

Title 20 Parks and Recreation

Chapter 20.04 General Provisions

20.04.010 Definitions.

As used in this Title, unless the context requires otherwise, the following definitions apply:

A. Bureau or Portland Parks and Recreation means the Portland Parks and Recreation Bureau.

B. City Administrator has the meaning in Charter and Code.

C. 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.

D. 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.

E. 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.
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 City Administrator.

F. Field permitting organization means any entity that permits or assigns permitting duties for organized sports use (as defined in Portland City Code 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 will apply to any site owned or operated by any school district in the city, whether or not Portland Parks and Recreation is the field permitting organization for that site.

20.04.020 Use Encouraged.

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

20.04.030 Management of Parks.

In accordance with Portland City Code Chapter 3.26, the City Administrator has the general management and supervision of all parks, squares, openings, and public grounds surrounding public buildings now owned or later acquired by the City, and also will have power to 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.

20.04.040 Rules and Regulations.

As authorized by Charter and Code, the City Administrator may adopt rules and regulations for the use, management, and supervision of parks, squares, openings, public grounds, and grounds surrounding public buildings, bath houses, or other places of recreation, now belonging to the City or later acquired by it.

20.04.050 Public Notification - Recreational Fields.

EXHIBIT A

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 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 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 five parking spaces or fewer and within 15 feet of a residential property.

B. The notice must describe in detail the type of improvements or change in use proposed. The notice must 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 must respond to these written comments in writing within 21 days.

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 nonbinding 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 FPO 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.

A. When the City is the field permitting organization (FPO), the City may enter into non-binding Good Neighbor Agreements (GNAs) under Section 20.04.050.

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, will comply with the Good Neighbor Agreement Policy adopted by the City Administrator for Portland Parks & Recreation, including the process.

20.04.070 Completion of Field Improvements.

If a Good Neighbor Agreement process is initiated, it must be completed or resolved before any of the proposed improvements in Subsection 20.04.050 A. are implemented.

20.04.080 Building Permit Applications.

Before a building permit application may be filed for field or facility improvements, a field permitting organization (FPO) must complete or cause to be completed all steps required in Section 20.04.050 through 20.04.070.

Chapter 20.08 Permits

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 City Administrator 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 that has been designated for 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 engaged in the activity seeks 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.

F. The activity includes using the park in a manner inconsistent with designated uses of the park, or includes conduct that 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; Administrative Rules.

A. Any person desiring a permit under Section 20.08.010 must make an application for a permit. The City Administrator may adopt administrative rules as authorized by Charter, including but not limited to standard conditions for applications and for permits. The written policies and procedures will be available for public inspection. Every application must 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 other information relating to the contemplated use as required.

B. A permit may be issued if a complete application complying with all adopted policies and procedures is made 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 requires 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 complied with the conditions of any permit previously issued by the City Administrator.
- C.** A permit may be issued for use of a park during hours when the park is closed. If the requested use does not meet the criteria of Subsection B. of this Section, the City Administrator 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. Permit review will be completed as quickly as reasonably possible, and, at the latest, within 14 business days after a complete application is filed, except where policies or procedures provide for additional time.
- D.** An applicant who was denied a permit, was issued a permit for a scope of use different from the permit application, or objects to conditions included in the issued permit may appeal the permit decision by filing a written notice of appeal to the City Administrator within five calendar days of the permit decision. The notice of appeal must explain how the permit decision failed to meet the criteria of Subsection B. of this Section and will include any desired changes to permit scope or conditions. The City Administrator will review the appeal and other relevant permit information within 14 business days of receiving the request. The City Administrator will notify the applicant in writing whether the prior decision will be affirmed or whether permit conditions will be modified. The decision of the City Administrator will be deemed final.

E. In determining whether the criteria of Subsection B. of this Section are met, no consideration will be given to the content of any constitutionally-protected expression connected with the planned activity. No permit will 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 will be required under this Chapter 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 will, so far as possible, be held severable, and will not affect the remainder, which will continue in full force and effect.

20.08.030 Permits to be Exhibited.

Any person claiming to have a permit issued under this Chapter must produce and exhibit the permit upon the request of any authorized park officer.

20.08.040 Permits Subject to Laws, Codes, Rules and Regulations; Indemnification.

All permits issued under this Chapter are subject to all applicable laws, Code, and rules and regulations governing parks. Permittees are bound by all applicable laws, Code, rules and regulations as fully as though they were inserted in the permit. A permittee is liable for all loss, damage, or injury to any person or property arising from the permittee's negligence and for any breach of applicable laws, Code, rules or regulations. The permittee is liable to all persons so suffering damage or injury, including to the City and its officers, employees, and agents. The permittee must indemnify, defend and hold the City and its officers, employees and agents harmless 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 Nontransferable.

A permit issued under this Title is personal to the permittee, and will be void if transferred or assigned in any manner without the written consent of the City Administrator.

20.08.060 Prohibited Conduct at Permitted Events.

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. This Section does 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 a permit.

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 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 places as the permittee may provide or allow for these activities in accordance with the permit.

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" 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 the possession of which 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.

20.08.070 Nonpark Use of Park Property.

It is unlawful for any person to use park property in a manner inconsistent with a park use, 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. Nonpark use of park property requires written authorization by the City Administrator in the form of a Nonpark use permit. Sections 20.08.010 and 20.08.020 do not apply to nonpark use permits.

Chapter 20.12 Prohibited Conduct

20.12.010 Purpose of Establishing Prohibited Conduct.

The purposes of this Chapter include but are not limited to: preserve the parks for the enjoyment, safety, comfort and convenience of the public; enhance the orderly administration and management of the parks in accordance with the Bureau's management, operation and stewardship plans and policies; preserve, protect and prevent damages to cultural and natural resources and constructed physical improvements; and maintain a healthy natural ecosystem and support native wildlife. This Chapter prohibits conduct that unreasonably interferes with the administration and lawful uses of the parks, by limiting or restricting uses on reasonable time, place and manner as identified within this Chapter. This Chapter is not to punish any person for prior conduct, but, rather, to provide civil and non-punitive regulations the City 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 may 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 will 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 will 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 may urinate or defecate in any park except in a fixture within a public restroom or a facility specifically designed for toileting purpose. No person may

leave any bodily discharge in a park, except in waste receptacles designed for that disposal purpose.

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

A. A person must not sell, possess, or consume alcoholic beverages in a park, except under a concession contract or lease, by permit issued under Chapter 20.08, or as authorized by administrative rules promulgated under Section 20.04.040.

B. No person may 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;
- 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 will prohibit the possession in a park of medications prescribed to the person or to a person under that person's care, if and under conditions where possession of the substance is otherwise lawful.

D. Nothing in Subsection B. of this Section will 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" will have the meaning provided in ORS 475.005(6), and "prescription drug" will have the meaning provided in ORS 689.005(6).

20.12.050 Possession of Weapons.

No person may 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, icepick, 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 may 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, may engage in any conduct prohibited by Section 20.08.060 of this Code.

20.12.070 [Reserved]

20.12.080 Structures in Parks.

Except as permitted under Subsection 20.08.010 B. and/or under Section 20.08.070, no person may 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.

20.12.090 Disposing of Waste.

A. Littering prohibited. A person must dispose any waste, compostable materials, or recyclable materials generated by the person at the park into designated receptacles.

B. Dumping prohibited. A person must not bring to a park any quantity of household or commercial waste, compostable materials, or recyclable materials generated outside a park to be disposed or deposited in the park.

20.12.100 Vandalism; Protection of Park Property and Vegetation.

Except as authorized:

A. No person may alter or cause damage to any facility, building, improvement, fixture, or amenities in a park.

B. No person may:

- 1.** Climb, scale, walk, stand, swing, or sit upon any monument, fountain, railing, fence, tabletop, pole or any other feature or amenity that is not designed for those purposes;
- 2.** Install, tether, tie or attach any objects to poles, fences or other fixtures in parks.

C. No person may:

- 1.** Climb, scale, swing upon any tree or shrub;
- 2.** Install, tether, tie or attach any objects to any tree or shrub, including but not limited to swings, ropes, climbing anchors or harnesses;
- 3.** Remove, cut, carve, prune, injure, or destroy any tree, shrub, plant, flower, or other vegetation.

D. No person may plant, seed, dump, or purposefully introduce any plants or plant matter in a park.

E. No person may fish, swim, dive, bathe or wade in any fountain, pool, beach or water feature, except at times and places specifically designated.

20.12.110 Fires, Fireworks and Smoking Prohibited.

EXHIBIT A

A. A person must not light any fire in any park, except:

1. A person may operate a grill or stove in designated grill facilities and areas designated by the City Administrator, or by permit issued under Chapter 20.08.

B. A person must not possess or ignite any fireworks in any park.

C. A person must not: smoke, aerosolize, or vaporize an inhalant; activate an inhalant delivery system; or, carry a lighted smoking instrument in any park. For purposes of this Section, "smoking instrument" and "inhalant" have the same meaning as in ORS 433.835 and "inhalant delivery system" has the same meaning as in ORS 431A.175.

D. The City Administrator, in a manner consistent with the City's Human Resource Administrative Rules, may establish designated smoking and tobacco use areas for:

1. Parks employees for whom there is no reasonably available non-parks property where smoking and tobacco use is allowed;

2. 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 will be permitted. "Noncommercial tobacco products" means unprocessed tobacco plants or tobacco by-products used for ceremonial or spiritual purposes by Native Americans.

20.12.120 Abandoned Vehicles, Watercraft; Off-Road Driving.

A. A person must not abandon a motor vehicle, vessel or watercraft in a park. A motor vehicle, vessel, or watercraft is abandoned for purposes of this Section if it:

1. Has been left in a park for more than 24 hours; and,

2. Meets one or more of the following conditions:

a. Displays expired registration;

- b.** Fails to display valid registration as required by law;
 - c.** Is or reasonably appears to be inoperative or disabled; or,
 - d.** Is or reasonably appears to be wrecked, partially dismantled or junked;
- B.** A person must not operate or park a motor vehicle outside designated park roads and parking areas, except when authorized by a permit issued under Chapter 20.08.

20.12.140 Animals.

A. Prohibited animals.

- 1.** A person must not bring to a park any exotic animal, dangerous dog, or potentially dangerous dog as defined by ORS Chapter 609, or any wild animal as defined by Multnomah County Animal Services, or any aquatic life.
- 2.** A person must not bring an animal to a park if the animal is required to be licensed by Multnomah County Animal Services and the animal does not have a valid and properly displayed license.

B. Leash; remove waste.

- 1.** A person in possession of any animal in a park must physically restrain and maintain control of the animal by leash no greater than eight feet in length.
- 2.** The City Administrator may designate off-leash areas for dogs in a park and promulgate administrative rules, regulations, and hours of use for these areas. A violation of any rule regarding designated off-leash areas will be a violation of this Section.
- 3.** A person in possession of a dog, cat, horse, livestock, or other animal in any park must promptly remove excrement and waste generated by the animal while in a park.

C. Prohibited conduct related to animals.

EXHIBIT A

1. A person must not hitch any animal to any tree, shrub, fence, railing, or other structure or facility in a park, except to such posts as are designated for that purpose.
2. A person must not injure, harm, disturb, or molest any animal in a park.
3. A person must not feed or offer food items to any wild animal or aquatic life in a park.
4. A person in control or possession of an animal must not allow that animal to enter or remain upon any of the following in a park:
 - a. Any lake, water feature, splash pad, fountain, pond, or stream;
 - b. Any tennis court, basketball court, running track, or other artificial sports surface or sports field;
 - c. Any sports facility enclosed by a fence or wall;
 - d. Any area where animals are prohibited.

D. Exemptions.

1. The prohibitions of this Section do not apply to service animals while performing their qualifying services, nor to animals during official performance of police or rescue activities.

E. Notwithstanding any other provision of this Code, any person violating Subsections 20.12.120 A., B., or C. 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.

20.12.160 Unlawful Use of River Frontage Along Park Property.

- A.** No person may jump or dive from any seawall, pier or dock in any park, into the Willamette or Columbia Rivers.
- B.** No person may 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. A person may not 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. A person may not use any wheeled vehicle, including unicycles, bicycles, tricycles, skateboards, roller skates or roller blades, motorized or unmotorized scooters, or any motorized vehicle on:

- 1.** Any tennis court, basketball court, running track or other artificial sports surface or designated sports facility except in areas specifically designated or provided for the use;
- 2.** Any fountain area, planter, or sculpture;
- 3.** Any park amenity, post, railing, curb, or other surface for the purposes of grinding, launching, or sliding; or,
- 4.** Any area specifically prohibited.

C. Motorized wheeled vehicles, including electric-assisted bicycles as defined in ORS 801.258, electric personal assistive mobility devices, motor-assisted scooters, and other similar wheeled vehicles that operate without exclusive human power, must be operated by a person in a park in accordance with the administrative rules adopted under Section 20.04.040. Administrative rules may restrict or limit the time, place, and manner of use of motorized wheeled vehicles, and may impose permit requirements including payment of fees for commercial use of motorized wheeled vehicles in parks

D. The prohibitions of this Section do not apply to:

- 1.** Authorized service or emergency vehicles, and vehicles or devices authorized under a permit pursuant to Chapter 20.08;
- 2.** A motorized or unmotorized wheelchair, stroller, walker, or other medical mobility device used by a person to be mobile, when operated at

a maximum speed of 15 miles per hour, or five miles per hour when approaching other park users.

20.12.180 Remote Control Vehicles, Aircraft and Watercraft.

A. No person may operate any remote-controlled internal combustion powered vehicle, or any remote-controlled watercraft or unmanned aerial system (UAS), in a park.

B. This section does not apply to:

1. Permitted work done by, for, or on behalf of the City;
2. Emergency operations undertaken by a public body;
3. Emergency landings of a UAS executed in a park in the absence of an equally safe alternative; or
4. Use in approved areas designated by the City or under a permit issued under Chapter 20.08.

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, must depart from the portion of any park specified by that park officer, and must 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 Mayor, the City Administrator, 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 park, or part thereof, at appropriate locations. Notices that any park, or part thereof, is closed will be posted at appropriate locations during the period of such closure, if feasible; however, failure to post such notices will not invalidate the closure nor will it invalidate any exclusion for violating this Section.

C. No person may enter any park or any part thereof that has been closed under this Section, or remain in the park, or part thereof, after having been notified of the closure and having been requested to leave by the Mayor, the

City Administrator, the Director or an officer of the Bureau of Police or park officer. A closure under this Section will not exceed 18 hours without the written approval of 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 may include providing emergency services to the public, subject to the following conditions:

- 1.** The scope of use of park facilities during the emergency will be defined by approved City emergency plans or by the City Administrator.
- 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 will be submitted to the City's Bureau of Emergency Management for reimbursement. Costs reimbursable under this Section may 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. Unless authorized, no person may 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 may ride, drive, or walk on parts or portions of the parks or pavements as are closed to public travel, nor may any person interfere with barriers erected in any park.

C. No unauthorized person may 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 may enter or remain in any municipal swimming pool, nor in any deck area adjacent to it, nor in any locker room, shower room, changing room or restroom serving a municipal swimming pool, nor within any designated children's play area, nor in any area of a park within 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 an offense if it had been committed in the State of Oregon, if the victim of any offense was sixteen years of age or younger and was not biologically related to the person. This Section will 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, may 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 may 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 may be in a park during hours of park closure. Unless otherwise designated for any park, **hours of park closure** means any time between the hours of 12:01 a.m. and 5:00 a.m.

B. This Section will not apply to the following:

- 1.** Vehicular traffic crossing on a park roadway, at times when those roads are open to vehicular traffic.
- 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 or parking areas 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 may 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 may 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.

No person may 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 City Administrator 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 SW Morrison St, on the south by the north curb of SW Yamhill St, on the east by the west curb of SW Sixth Ave, 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 may violate any ordinance, rule or regulation duly promulgated by TriMet governing the use of its shelters or other facilities located within Pioneer Courthouse Square.

C. 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 St, 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 St.

No person may remain in those areas except for the purpose of entering into, exiting from or waiting for a light rail train or trolley.

D. No person may place graffiti in Pioneer Courthouse Square.

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

No person may 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 will prohibit the performance by any park officer of any otherwise authorized act or duty.

20.12.260 Citations.

A. In addition to other remedies available for violations of City Code, the City Administrator is authorized to stop and issue a citation to any person in violation of Chapter 19 and Chapter 20. Any citation issued by the City Administrator may be punishable only by a civil penalty fine.

B. The City Administrator will adopt policies and procedures for the administration of civil penalties as authorized in this Section. Fee schedules will be approved by the City Administrator.

C. Any person assessed a civil penalty under this Section may appeal the citation to the Code hearings office in accordance with Title 22 of this code.

20.12.265 Park Exclusions.

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 will 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 (TriMet) governing any TriMet 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 park facility, and entry or admission to the park facility serves proprietary, revenue or other business purposes.

C. Ejections or exclusions.

1. The City Administrator 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 City Administrator may issue an exclusion to a person who engages in a disruptive activity or a park violation:

D. Oral warning.

EXHIBIT A

- 1.** An oral warning may be given to a person who may be subject to an ejection or exclusion under this Section to provide 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.** An attempt to give an oral warning before issuing an ejection or exclusion is not required 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 Portland City Code 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 that 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.

- 1.** Except as provided below in Subsection E.2, the length of exclusion from a park will 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 will 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 three years before the date of the present exclusion, then the exclusion will be for 180 days.
- 2.** The length of exclusion will be:
 - a.** For 60 days if the disruptive activity or park violation giving rise to the present exclusion:

EXHIBIT A

(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 three 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 three years before the date of the present exclusion.

F. Except as otherwise provided in this Subsection, the place of exclusion will be the park where the disruptive activity or park violation occurred.

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.

The City Administrator 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 will be a sworn written notice and will include:

1. The date, length and place(s) of the exclusion.

EXHIBIT A

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 five business 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 in this Section. If the exclusion is affirmed, the remaining period of exclusion will 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 Ida B Wells outdoor pools.
3. Any golf course or sports complex and all portions of the real property designated as part of the identified golf course or sports complex.
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. will be made by the City Administrator. The City Administrator 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 will 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 person issuing the notice of exclusion will be admissible evidence on appeal, unless the appellant requests in writing the presence of the issuing person 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 will 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 will 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 that are affirmed will 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 City Administrator.
- 1.** A request for modification of the exclusion must specify good reason and identify the modification desired.
 - 2.** The City Administrator 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 City Administrator determines to be relevant to the determination of whether or not to grant a modification.

3. The City Administrator 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 City Administrator to grant the request for modification.
5. If the City Administrator grants a modification under this paragraph, the City Administrator will promptly notify the Portland Police Bureau's Records Division and the Director of the modification decision.

Chapter 20.20 Municipal Golf Course Rates

20.20.010 Playing Rates.

Green fees will be charged and collected for the privilege of playing golf at the City's municipal golf courses, which may include Eastmoreland, Rose City, Red Tail, Colwood, and Heron Lakes. In addition, fees will be charged and collected for the use of other golf facilities and equipment such as driving ranges and golf carts. The City Administrator will 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, will be listed in the "City of Portland Golf Operations Manual" or another successor document.

20.20.020 Holders of Life Certificates.

Any person who has been employed by the Bureau in connection with the municipal golf courses for a period of 25 years or more will be granted a lifetime certificate entitling them to use without charge and at all times any golf facility operated by the City. The certificates will be issued by the Bureau and will 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.

20.20.030 Suspension, Termination or Cancellation of Privilege.

The privilege of playing under any rate established in this Chapter may be suspended, terminated, or canceled immediately without refund by a park officer if a person engages in disruptive activity, a park violation or prohibited conduct as defined in Chapter 20.12.

Chapter 20.30 Pittock Mansion

20.30.010 Admission Charges for Viewing Interior of Mansion.

Fees for admission to Pittock Mansion will be reviewed and approved by the City Administrator.

20.30.020 Pittock Mansion Society.

Pittock Mansion Society may manage and maintain a membership program with varying membership levels and associated fees, so long as those fees are reviewed and approved by the City Administrator. The authority granted to Pittock Mansion Society in this Chapter is contingent on the continuation of its valid non-profit corporation status under Oregon law and certification under Internal Revenue Code Section 501(c)(3).

20.30.030 Fees for Commercial Photography.

A. All activity of commercial photographers may be subject to supervision by the Pittock Mansion Society staff.

B. Fees and permit requirements for photographer location work done within Pittock Acres Park and within Pittock Mansion will be proposed and approved pursuant to Chapter 20.08 by the City Administrator.

C. Special fees may be charged for commercial photographic work intended for national dissemination, including television productions and motion pictures, or that involves extraordinary circumstances.

D. Photographic use requiring major City staff time, extraordinary circumstances or inordinate demand on the facilities will be referred to the City Administrator for their review and recommendation.

Chapter 20.40 Portland International Raceway West Delta Park

20.40.010 Authorized Uses.

Subject to the approval of the City Administrator, West Delta Park, also referred to as Portland International Raceway (PIR), may be used for motor vehicle and motorcycle racing, testing, demonstration, exhibition, or driving training, and exclusive use of all or part of the park roadways and other facilities for events.

20.40.020 Conditions of Permits.

The City Administrator is authorized to adopt administrative rules and regulations governing the use of PIR and establish permit issuance criteria, as authorized by Charter.

20.40.030 Fees.

A. The City Administrator is authorized to establish, maintain and modify a schedule of fees for the events and uses allowed at PIR.

B. It is unlawful for any person to use PIR without first paying the fee established for that use or event.

C. The fee schedule for use of PIR for recreational and vehicle testing purposes and other miscellaneous uses may include, but is not limited to, fees for:

- 1.** Testing of cars on the road course, on the days set aside for testing use.

EXHIBIT A

2. Recreational riding for motorcycles.
3. For miscellaneous events and facility use, including fees for use of lights.
4. For placement of advertising.
5. Surcharges for violations of any rule or policy.