

Exhibit A

19.16.500 Duckworth Dock Moorage

- A. As used in this Section and Section 19.16.515 the following words and terms have the meanings indicated unless the context clearly requires otherwise:
1. **“PBOT”** means the City of Portland Bureau of Transportation. Where appropriate, the term “PBOT” also refers to the staff and employees of the Portland Bureau of Transportation.
 2. **“Dock”** means the PBOT float, piers, and gangway that are part of the Kevin J. Duckworth Memorial Dock installed on the east bank of the Willamette River and attached to the Eastbank Esplanade near and upriver (south) of the Steel Bridge.
 3. **“Commercial vessel”** means a vessel which is used, rigged, or licensed for any commercial use or purpose, and shall include watercraft operated within the terms of a concession lease or agreement with the City of Portland.
 4. **“Night”** means any period of time between one hour after sunset until one hour before sunrise.
 5. **“Director”** means the Director of the Portland Bureau of Transportation.
- B. The operator of recreational watercraft may use the Dock for recreational purposes only. It is unlawful to use the Dock for any purpose other than recreation without prior written permission of the Director.
- C. It is unlawful to moor a watercraft at the Duckworth Dock during the night, except as described in this section, without prior written permission of the Director. The Harbor Master may permit a craft to be moored at the Duckworth Dock for more than 24 hours only when the craft is inoperable and reasonable additional time is needed to repair it. Mooring of boats will be allowed for a period of up to 72 hours from Friday at noon to Monday at noon from the full weekend prior to the Memorial Day holiday weekend through the full weekend after the Labor Day weekend. During the rest of year mooring of boats will be allowed as a day-use only with no overnight mooring.
- D. Recreational boats may moor on both sides of the dock, with the exception of the 100-foot outside and upstream portion of the dock designated for commercial vessels (tour boats, water taxis, etc.). Commercial vessels must obtain a permit through the Portland Parks & Recreation Reservation Center, which is allowed to issue commercial permits on PBOT’s behalf.
- E. Use of the Dock shall be on a first come, first served basis unless otherwise permitted by the Director. Reserving or retaining space to moor a watercraft, by means of a dinghy or any method other than occupying the space by the watercraft to be moored or obtaining a permit is prohibited.

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- F.** The mooring of any craft in violation of this section may result in eviction from moorage, in addition to any other penalty prescribed by law.
- G.** The Director is authorized to issue administrative rules and establish moorage fees which the Director deems necessary to operate and maintain the Dock.
- H.** The provisions of this Section may be enforced by the Director or his or her appointed designees, the Portland Park Bureau Rangers, the Harbor Master, the Portland Police Bureau and its officers, and, the Multnomah County Sheriff's Office and its deputies.
- I.** The Director is authorized to designate persons in charge of the Dock. The designation shall be in writing, and any person and law enforcement agency so designated shall be a "person in charge" as that term is defined in ORS 164.205(5) until the designation is removed by the Director. The Director shall maintain a list of all persons who have been designated as a "person in charge" of the Dock. Upon request, the Director shall provide a copy of the list to the District Attorney of Multnomah County.
- J.** The City of Portland, its officers, employees, and agents are not liable for any personal injury or property damage resulting from maintenance or use of the Dock.

19.16.515 Exclusions

- A.** In addition to other remedies provided for violation of this Code, or of any of the laws of the State of Oregon, any Peace Officer as that term is defined under ORS 133.005 may exclude any person who violates any applicable provision of law at the Duckworth Dock from the Dock in accordance with the provisions of this Section. Nothing in this Section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law, shall be subject to exclusion as provided by this Section.
- B.** For purposes of this Section, "applicable provision of law" includes any applicable provision of this Code, of any City ordinance, or of any rule or regulation promulgated by the Director or the Council under this Title, any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages, any applicable County ordinance or regulation. For purposes of this Section, "applicable" means relating to the person's conduct at the Dock.
- C.** An exclusion issued under the provisions of this Section shall be for 30 days. If the person to be excluded has been excluded from the Dock at any time within two years before the date of the present exclusion, the exclusion shall be for 90 days. If the person to be excluded has been excluded from the Dock on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.
- D.** Before issuing exclusion under this Section, a Peace Officer shall first give the person a

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warning and a reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies with the direction and desists from the violation. Notwithstanding the provisions of this Subsection, no warning shall be required if the person is to be excluded for engaging in conduct that:

1. Is classified as a felony or as a misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:
 - a. Chapter 162 - Offenses Against the State and Public Justice;
 - b. Chapter 163 - Offenses Against Persons;
 - c. Chapter 164 - Offenses Against Property, except for ORS 164.805, Offensive Littering;
 - d. Chapter 165 - Offenses Involving Fraud or Deception;
 - e. Chapter 166 - Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
 - f. Chapter 167 - Offenses Against Public Health, Decency and Animals; Chapter 475 - Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or
2. Has resulted in injury to any person or damage to any property; or
3. Constitutes a violation of any of the following provisions of this Code:
 - a. Section 14A.40.030 - Indecent Exposure;
 - b. Section 14A.40.040 - Loitering to Solicit Prostitution;
 - c. Section 14A.40.050 - Unlawful Prostitution Procurement Activities;
 - d. Section 14A.60.010 - Possession of a Loaded Firearm in a Public Place;
 - e. Section 14A.60.020 - Discharge of a Firearm;
 - f. Section 14A.60.030 - Tear Gas and Stun Guns;
 - g. Section 14A.60.040 - Explosives and Bottle Bombs; or
4. Is conduct for which the person previously has been warned or excluded for committing on the Dock.
 - E. Written notice shall be given to any person excluded from the Dock under this Section. The notice shall specify the date, length and place of the exclusion, shall identify the provision of law the person has violated and shall contain a brief description of the offending conduct. The notice shall inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal. It shall be signed by the issuing party. Warnings of consequences for failure to comply shall be prominently

displayed on the notice.

- F.** A person receiving such notice of exclusion may appeal to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code. 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 convinces the Code Hearings Officer that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law.
- G.** At any time within the period of exclusion, a person receiving such notice of exclusion may apply in writing to the Director for a waiver of some or all of the effects of the exclusion for good reason. If the Director grants a waiver under this Subsection, the Director shall promptly notify the Portland Police Bureau's Records Division and the designated Person in Charge of such action. In exercising discretion under this Subsection, the Director shall consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be on the Dock 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 criterion the Director determines to be relevant to the determination of whether or not to grant a waiver. Notwithstanding the granting of a waiver under this Subsection, the exclusion will be included for purposes of calculating the appropriate length of exclusions under 19.16.515 C. The decision of the Director to grant or deny, in whole or in part, a waiver under this Subsection is committed to the sole discretion of the Director, and is not subject to appeal or review.
- H.** If an appeal of the exclusion is timely filed under Subsection 19.16.515 F., the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. 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.
- I.** 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 19.16.515 C. 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 for the Dock are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.
- J.** No person shall enter or remain on the Dock at any time during which there is in effect a notice of exclusion issued under this Section excluding that person from the Dock.