permit previously issued by the Parks Reservation Center.

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- C.** The Parks Reservation Center may issue a permit for use of a Park during hours when the Park is closed if it approves the application. If the requested use does not meet the criteria of Subsection B of this Section, the Parks Reservation Center may deny the application or may impose restrictions or conditions upon the permit or issue a permit for a different date, time, Park, or Park area so as to meet such criteria. Action by the Parks Reservation Center shall be completed as quickly as reasonably possible, and, at the latest, within seven (7) days after a complete application is filed.
- D.** Any person whose application is denied or who is issued a permit other than as applied for or who objects to restrictions or conditions included in the permit may appeal the matter to the Council by filing within five days after denial or inclusion of restrictions a written notice of appeal with the City Auditor. Upon receiving such a notice the City Auditor shall within 14 days schedule the appeal on the Council Calendar for hearing by the Council. At the hearing, the Council may affirm or modify the decision of the Parks Reservation Center, as the Council may deem necessary, to meet the criteria of Subsection B of this Section.
- E.** In determining whether the criteria of Subsection B of this Section are met, no consideration shall be given to the content of any constitutionally-protected expression connected with the planned activity. No permit shall be required under this Chapter, nor any condition imposed on any permit, if requiring a permit or imposing the condition would violate rights protected by the Constitution of the United States or by the Constitution of the State of Oregon. No permit shall be required under this Chapter in order for any person to participate in any activity programmed by or sponsored by Portland Parks and Recreation.
- F.** If any portion or provision of this Section is held by a court of competent jurisdiction to be invalid, such portion or provision shall, so far as possible, be held severable, and shall not affect the remainder, which shall continue in full force and effect.

20.08.030 Permits to be Exhibited.

Any person claiming to have a permit issued under this Chapter shall produce and exhibit such permit upon the request of any authorized person who may desire to inspect the same.

20.08.040 Permits Subject to Ordinances and Regulations; Indemnification.

All permits issued under this Chapter shall be subject to the City ordinances and the rules and regulations of the Parks. The persons to whom such permits are issued shall be bound by said rules, regulations, and ordinances as fully as though the same were inserted in such permits. Any person or persons to whom such permits shall be issued shall be liable for any loss, damage, or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall be issued, as well as for any breach of such rules, regulations, and ordinances, to the person or persons so suffering damages or injury, and shall indemnify, defend and hold harmless the City and its officers, employees

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and agents from any and all claims, demands, actions and suits (including all attorney fees and costs, through trial and on appeal) arising from the permittee's use of the Park under the permit.

20.08.050 Permits Non-Transferrable.

Any permit issued under this Title shall be personal to the permittee, and shall be void if transferred or assigned in any manner, except with the written consent of the Director or the Parks Reservation Center.

20.08.060 Prohibited Conduct at Permitted Events.

(Replaced by Ordinance No. 179337, effective June 15, 2005.) In addition to any other applicable provision of law, it is unlawful for any person to engage in any of the following conduct at any event for which a permit has been issued in any Park:

- A.** Any conduct that substantially prevents any other person from viewing, hearing or meaningfully participating in the event.
- B.** Any conduct that substantially interferes with the free passage of event participants or attendees by creating an insurmountable obstacle at any entrance, aisle, walkway, stairwell, ramp, esplanade, vendor booth, ride or other area commonly used for public access, egress or ingress.
- C.** Using any facility, structure, fixture, improvement or other thing within the area covered by the permit in a manner contrary to or inconsistent with its intended, designated or safe use. This Subsection does not apply to any person engaged in any constitutionally protected expression, unless, and then only to the extent that, in connection with the expression, the person engages in conduct that amounts to misuses of things as proscribed by this Subsection.
- D.** Except as expressly provided for under the terms of the permit, lighting any fire. This prohibition does not apply to smoking devices designed for and used for smoking tobacco, in areas where such smoking is permitted.
- E.** Any sexual conduct, as defined under ORS 167.060, including but not limited to any physical manipulation or touching of a person's sexual organs through, over or under a person's clothing in an act of apparent sexual stimulation or gratification, regardless of the person's subjective intent.
- F.** Operating any bicycle, in-line skates, roller blades or other human-powered form of accelerated propulsion, except in such places as the permittee may provide or allow for such activities.
- G.** Entry into the area subject to the permit without consenting to an inspection of personal belongings for the purpose of preventing the introduction of prohibited items into the event. For purposes of this Subsection, "personal belongings"

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includes backpacks, duffel bags, sleeping bags, purses, coolers, bulky apparel items and other personal items large enough to conceal or contain prohibited items.

- H.** Bringing into or possessing within the area covered by the permit any prohibited item. For purposes of this Section, "prohibited item" includes any fireworks, laser light, laser pointer, animals of any kind (except for service animals while performing their qualifying services), sound producing or reproducing or audio or video recording equipment (except as authorized by the permittee), glass bottles or containers, alcoholic beverages (except as provided by the permittee in accordance with the permit), furniture or fixtures (except as authorized by the permittee), any thing specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another (except for concealed handguns lawfully carried by persons in accordance with valid concealed handgun permits), and any item whose possession violates any other applicable provision of law.
- I.** Entry into or remaining in any area covered by any permit for any event that is not open to the public without the consent of the permittee, or entry into or remaining in any area covered by any permit for any event that is open to the public only upon the payment of an entry fee or charge, without first paying the applicable entry fee or charge.

The prohibitions contained in this Section do not apply to conduct by any Park Officer in the performance of duty, or by any person authorized to engage in that conduct in connection with the event in accordance with the permit.

20.08.070 Non-Park Use of Park Property.

Sections 20.08.010 and 20.08.020 do not apply to non-park use of Park property. Unless authorized in writing by the Director and in accordance with the terms and conditions of said written authorization and with the Council's adopted policy for the non-park use of Park property, it is unlawful for any person to make any non-park use of Park property, including but not limited to excavating for, erecting or installing or doing any act as part of or commencement of excavation, erection, or installation for, a permanent or temporary structure or facility in or on any Park.

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CHAPTER 20.12 - PROHIBITED CONDUCT

(Chapter replaced by Ordinance No. 180743,
effective February 23, 2007.)

Sections:

- 20.12.010 Purpose of Establishing Prohibited Conduct.
- 20.12.020 Soliciting for or Conducting Business.
- 20.12.030 Unlawful Urination or Defecation.
- 20.12.040 Unlawful Acts Involving Alcohol, Controlled Substances or Prescription Drugs.
- 20.12.050 Possession of Weapons.
- 20.12.060 Prohibited Conduct Relating to Permits.
- 20.12.070 Unlawful Use of Trees, Monuments, Vases, Fountains Railings, Fences or Tables.
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- 20.12.190 Emergency Park Closure.
- 20.12.200 Trespassing and Areas Closed to the Public.
- 20.12.210 Hours of Park Closure.
- 20.12.220 Condition of Parole or Probation or Other Judicial Order.
- 20.12.225 Exclusion From McCoy Park.
- 20.12.230 Pioneer Courthouse Square.
- 20.12.240 Rules and Regulations, Directions of Park Officers to be Obeyed.
- 20.12.250 Park Officers Not Affected.
- 20.12.265 Park Exclusions.

20.12.010 Purpose of Establishing Prohibited Conduct.

The purpose of this Chapter is to preserve the Parks for the enjoyment, safety, comfort and convenience of the public and to enhance the orderly administration of the Parks, by prohibiting conduct that unreasonably interferes with the administration and lawful use of the Parks. The purpose of this Chapter is not to punish any person for prior conduct, but, rather, to provide civil and non-punitive regulations the Council finds necessary to prevent nuisances and to protect the health, welfare and safety of the public using the City's Parks. Any violation of the provisions of this Chapter is punishable in accordance with Section 1.01.140 of this Code.

20.12.020 Soliciting For or Conducting Business.

- A.** Except as expressly permitted under the terms of a lease, concession or permit, no person shall solicit for or conduct any business in a Park.
- B.** For purposes of this Section, “solicit for or conduct any business” means:
 - 1.** Sell or offer to sell any article or service;
 - 2.** Display goods, or descriptions or depictions of goods or services, with the intent to engage any member of the public in a transaction for the sale of any good or service; or
 - 3.** Perform or engage in any act with the intent or expectation of receiving payment therefor from any person.
- C.** Nothing in this Section shall prohibit any act by any Park Officer in the scope of employment or duty, or by any person performing any work on behalf of the City, nor shall this Section be construed to prohibit any act protected under the circumstances by the federal or state constitution.

20.12.030 Unlawful Urination or Defecation.

No person shall urinate or defecate in any park except in a convenience station designed for that purpose; or blow, spread, or place any nasal or other bodily discharge; or spit, urinate, or defecate on the floors, walls, partitions, furniture, fittings, or on any portion of any public convenience station or in any place in such station, excepting directly into the particular fixture provided for that purpose; or place any bottle, can, cloth, rag, or metal, wood, or stone substance in any of the plumbing fixtures in any such station.

20.12.040 Unlawful Acts Involving Alcohol, Controlled Substances or Prescription Drugs.

(Amended by Ordinance No. 188112, effective December 23, 2016.)

- A.** No person shall sell, possess or consume any alcoholic beverage in any park, except under a concession contract or lease, or by permit issued under Chapter 20.08. Such permit may include any conditions as, in the discretionary judgment of the Parks Reservation Center, will promote the preservation of the parks for the peaceful enjoyment of the public at large.
- B.** No person shall commit any of the following acts in a Park:
 - 1.** Sell, distribute, make available or offer to provide a controlled substance or prescription drug to another;
 - 2.** Package, possess or store a controlled substance;

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3. Transport a controlled substance or materials intended to be used in the packaging of a controlled substance;
 4. Solicit another to provide, make available, sell or distribute a controlled substance or prescription drug to any person; or
 5. With the intent to engage in any act prohibited by this Section, seek, meet, approach or encounter another.
- C. Nothing in Subsection B of this Section shall prohibit the possession in a Park of medications prescribed to the person or to a person under that person's care, if and under such conditions as possession of such substance is otherwise lawful.
- D. Nothing in Subsection B. of this Section shall prohibit the possession in a Park by any person 21 years of age or older of not more than one ounce of usable cannabis, so long as that cannabis is in a closed container.
- E. For purposes of this Section, "controlled substance" shall have the meaning provided in ORS 475.005(6), and "prescription drug" shall have the meaning provided in ORS 689.005(6).

20.12.050 Possession of Weapons.

(Corrected under authority of PCC Section 1.01.035 on June 2, 2017.) No person shall possess in any Park any thing specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another. Things prohibited under this Section include, but are not limited to: any firearm, pellet gun, spring-loaded weapon, stun gun or taser, any knife having a blade that projects or swings into position by force of a spring or by centrifugal force, any knife with a blade longer than 3-½ inches, any dirk, dagger, ice-pick, sling shot, slungshot, metal knuckles, nunchaku, studded handcoverings, swords, straight razors, tear gas containers, saps, sap gloves, hatchets or axes. The prohibitions of this Section do not apply to handguns lawfully carried by persons exempt from local regulation under ORS 166.173. The prohibitions of this Section do not apply to any thing possessed or used to carry out actions authorized by any contract or permit in any Park.

20.12.060 Prohibited Conduct Relating to Permits.

- A. No person shall engage in any conduct or activity in any Park for which a permit is required under Section 20.08.010 of this Code, unless a permit has been issued for that conduct or activity.
- B. No person, at any event in any Park for which a permit has been issued under Chapter 20.08 of this Code, shall engage in any conduct prohibited by Section 20.08.060 of this Code.

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20.12.070 Unlawful Use of Trees, Monuments, Vases, Fountains, Railings, Fences or Tables.

It is unlawful for any person to climb any tree, or walk, stand, or sit upon the monuments, vases, railings, or fences, or lie on any picnic table in any Park. No person shall climb, walk, stand or sit upon, or enter, wade or dive into or swim in any fountain in any Park, except for fountains where such use is designated by the Director.

20.12.080 Structures in Parks.

Except as permitted under Subsection 20.08.010 B. and/or under Section 20.08.070, no person shall excavate for, erect, install or place, or do any act as part of or commencement of excavation, erection, installation or placement of any permanent or temporary structure or facility in or on any Park. This Section does not prohibit the mere carrying of any item in or through a Park, nor does it prohibit the use or placement of personal accessories, such as purses, backpacks or bags, or the use or placement of wheelchairs, walkers or baby carriages or child strollers in any Park, except in areas where those items are prohibited by the Director.

20.12.090 Disposing of Rubbish.

- A. No person shall place any garbage, or other rubbish, or refuse or debris, nor shall any person deposit or leave birdseed, breadcrumbs or other food particles or food waste, in or upon any Park. Nothing in this Section shall prohibit any person from eating food in any Park, nor shall the prohibitions of this Section apply to the incidental loss of food particles that cannot reasonably be collected and properly disposed of.
- B. No person shall enter any Park with garbage, or other rubbish or refuse or debris that has originated from outside the Park, for the purpose of disposing of any of the rubbish, refuse, or debris in the Park.
- C. The prohibitions of this Section shall not apply to the disposal, in receptacles provided for that purpose, of garbage or refuse that results from the normal use of the Park for recreational or other lawful purposes.

20.12.100 Vandalism; Protection of Park Property and Vegetation.

(Amended by Ordinance No. 184522, 185448 and 186053, effective January 1, 2015.)

- A. No person shall take, remove, destroy, break, cut, injure, mutilate, or deface in any way or attach any thing to, any structure, monument, statue, vase, fountain, wall, fence, railing, gate, vehicle, bench, or other property in any Park. No person shall remove, destroy, break, injure, mutilate, or deface in any way in any Park any shrub, fern, plant, flower, or other vegetation. No person shall plant, prune, remove, destroy, break, injure, mutilate, or deface in any way in any Park any tree without a permit from the City Forester under the provisions of Title 11. This provision shall not prohibit authorized work done for, by or on behalf of the City.

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- B.** No person shall, without prior authorization, take, use, or have in his or her possession any equipment belonging to the City and designated for park or recreation use, outside of the limits of the established Park or Parks facility.

20.12.110 Fires, Fireworks and Smoking Prohibited.

(Amended by Ordinance Nos. 187020 and 187231, effective July 25, 2015.)

- A.** No person shall light any fire in any Park, except in areas and/or facilities designated by the Director for such use and in conformance with all applicable laws. This Section does not prohibit lighting cigarettes, cigars or pipes in areas where smoking is permitted, nor does it prohibit the use of legal fireworks except as provided in Subsection B. of this Section or in areas in which the Director has prohibited such use.
- B.** No person shall possess or ignite any fireworks in any Park, where such possession or use is unlawful under State law. No person shall possess or ignite any otherwise legal fireworks in any of the following Parks, without a permit:
- 1.** Pioneer Courthouse Square;
 - 2.** O'Bryant Square;
 - 3.** Lownsdale Square;
 - 4.** Forecourt/Ira Keller Fountain;
 - 5.** Ankeny Square;
 - 6.** Classical Chinese Garden;
 - 7.** Block 5 Park (Moyer);
 - 8.** Eastbank Esplanade;
 - 9.** Holladay Park;
 - 10.** Any nature park or area designated as a natural area;
 - 11.** Any other Park or Park area designated by the Director.
- C.** No person shall smoke or use tobacco in any form in any place in any Park. For purposes of this Section, smoking and tobacco are defined to include, but are not limited to: bidis, cigarettes, cigarillos, cigars, clove cigarettes, e-cigarettes, nicotine vaporizers, nicotine liquids, hookahs, kreteks, pipes, chew, snuff, smokeless tobacco, and marijuana.

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- D.** Notwithstanding the prohibitions contained in this Section, golf tournaments may apply for a permit to allow smoking and tobacco use in designated areas at City golf courses.
- E.** The Director, in consultation with the Commissioner in Charge, in a manner consistent with the City's Human Resource Administrative Rules, may establish designated smoking and tobacco use areas for Parks employees for whom there is no reasonably available non-parks property where smoking and tobacco use is allowed.
- F.** Smoking of noncommercial tobacco products for ceremonial purposes in spaces designated for traditional ceremonies in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996, as well as for similar religious ceremonial uses for other cultural groups shall be permitted. "Noncommercial tobacco products" means unprocessed tobacco plants or tobacco by-products used for ceremonial or spiritual purposes by Native Americans.
- G.** Notwithstanding any other provision of this Code, a person who violates Section 20.12.110 C. shall not be subject to exclusion under Section 20.12.265, or to criminal enforcement under Section 1.01.140 of this Code. Rather, any person violating Subsection 20.12.110 C. shall be required to leave the Park in which the offense occurred, for the remainder of the day. Enforcement will be administered by PP&R staff who have the authority to enforce park rules, except that any person providing security services at Pioneer Courthouse Square, Director Park, or that portion of the South Park Blocks adjacent to Portland State University may enforce the prohibitions on tobacco and smoking in that Park, but only in the manner provided by this Section.

20.12.140 Animals.

(Amended by Ordinance No. 186008, effective May 31, 2013.)

- A.** No person shall injure, harm, disturb, or molest any wild or domestic animal in any Park.
- B.** No person owning, in control of or responsible for any dog shall allow that dog to be in any Park if the dog is not held securely on a leash no greater than eight feet in length, except in such Parks or portions of Parks as the Director may designate as off-leash areas, or during such times as the Director may establish as off-leash hours; provided, however, that a violation of any rule established by the Director governing any designated off-leash area or off-leash hours shall be a violation of this Section. Nothing in this Section shall limit the authority of the Director to terminate, alter or amend the designation of any off-leash area or off-leash hours.
- C.** No person owning, in control of or responsible for any horse or other animal capable of being ridden by a person shall allow that animal to be in any Park, except

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in such Parks or portions of Parks as the Director may designate for use by such animals.

- D.** No person shall hitch any animal to any tree, shrub, fence, railing, or other structure or facility in any Park, except to such structures or facilities as are designated for that purpose.
- E.** No person shall bring or keep any animal in any Park if the animal is not within the person's immediate reach and control.
- F.** No person owning, in control of or responsible for any animal shall allow that animal to enter or remain upon any of the following in any park:

 - 1.** Any lake, fountain, pond or stream.
 - 2.** Any tennis court, basketball court, running track or other artificial sports surface or manicured turf sports field.
 - 3.** Any sports facility enclosed by a fence or wall.
 - 4.** Any area where such animals are prohibited by the Director.
- G.** No person shall allow any animal in that person's ownership, possession, custody or control to injure any other person or animal or damage any property in any Park. Any person so allowing any animal to cause any such injury or damage shall be liable for the full amount of the injury or damage and for the costs of impounding the animal.
- H.** No person shall allow any animal in the person's possession, custody or control to discharge any fecal material in any Park unless the person promptly removes and disposes of the fecal material in an appropriate receptacle. No person shall allow any animal in the person's possession, custody or control to enter or remain in any Park unless the person has in the person's possession the equipment necessary to remove and properly dispose of any fecal material deposited by the animal in the Park.
- I.** No person owning, in control of or responsible for any animal shall allow that animal to be in any Park if the animal is not in compliance with applicable Multnomah County Animal Control regulations; provided, however, that dogs otherwise complying with those regulations may be off leash in designated off-leash areas or during designated off-leash hours.
- J.** Any animal in any Park in violation of any provision of this Section may be impounded, at the expense of the animal's owner, on the order of any Park Officer or of any Animal Control officer.

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- K.** The prohibitions of this Section do not apply to service animals while performing their qualifying services, nor to animals while in the course of the official performance of police or rescue activities.
- L.** Notwithstanding any other provision of this Code, any person violating Subsections 20.12.120 B., E., F. or H. is subject only to a civil penalty not to exceed \$150 for each violation. Any person assessed a civil penalty under this Subsection may appeal the citation to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code.

20.12.150 Fishing and Bathing.

No person shall fish, wade, swim, or bathe in any Park except in the places designated by the Director for such purposes.

20.12.160 Unlawful Use of River Frontage Along Park Property.

- A.** No person shall jump or dive from any seawall, pier or dock in any Park, into the Willamette or Columbia Rivers.
- B.** No person shall tie or fasten any log, boat, or other floating equipment to or upon Park property bordering upon the Willamette or Columbia Rivers, except for temporary mooring of pleasure boats, in accordance with the provisions of Section 19.16.060 of this Code.

20.12.170 Use of Certain Devices or Equipment.

- A.** No person shall use any slingshot, javelin, shotput, discus, golf equipment, or archery equipment, or any device capable of launching a projectile, in or upon any Park, except in areas specifically designated or provided for that particular use, subject to the direction of authorized Park Officers.
- B.** No person shall use any wheeled vehicle, including unicycles, bicycles, tricycles, skateboards, roller skates or roller blades, motorized or unmotorized scooters, or any motorized vehicle on any tennis court, basketball court, running track or other artificial sports surface or designated sports facility except in areas specifically designated or provided for such use. The prohibitions of this Subsection shall not apply to medical mobility devices or to child strollers or baby carriages.
- C.** Without limiting the applicability of Section 20.12.030 to this or any other activity, no person shall ride or operate a skateboard on any brickwork, cobblestone or ornamental surface, picnic table, tennis court, fountain area, planter, or sculpture located in a Park.
- D.** No person shall operate any motorized vehicle or motorized wheeled vehicle or motorized wheeled device in any Park, except on Park roads or in designated vehicle parking areas, or by permit. The prohibitions of this Section do not apply

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to authorized service or emergency vehicles or to the following electric mobility devices used by persons who need assistance to be mobile, and used in accordance with all applicable park and traffic rules:

1. “Electric assisted bicycle” as defined in ORS 801.258;
 2. “Motorized wheelchair,” “Mobility scooter” or “Power chair” defined as an electric powered transportation device for one person in a seated position, with feet resting on floorboards or foot rests, and incapable of exceeding a speed of 20 mph; or
 3. “Human or personal transporter system” defined as a self-balancing, electric-powered transportation device with two wheels, able to turn in place, and designed to transport one person in a standing position, with a top speed of 20 mph.
- E. No person shall operate an electric mobility device in a park in an unsafe manner or at a speed exceeding 15 mph, or, when pedestrians are present, at a speed exceeding 5 mph, or fail to yield the right-of-way to all pedestrians.

20.12.180 Remote Control Vehicles, Aircraft and Watercraft.

No person shall operate any remote-controlled internal combustion powered vehicle, or any remote-controlled electric or internal combustion powered watercraft or aircraft, in, on or over any Park, except in such places the Director may designate for such use.

20.12.190 Emergency Park Closure.

- A. In case of an emergency, or in case where life or property are endangered, all persons, if requested to do so by any Park Officer, shall depart from the portion of any Park specified by that Park Officer, and shall remain off that Park or that portion of the Park until permission is given to return.
- B. Notwithstanding Section 20.12.210, whenever it is in the interest of public health or safety to do so, the Commissioner or the Mayor, the Director, or an officer of the Bureau of Police may close any Park, or any part thereof, and may erect or cause to be erected 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 invalidate any exclusion for violating this Section.
- C. No person shall enter any Park or any part thereof that has been closed under this Section, or remain in such Park, or part thereof, after having been notified of the closure and having been requested to leave by the Commissioner, the Mayor, the Director or an officer of the Bureau of Police or Park Officer. A closure under this

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Section shall not exceed 18 hours without the written approval of the both the Commissioner and the Mayor.

- D.** When a state of emergency is declared under Section 15.04.040 of this Code, the Mayor or other persons authorized by Section 15.08.020 or by subsection B. of this Section may close any park and recreation facility to normal use and may designate that facility for emergency operations, which operations may include providing emergency services to the public, subject to the following conditions:
- 1.** The scope of use of park facilities during such emergency shall be defined by approved City emergency plans or by the Mayor or Commissioner in Charge.
 - 2.** If emergency services are provided in any Park facility, members of the public may be allowed into the facility, under the control of and subject to restrictions and conditions established by the organization responsible for the emergency operations at that facility.
 - 3.** Costs incurred by Portland Parks and Recreation for emergency operations shall be submitted to the City's Office of Emergency Management for reimbursement. Costs reimbursable under this Section include facility operating costs, costs to repair damage caused by the emergency operations, and the costs to restore the facility to the condition it was in at the commencement of the emergency.
 - 4.** As soon as practicable after the state of emergency is officially terminated, any Park facility closed on account of the emergency or used for emergency operations will re-open for normal use.

20.12.200 Trespassing and Areas Closed to the Public.

- A.** No person, without the consent of the Director or other authorized Park Officer, shall enter any building, enclosure, or place within any Park upon which the words "no admittance," or similar words indicating that entry is prohibited or restricted, are displayed.
- B.** No person shall ride, drive, or walk on such parts or portions of the Parks or pavements as are closed to public travel, nor shall any person interfere with barriers erected in any Park.
- C.** No unauthorized person shall enter any municipal swimming pool, secured stadium or other secured Park facility, or any enclosed area thereof, at any time other than when the facility is regularly open for public use.
- D.** No person shall enter or remain in any municipal swimming pool, nor in any deck area adjacent thereto, nor in any locker room, shower room, changing room or

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restroom serving a municipal swimming pool, nor within any designated children's play area, nor in any area of a Park within twenty-five (25) feet of any outdoor pool fence line or children's play area, if the person previously has been convicted of any sexual offense under ORS 163.305 to 163.479, or under ORS 163.665 to 163.689, or under the laws of any other jurisdiction that would constitute such an offense if it had been committed in the State of Oregon, if the victim of any such offense was sixteen years of age or younger and was not biologically related to the person. This section shall not apply if the sole basis of the conviction was the lack of consent due solely to the victim's lack of capacity to consent by reason of being less than a specified age, if the victim was not more than three years younger than the person at the time of the offense.

- E.** No person, other than a Park Officer on lawful business, shall enter or remain in or on any Park or Park facility for which an admission or use fee is required, without having paid that admission or use fee.
- F.** No person shall enter or remain in any Park in violation of an exclusion issued under Section 20.12.265.

20.12.210 Hours of Park Closure.

- A.** No person shall be in a Park during hours of park closure. Unless the Director designates otherwise for any Park, "hours of park closure" means any time between the hours of 12:01 a.m. and 5 a.m.
- B.** This Section shall not apply to the following:
 - 1.** Vehicular traffic crossing on a Park roadway;
 - 2.** Pedestrians crossing the North or South Park Blocks, Pioneer Courthouse Square, Lownsdale Square, Chapman Square, Pettygrove Park, or Lovejoy Park.
 - 3.** Persons playing golf at a municipal golf course when the golf course is open;
 - 4.** Persons attending, participating in, going to or coming from an activity either programmed or scheduled by Portland Parks and Recreation or under a permit issued under Chapter 20.08;
 - 5.** Persons in parked vehicles at scenic viewpoints along or adjacent to park roads, where designated parking areas are provided, at times when those roads are open to vehicular traffic;
 - 6.** Pedestrians crossing a Park area between the two paved portions of one street or boulevard.

20.12.220 Condition of Parole or Probation or Judicial or Other Order.

No person shall be in any Park when that person is required by any term or condition of the person's parole, probation, post-prison supervision, pretrial release agreement or other judicial order, to stay out of the Park. No person shall be in any Park at any time if an exclusion of the person from that Park under Section 20.12.265 is in effect.

20.12.225 Exclusion From McCoy Park.

(Added by Ordinance No. 184073, effective August 18, 2010.) No person shall be in McCoy Park at any time if an exclusion of the person from New Columbia Properties or the Tamarack Apartments under a Housing Authority of Portland Notice of Exclusion is in effect, provided that the Housing Authority of Portland Notice of Exclusion conspicuously informs the person that, under the provisions of this Section, the person may not be in McCoy Park while that exclusion is in effect. For purposes of this Section, "McCoy Park" means the area bounded by the public street right-of-way on the north by N. Fessenden St., on the south by N. Trenton St., on the east by N. Newman Ave. and on the west by N. Fiske Ave. A person excluded from McCoy Park by operation of this Section may, pursuant to Subsection 20.12.265 G. of this Code, apply in writing to the Commissioner for a waiver of some or all of the effects of the exclusion for good cause.

20.12.230 Pioneer Courthouse Square.

- A.** In addition to the other provisions of this Chapter, the provisions of this Section apply in Pioneer Courthouse Square. "Pioneer Courthouse Square" means the city block bounded on the north by the south curb of Southwest Morrison Street, on the south by the north curb of Southwest Yamhill Street, on the east by the west curb of Southwest Sixth Avenue, and on the west by the east curb of SW Broadway. It specifically includes the entire area of that block and all improvements thereon, including all pedestrian walkways and transportation shelters and facilities.
- B.** No person shall climb, stand, sit or lie upon any of the water troughs, trellises, garbage containers or planters, nor climb, stand or lie upon any bench within Pioneer Courthouse Square.
- C.** No person shall operate any radio or other amplified sound producing device, so as to be audible to another, within Pioneer Courthouse Square, except by permit.
- D.** No person shall throw any ball, disc or other object, use roller skates or skateboards, ride any bicycle or other wheeled device other than a medical mobility device or a child stroller or baby carriage, or roll any shopping cart within Pioneer Courthouse Square.
- E.** No person shall violate any ordinance, rule or regulation duly promulgated by TriMet governing the use of its shelters or other facilities located within Pioneer Courthouse Square.

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- F.** The following areas of Pioneer Courthouse Square are designated exclusively for transit use:
- 1.** The walkway areas under the overhead canopies adjacent to SW Yamhill Street, between the southernmost drip line of any overhead canopy and the south side of the base of the decorative wall; and
 - 2.** The area within the drip lines of the structures commonly known as the mushroom sculptures adjacent to SW Morrison Street.
- No person shall remain in those areas except for the purpose of entering into, exiting from or waiting for a light rail train or trolley.
- G.** No person shall smoke in any part of Pioneer Courthouse Square.
- H.** No person shall possess any type of fireworks, whether or not such fireworks are otherwise allowed by law, in Pioneer Courthouse Square, except by permit.
- I.** No person shall possess any graffiti instrument in Pioneer Courthouse Square with the intent that the instrument be used to tamper with, mar or deface property therein, or knowing that another person intends to so use it, or when a reasonable person would know that the instrument is likely to be so used. For purposes of this Subsection, “graffiti” means the unauthorized spraying or marking of paint, chalk, dye or any other substance to any building, structure or surface. For purposes of this Subsection, “graffiti instrument” means any can of paint or other marking substance under pressure, which can be used to spray surfaces with the paint or other marking substance, or any ink, chalk, dye or other instrument or article adapted or designed for spraying or marking surfaces.

20.12.240 Rules and Regulations, Directions of Park Officers to be Obeyed.

No person shall violate any rule or regulation established under the authority of Section 20.04.020 or 20.04.050, nor refuse or fail to obey any reasonable direction of a Park Officer. For purposes of this Section, a direction of a Park Officer is reasonable if it directs a person to obey, or to cease a violation of, any law, rule or regulation applicable in the Park, or if it is otherwise reasonably related to protection of the health, welfare or safety of the person or of any other person in the Park or to the prevention of damage to property, or if it is reasonably necessary to preserve the peace or to prevent the disruption of any organized activity or permitted event in the Park. A direction of a Park Officer is not “reasonable” under this Section if it is directed to speech or conduct the right to engage in which is, under the circumstances, protected by the federal or Oregon constitution.

20.12.250 Park Officers not Affected.

Nothing in this Chapter shall prohibit the performance by any Park Officer of any otherwise authorized act or duty.

20.12.265 Park Exclusions.

(Replaced by Ordinance No. 189576, effective June, 19, 2019.)

- A.** To ensure compliance with rules and regulations governing the behavior, conduct or activity of users at Parks and to provide for a safe environment for the Bureau's operations, and in addition to any other remedy or right of action allowed by law, ejections and exclusions from Parks are authorized in accordance with this Section.

Nothing in this Section shall be construed to authorize the ejection or exclusion of a person for lawfully exercising free speech rights or other rights protected by the Oregon or United States Constitutions. However, a person lawfully exercising these protected rights but who commits an act that is not protected can be subject to ejection or exclusion as provided by this Section.

- B.** For the purposes of this Section, the following definitions apply:

- 1.** Disruptive Activity. Disruptive Activity is behavior, conduct or activity that obstructs, disrupts or interferes with the operation or business being conducted by the City, or authorized users, or other permitted activities at a Park.
- 2.** Ejection. An ejection is an order given by an authorized Park Officer directing a person to immediately leave a Park and not to return for the remainder of the day.
- 3.** Exclusion. An exclusion is an order made by an authorized Park Officer prohibiting a person from entering or remaining at a Park for a specified period of time.
- 4.** Park Violation. Park Violation is behavior, conduct or activity at a Park that would constitute a violation of:
 - a.** Federal, state or local law.
 - b.** Provisions of the Code applicable to Parks, including but not limited to Title 11, Title 14, Title 16, and Title 20.
 - c.** Any rule or regulation applicable to Parks.
 - d.** Any ordinance or regulation adopted by the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) governing any Tri-Met facility in a Park.
- 5.** Park Facility. A Park Facility is a facility, building or improved area of a Park where the Bureau engages in business and operational functions at

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Park Facility, and entry or admission to the Park Facility serves proprietary, revenue or other business purposes.

C. Park Officer Authorized to Eject or Exclude.

- 1.** Any Park Officer may issue an ejection to a person who engages in a Disruptive Activity or a Park Violation and direct that person to immediately leave the Park for the remainder of the day.
- 2.** The following Park Officers are authorized to issue an exclusion to a person who engages in a Disruptive Activity or a Park Violation:
 - a.** Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau.
 - b.** Any Park Ranger.
 - c.** Any Health and Safety Manager for the Bureau, or their designee.
 - d.** Any Division Manager for the Bureau, or their designee

D. Oral Warning.

- 1.** A Park Officer shall attempt to give a person who may be subject to an ejection or exclusion under this Section an oral warning and a reasonable opportunity to stop engaging in the Disruptive Activity or Park Violation; provided, however, failure to give an actual oral warning does not nullify the effectiveness or enforceability of an ejection or exclusion.
- 2.** A Park Officer is not required to attempt to give an oral warning before issuing an ejection or exclusion where the behavior, conduct or activity constitutes one or more of the following:
 - a.** A felony, misdemeanor, or motor vehicle offense.
 - b.** A violation of Chapter 14A.40, 14A.50 or 14A.60.
 - c.** Dangerous or threatening behavior. Behavior is dangerous or threatening if a reasonable person, exposed to or experiencing such behavior could believe that the person would be in imminent danger of physical harm. Actual bodily injury to a person is not required. The belief of a person engaging in self-harming behavior is not deemed reasonable.

E. Length of Exclusion.

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- 1.** Except as provided below in Subsection E.2, the length of exclusion from a Park shall be for 30 days, unless:
 - a.** The person to be excluded has also been excluded previously from any Park for any reason within three years before the date of the present exclusion, then the exclusion shall be for 90 days.
 - b.** The person to be excluded has also been excluded previously from any Parks for any reason on two or more occasions within 3 years before the date of the present exclusion, then the exclusion shall be for 180 days.
 - 2.** The length of exclusion shall be:
 - a.** For 60 days if the Disruptive Activity or Park Violation giving rise to the present exclusion:
 - (1)** Constitutes child abuse under ORS Chapter 419B, elder abuse under Chapter ORS 124, or abuse of adults with mental illness or development disabilities under ORS Chapter 430, that may trigger mandatory reporting by a Park Officer or a “public or private official” under the mandatory reporting statutes;
 - (2)** Constitutes any offenses against persons under ORS Chapter 163;
 - (3)** Constitutes intimidation under ORS 166.155 or ORS 166.165; or
 - (4)** Results in property damage to a Park of \$1,000 or more.
 - b.** For 120 days if the person to be excluded for a reason described in Subsection E.2.a has also been issued an exclusion for any reason previously from any Park within 3 years before the date of the present exclusion.
 - c.** For 270 days if the person to be excluded for a reason described in Subsection E.2.a has also been excluded from any Parks for any reason on two or more occasions within 3 years before the date of the present exclusion.
- F.** Except as otherwise provided in this Subsection, the place of exclusion shall be the Park where the Disruptive Activity or Park Violation occurred.

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If the Disruptive Activity or Park Violation giving rise to the exclusion occurred at a Park Facility under Subsection I. and is a violation under Subsection E.2.a.(1) or Subsection E.2.a.(2), the place of exclusion may include one or more Park Facilities.

A Park Officer may use reasonable discretion to determine multiple Park Facilities for the exclusion and that determination is not subject to appeal to the Code Hearings Officer.

- G.** The notice of exclusion shall be in writing and signed by the Park Officer issuing the exclusion. The notice shall include:
- 1.** The date, length and place(s) of the exclusion.
 - 2.** Specification of whether Disruptive Activity or Park Violation serves as the basis for the exclusion, and if applicable the provision of law the person has violated.
 - 3.** A brief description of the Disruptive Activity or Park Violation.
 - 4.** Information on the right to appeal.
 - 5.** A warning of consequences for failure to comply.
- H.** A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code to have the exclusion rescinded. The appeal to the Code Hearings Officer must be filed within 5 days of issuance of the notice of exclusion unless an extension is granted by the Code Hearings Officer for good cause shown.
- I.** If an appeal of the exclusion is timely filed under this Section, the effectiveness of the exclusion is stayed pending the outcome of the appeal except as indicated herein. If the exclusion is affirmed, the remaining period of exclusion shall be effective immediately upon the issuance of the Hearings Officer's decision, unless the Hearings Officer specifies a later effective date. The stay in this Subsection does not apply to the following Park Facilities:
- 1.** Any community center, or arts and cultural building. Examples include but are not limited to Matt Dishman Community Center, East Portland Community Center, Community Music Center and Interstate Firehouse Cultural Center.
 - 2.** An outdoor swimming pool and its fenced area. Examples include but are not limited to Creston, Grant, Montavilla, Peninsula, Pier, Sellwood and Wilson Outdoor Pools.

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3. Any golf course and all portions of the real property designated as part of the identified golf course.
 4. Portland International Raceway and all portions of the real property designated as part of the raceway complex.
 5. A public garden where an admission fee may be charged. Examples include but are not limited to: Crystal Springs Rhododendron Garden; Japanese Garden in Washington Park; and Lan Su Chinese Garden.
 6. Any other facility, building or improved area satisfying the definition of Park Facility in Subsection B.5. Inclusion of an additional Parks Facility for the purposes of this Subsection I. shall made by the Director with the concurrence of the Commissioner in Charge. The Director will file with the Auditor in the Portland Policy Documents repository the additional facility designated as a Park Facility within two business days after the designation becomes effective.
- J.** The Code Hearings Officer shall uphold the exclusion if, upon the Code Hearings Officer's de novo review, the preponderance of evidence admissible under the provisions of Title 22 of this Code that, more likely than not, the person in fact committed the violation for which the person was excluded, and if the exclusion is otherwise in accordance with law. The Code Hearings Officer may rely upon any evidence that a reasonable person would rely upon in making an important decision or conducting personal business, including hearsay deemed reliable by the Code Hearings Officer. Sworn statements of the Park Officer issuing the notice of exclusion shall be admissible evidence on appeal, unless the appellant requests in writing the presence of the Park Officer at the appeal hearing.
- K.** If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion under Subsection E. If the predicate exclusion is set aside, the term of the subsequent exclusion shall be reduced, as if the predicate exclusion had not been issued. If multiple exclusions issued to a single person are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.
- L.** At any time after the time for an appeal has elapsed, or after an appeal has been decided by the Code Hearings Officer, the excluded person may request a modification of the exclusion in writing to the Commissioner.
1. A request for modification of the exclusion must specify good reason and identify the modification desired.

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2. The Commissioner may consider the seriousness of the Disruptive Activity or Park Violation for which the person has been excluded, prior incidents of violations that may have resulted in ejections or exclusions, the nature and scope of disruption to City operations due to the person's violations, the particular need of the person to be in the Park during some or all of the period of exclusion such as for work or to attend or participate in a particular event (without regard to the content of any speech associated with that event), and any other criteria the Commissioner determines to be relevant to the determination of whether or not to grant a modification.
3. The Commissioner has the sole discretion to grant or deny a request for modification of an issued exclusion, in whole or in part, and the decision is not subject to appeal or review.
4. Nothing in this Section requires the Commissioner to grant the request for modification.
5. If the Commissioner grants a modification under this paragraph, the Commissioner shall promptly notify the Portland Police Bureau's Records Division and the Parks Director of the modification decision.

CHAPTER 20.20 - MUNICIPAL GOLF
COURSE RATES

Sections:

- 20.20.010 Playing Rates.
- 20.20.020 Collection and Use of Fees.
- 20.20.030 Holders of Life Certificates.
- 20.20.040 Delegation of Authority.

20.20.010 Playing Rates.

(Replaced by Ordinance No. 173286, effective January 1, 1999.) Green fees shall be charged and collected for the privilege of playing golf at the Eastmoreland, Rose City, Progress Downs and the Greenback and Great Blue courses at Heron lakes. In addition, fees shall be charged and collected for the use of other golf facilities and equipment such as driving ranges and golf carts. The Director of Portland Parks and Recreation or his or her designee shall determine the appropriate rates related to the use of golf courses, their facilities, and equipment. Those rates and charges, as well as other necessary regulations, shall be listed in the "City of Portland Golf Operations Manual."

20.20.020 Collection and Use of Fees.

(Amended by Ordinance No. 139221, effective January 20, 1975.) It shall be the duty of the concessionaire contracted by the City to collect at the municipal golf courses and account for the fees herein provided. It will be the duty of City employees to collect and account for the fees where no such concessionaire contract is provided. All fees and charges received on account of the issuance of the tickets shall be devoted to administrative purposes of the City's golfing facility with the understanding that participants in the games are subject to prescribed rules and regulations, that they assume their own risks, and that no obligation on the part of the City shall obtain other than what may apply to the City in its governmental capacity.

20.20.030 Holders of Life Certificates.

(Amended by Ordinance Nos. 139221 and 186275, effective November 1, 2013.) Any person who has been employed by the Bureau of Parks in connection with the municipal golf courses for a period of 25 years or more, shall be granted a lifetime certificate entitling him/her to use without charge and at all times any golf facility operated by the City. Such certificates shall be issued by the Bureau of Parks and shall not be transferable. Employees hired after August 31, 2013 will not be granted this certificate.

The holder of a life certificate, however obtained, possesses no playing rights superior or prior to any person playing on a single green fee or otherwise in accordance with the rules of golf courses.

20.20.040 Delegation of Authority.

(Added by Ordinance No. 141276, effective February 5, 1976.) The privilege of playing under any rate established herein may be suspended or terminated and cancelled immediately without refund by the Commissioner In Charge for any violation of course

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rules or regulations, or for any conduct which interferes with the proper administration of the golf course or its enjoyment by the public. The Commissioner In Charge is authorized to delegate his authority to the person in charge of each municipal golf course.

CHAPTER 20.24 - PORTLAND ZOO
ADMISSION CHARGES

(Chapter repealed by Ordinance No. 186795,
effective October 3, 2014.)

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**CHAPTER 20.28 - RENTAL CHARGES FOR
CIVIC STADIUM**

(Chapter repealed by Ordinance No. 186795,
effective October 3, 2014.)

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**CHAPTER 20.30 - PORTLAND INDOOR
TENNIS CENTER**

(Chapter repealed by Ordinance No. 164427,
effective July 10, 1991.)

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CHAPTER 20.32 - PITTOCK MANSION

Sections:

- 20.32.010 Admission Charges for Viewing Interior of Mansion.
- 20.32.030 Pittock Mansion Society.
- 20.32.040 Photography at Pittock Mansion-General Provisions.
- 20.32.050 Fees for Commercial Photography.

20.32.010 Admission Charges for Viewing Interior of Mansion.

(Amended by Ordinance Nos. 144250, 147839, 152225, 157277, 157649, 158387 and 161281, effective October 1, 1988.) Fees for admission to Pittock Mansion during its regular viewing hours shall be reviewed by Pittock Mansion Advisory Commission, approved by the Superintendent of Parks and established by rule by the Commissioner In Charge of the Bureau of Parks according to Section 20.04.050.

20.32.020 Charges for Special Uses of the Mansion.

(Repealed by Ordinance No. 158992, effective September 11, 1986.)

20.32.030 Pittock Mansion Society.

(Amended by Ordinance No. 148542, effective October 4, 1979.) Members of the Pittock Mansion Society holding a continuing, annual, or individual membership shall have free admission to the Pittock Mansion. Free Admission to such memberships shall include the member and his family. For each continuing, annual, or individual membership, the Pittock Mansion Society shall pay to the City the following amounts:

- A. Continuing and annual memberships \$3
- B. Individual memberships
 - 1. Husband and wife - \$2
 - 2. Adult - \$1
 - 3. Student - \$.50

Remittance to the City shall be made annually by the Society as memberships are old.

20.32.040 Photography at Pittock Mansion.

(Repealed by Ordinance No. 165019, effective January 29, 1992.)

20.32.050 Fees for Commercial Photography.

(Added by Ordinance No. 135182; amended by Ordinance No. 147839, 151528 and 160657, effective April 14, 1988.)

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- A.** All activity of commercial photographers shall be subject to supervision by the Pittock Mansion staff. The Director of the Pittock Mansion shall designate a staff member to supervise all interior photography. The Director may designate a staff member to supervise exterior photography where deemed necessary.
- B.** Fees for photographer location work done within Pittock Acres Park shall be proposed by the Director of Pittock Mansion and approved by the Superintendent of Parks or designated representative.
- C.** Special fees may be charged for commercial photographic work intended for national dissemination, including television productions and motion pictures, or which involves extraordinary circumstances. Such fees shall be negotiated with the Director of Pittock Mansion and approved by the Superintendent of Parks or designated representative.
- D.** Photographic use requiring major staff time, extraordinary circumstances or inordinate demand on the facilities may be referred to the Advisory Commission for their recommendation.
- E.** At the discretion of the Director of Pittock Mansion, fees may be waived for representatives or students of educational institutions, the news media, and projects of State, county or municipal governments.

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**CHAPTER 20.36 - PORTLAND
INTERNATIONAL RACEWAY WEST DELTA
PARK**

(Chapter replaced by Ordinance No. 135855;
effective January 11, 1973.)

Sections:

- 20.36.010 Authority to Issue Permits.
- 20.36.020 Conditions of Permits.
- 20.36.030 Fees.
- 20.36.040 Additional Charges.

20.36.010 Authority to Issue Permits.

(Amended by Ordinance No. 165019, effective January 29, 1992.) The Superintendent of Parks or his or her authorized representatives shall have the authority to allow motor vehicle and motorcycle racing, testing, demonstration, exhibition, or driving training at West Delta Park, hereafter referred to as PIR, and to grant exclusive use of all or part of the park roadways and other facilities in West Delta Park for such events in the park by issuing permits, or by assessing fees as described in Section 20.36.040 or for such other events and uses as the facilities can accommodate.

20.36.020 Conditions of Permits.

The permits issued under the authority granted under Section 20.36.010 hereinabove shall be conditioned by rules and regulations of the Bureau of Parks governing use of PIR, and shall include provisions designating the event which may be staged, the courses and areas to be used and the limit, if any, on the number of vehicles or persons that may participate in the permitted event. The permit shall provide that the Superintendent or his authorized representatives have authority to immediately terminate operations under the permit if permittee fails to comply with orders and regulations of the Superintendent or his authorized representatives or the conditions of the permit. The permit shall require that the permittee lock up and secure the racing facility after each event. The Superintendent or his authorized representatives may require a bond or cash deposit to insure compliance with the conditions of the permit. The permittee shall be required to indemnify and save the City, its officers, agents, and employees harmless from claims for damage to persons or property resulting from the use of PIR under the permit.

The Superintendent or his authorized representatives may, depending upon the nature of the event, require the permittee to furnish evidence of liability insurance covering his operations under the permit, which insurance shall provide coverage of not less than \$100,000 for personal injury for each person, \$300,000 for personal injury for each event, and \$50,000 property damage. The City, its officers, agents, and employees shall be named as additional insureds. Such evidence of insurance shall be in form satisfactory to the City Attorney.

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20.36.030 Fees.

(Amended by Ordinance Nos. 141335, 145146, 148765, 150854, 152673, 156919, 159303, 161474 and 165019, effective January 29, 1992.) The Superintendent of Parks is authorized to establish, maintain and modify a schedule of fees for the events and uses the Superintendent allows under Section 20.36.010 of this Code. It shall be unlawful for any person to use the facilities described in Section 20.36.010 without first paying the fee established by the Superintendent for that use or event.

20.36.040 Additional Charges (No Permit Will Be Issued.)

(Amended by Ordinance Nos. 139567, 145146, 150854, 152673, 156919, 159303 and 161474 effective January 1, 1989.)

- A.** Testing of cars on the road course, on the days set aside by the Superintendent will be \$100 per car, per day. Testing of cars on the on the drag strip on the days set aside by the Superintendent will be \$75 per car per day. Private testing on nonscheduled test days will be \$650 per day for up to two cars and an additional charge of \$150 per car for each vehicle over two. For C.A.R.T. Indy car teams and I.M.S.A. GTP teams that require private testing, the charge will be \$1200/per day for up to two cars and \$200 per car for each vehicle over two.
- B.** Recreational riding in the motorcycle area on days set aside by the Superintendent will be \$5 per rider per day, persons under 12 years of age will be free.
- C.** For miscellaneous events, not listed above, the Superintendent will set the rental rate according to the size and description of the event and considering the facilities to be provided which shall return to the City at least minimum operational costs.
- D.** Users of the raceway or other facilities who require use of the raceway lights will be charged at the rate of \$65 per day in addition to any other charges or permit fees.
- E.** The Superintendent or his/her authorized representatives is authorized to sell advertising space within the raceway, hereby waiving Section 20.12.030 of the City Code. The rates will vary depending on the size of the sign, the location of the sign, and the length of the agreement, with charges subject to approval by the Commissioner In Charge.
- F.** A \$200 surcharge will be made to any user who violates established raceway noise regulations.

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CHAPTER 20.38 - MULTNOMAH CENTER

(Chapter added by Ordinance No. 152710; effective
January 13, 1982.)

Sections:

- 20.38.010 Term Leases and Facilities Use Permits.
- 20.38.020 Authority to Issue Permits for Short Term Use.
- 20.38.030 Rules and Regulations.
- 20.38.040 Conditions of Permits.
- 20.38.050 Charge for Use of Facilities.
- 20.38.060 Waiver of Charges.
- 20.38.070 Policies on Use.
- 20.38.080 Priority for Users.

20.38.010 Term Leases or Facilities Use Permits.

The City Council may authorize leases or facilities use permits with non-profit organizations for rental of space in the Center for a period not to exceed 5 years.

20.38.020 Authority to Issue Permits for Short Term Use.

(Amended by Ordinance No. 153957, effective December 6, 1982.) The Superintendent of Parks or an authorized representative shall have authority to issue permits to non-profit and commercial organizations for short term use of facilities which have not been rented on a long term basis by lease or permit. The purpose of the commercial organizations must be compatible with the community services provided by the Multnomah Center. Issuance of such permits shall be in accordance with the provisions of this Chapter.

20.38.030 Rules and Regulations.

The Superintendent of Parks, subject to approval of the Commissioner In Charge, may adopt rules and regulations relating to use of the Center which shall not be inconsistent with the provisions of this Chapter. Such rules and regulations shall not conflict with the provisions of any pre-existing lease or permit.

20.38.040 Conditions of Permits.

The permits issued under the authority granted under Section 20.38.020 shall be conditioned by rules and regulations of the Bureau of Parks governing use of the Center, and shall include provisions designating the nature of the use and the areas or facilities to be used. The permit shall provide that the Superintendent or his authorized representatives have the authority to immediately terminate the use under the permit if permittee fails to comply with the rules and regulations or the conditions of the permit. The permittee shall be required to indemnify and save the City, its officers, agents, and employees harmless from claims for damages to persons or property resulting from the use of the Center under the permit.

The Superintendent or his authorized representative may, depending on the nature of the use, require the permittee to furnish evidence of liability insurance covering the use under

the permit, which insurance shall provide coverage of not less than \$100,000 for personal injury for each person, \$300,000 for personal injury for each occurrence and \$300,000 property damage for each occurrence. The City, its officers, agents, and employees shall be named as additional insureds. Such evidence of insurance shall be in form satisfactory to the City Attorney.

20.38.050 Charge for Use of Facilities.

(Amended by Ordinance Nos. 153957 and 159171, effective December 15, 1986.) Charges will be made for the use of the following Multnomah facilities by permit issued pursuant to Section 20.38.020: class rooms, conference rooms, kitchenette, gym, auditorium, and kitchen. There will be a minimum charge, a refundable cleaning deposit, a kitchen cleanup deposit, and a liquor deposit. There will be additional staff charges for use of the facility at times other than regular hours of the Multnomah Center operation. Various set-up and take-down charges will be applied if existing table and seating arrangements are altered. Specific charges and fee rules and regulations will be determined and adjusted periodically by the Superintendent of Parks or an authorized representative.

20.38.060 Waiver of Charges.

The Superintendent of Parks or his authorized representatives may waive the charges specified in Section 20.38.050 for use of multi-purpose rooms by community groups which provide information to the community relating to the community's health, education, or welfare. Such groups shall not charge members of the public to attend any such function and such function shall be open to the public. Groups eligible for fee waiver shall not be commercial, partisan, political, or religious groups and shall not use the Center to advocate for or against any candidate for public office, or for or against any measure or proposition to be voted upon by the voters.

20.38.070 Policies on Use.

(Amended by Ordinance No. 153957, effective December 6, 1982.) The proposed use must be in accordance with the provisions of the City Code and Ordinances and the rules and regulations relating to use of the Multnomah Center established pursuant to this Chapter. Events which involve political, religious, or income generating activities must be approved by the Commissioner In Charge of the Bureau of Parks.

Organizations using Multnomah Center facilities by permit issued pursuant to Section 20.38.020 shall be allowed to serve alcoholic beverages within the Center with the following restrictions:

- A. Alcoholic beverages served by a licensed and insured caterer; or
- B. The renting organization must obtain the appropriate OLCC license and provide the Multnomah Center with a certificate of comprehensive general liability insurance for \$300,000 naming as insured the City of Portland, its officers, agents, and employees, and sign a "Hold Harmless" agreement with the City of Portland for any liability; and

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- C. All supplies and materials or other property brought on the premises will be the sole responsibility of the user.

20.38.080 Priority for Users.

(Repealed by Ordinance No. 159171, effective December 15, 1986.)

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**CHAPTER 20.40 - STREET TREE AND
OTHER PUBLIC TREE REGULATIONS**

(Chapter repealed by Ordinance No. 184522;
delayed by Ordinance No. 185448 and 186053,
effective January 1, 2015.)

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CHAPTER 20.42 - TREE CUTTING

(Chapter repealed by Ordinance No. 184522;
delayed by Ordinance No. 185448 and 186053,
effective January 1, 2015.)

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**CHAPTER 20.44 - NONRESIDENT
PARTICIPATION FEES**

(Chapter repealed by Ordinance No. 158454,
effective May 1, 1986.)

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**CHAPTER 20.48 - ST. JOHNS RACQUET
CENTER**

(Chapter repealed by Ordinance No. 164427,
effective July 10, 1991.)

**CHAPTER 20.50 - COLUMBIA SOUTH
SHORE SLOUGH TRAIL**

(Chapter added by Ordinance No. 166785, effective
July 21, 1993.)

Section:

20.50.010 Prohibited Activities.

20.50.010 Prohibited Activities.

It shall be unlawful to ride a bicycle or to have domestic animals leashed or unleashed on the Columbia South Shore Slough Trail. The trail area is defined by Title 33, Map 515-2. This provision does not apply to police officers who may have the need for the use of horses or bicycles during their official performance of duties.

