

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF INCREASING ) ORDINANCE NO 00-870  
TO ONE YEAR THE MAXIMUM )  
PERIOD OF EXCLUSION FROM THE ) Introduced by Mike Burton, Executive Officer  
OREGON ZOO AND DECLARING AN )  
EMERGENCY )

WHEREAS, Metro Code Section 4.01.100 currently provides for a 45-day maximum period of exclusion for violation of zoo rules or state law; and

WHEREAS, a longer maximum period of exclusion is warranted because of the increase in activity and public access at the Oregon Zoo; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Section 4.01.100 is amended to read as follows:

4.01.100 Penalties

(a) Each violation of these rules and regulations shall be punishable by a fine of not more than \$500.

(b) In addition to prosecution under paragraph (a) above, any person violating these rules and regulations may be ejected from the zoo. The decision to eject shall be made by the zoo director or his/her designate, a security officer, or a peace officer.

(c) In addition to the measures prescribed in subsections (a) and (b) above, violation of these rules and regulations may be grounds for exclusion from the zoo premises and the zoo parking lot. In the event of a violation of these rules and regulations, or a violation of any of the laws of the State of Oregon, any police officer, zoo security officer, zoo director or his/her designate, or any individual providing security services under contract with Metro may exclude for a period of not more than 45 days one year, any person who violates any provision of these rules and regulations, or any of the laws of the State of Oregon.

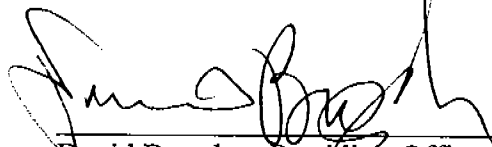
- (1) Written notice shall be given to any person excluded from the zoo, or zoo parking lot. The notice shall specify the violation of zoo rules and regulations or state law which is the basis for the exclusion and shall specify the dates covered by the exclusion. The notice shall be signed by the issuing party. Warning of the consequences for failure to comply with the exclusion shall be prominently displayed on the notice.

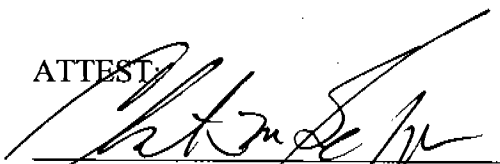
- (2) A person receiving an exclusion notice may appeal to the Metro council in accordance with the contested case procedure in chapter 2.05 of the Metro Code.
- (3) At any time within the period of exclusion, a person receiving an exclusion notice may apply in writing to the zoo director for a temporary waiver from the exclusion. The zoo director may grant a temporary waiver of an exclusion upon a showing of good cause for said waiver.

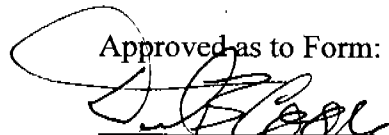
(Ordinance No. 92-412A, Sec. 2)

- 2. That this Ordinance is necessary for the immediate preservation of public health, safety and welfare because of the increase in activity and public access at the Oregon Zoo; an emergency is therefore declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this 7<sup>th</sup> day of September 2000.

  
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David Bragdon, Presiding Officer

ATTEST  
  
\_\_\_\_\_  
Recording Secretary

Approved as to Form:  
  
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Daniel B. Cooper, General Counsel

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7/13/2000



## OPERATIONS COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 00-870, FOR THE PURPOSE OF INCREASING TO ONE YEAR THE MAXIMUM PERIOD OF EXCLUSION FROM THE OREGON ZOO AND DECLARING AN EMERGENCY

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Date: August 17, 2000

Presented by: Councilor Atherton

**Committee Recommendation:** At its August 9, 2000, meeting, the Operations Committee voted 3-0 to recommend Council adoption of Ordinance No. 00-870. Voting in favor: Atherton, Monroe, Washington. Voting against: None. Absent: None.

**Background:** Kathy Kiaunis, Deputy Zoo Director, presented the staff report. She explained that the Zoo, under Metro code, currently has the authority to penalize violators of Zoo rules or state laws by either assessing a fine of \$500 or less, ejecting the guest from the Zoo, or excluding the guest from Zoo premises for a period not to exceed 45 days. She cited examples of behavior which would trigger an exclusion penalty, such as animal harassment, store or wishing well theft, inappropriate behavior towards staff or other guests, or defacing property. She also mentioned that infractions of Zoo rules and regulations usually average less than twelve incidences per year. This resolution calls for a longer exclusion period to those individuals who have been excluded, and who attempt to return to the Zoo and repeat the offending behavior on a regular basis.

**Committee Issues/Discussion:** Councilor Atherton asked if the Zoo consulted the police regarding the proposed action, questioning individuals could be excluded from public property. Ms. Kiaunis responded that the Zoo had consulted an attorney, and that staff works closely with the police on any exclusions which are criminal in nature. She also stated that this resolution does not introduce a new practice, but modifies an existing practice. Councilor Atherton asked what the outside limits of an exclusion period could legally be. Ms. Kiaunis responded that their attorney had indicated a five year maximum, but that the Zoo thinks one year would be both sufficient and effective for most serious offenders.

There was no further discussion.

## **STAFF REPORT**

**FOR THE PURPOSE OF INCREASING TO ONE YEAR THE MAXIMUM PERIOD OF EXCLUSION FROM THE OREGON ZOO AND DECLARING AN EMERGENCY.**

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Date: July 14, 2000

Presented by: Kathy Kiaunis

### **BRIEF DESCRIPTION OF ORDINANCE**

Metro Code includes a section on penalties for violation of zoo rules or state law. Each violation of these rules and regulations is punishable by a fine of not more than \$500, ejection from the zoo, and exclusion from the zoo premises and zoo parking lot. Currently the code allows for a 45-day exclusion. This time period has proven too short to exclude some individuals who refuse to comply with zoo regulations and attempt to return to the zoo on a regular basis. The severity of some infractions calls for a longer exclusion as well.

### **EXISTING LAW**

Metro Code Section 4.01.100 currently provides for a 45-day maximum period of exclusion for violation of zoo rules or state law.

### **BACKGROUND**

This Ordinance is necessary for the immediate preservation of public health, safety, and welfare.

### **BUDGET IMPACT**

None.

### **Outstanding Questions**

None.

### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Ordinance No. 00-870.