

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING TITLE X METRO) ORDINANCE NO. 02-978
REGIONAL PARKS AND GREENSPACES OF THE)
METRO CODE (CHAPTERS 10.01 through 10.03), TO)
CONFORM TO THE METRO CHARTER AMENDMENTS)
ADOPTED ON NOVEMBER 7, 2000, AND DECLARING) Introduced by the Council
AN EMERGENCY) Governmental Affairs Committee

WHEREAS, on November 7, 2000, the electors of Metro approved Ballot Measure 26-10 amending the Metro Charter; and

WHEREAS, the Metro Charter Amendments, created the Office of Council President and abolished the Office of the Executive Officer; and

WHEREAS, the Metro Council amended Metro Code Chapter 2.01 to reflect the creation of the office of Metro Council President pursuant to Ordinance No. 02-954A on June 27, 2002; and

WHEREAS, the Metro Charter Amendments required the Metro Council to create the Office of the Chief Operating Officer; and

WHEREAS, the Metro Charter Amendments, added Metro Code Chapter 2.20 to create the office of Chief Operating Officer and to define the duties and responsibilities of the Chief Operating Officer, pursuant to Ordinance No. 02-942A on June 27, 2002; and

WHEREAS, the Metro Charter Amendments required the Council to create the Office of the Metro Attorney; and

WHEREAS, the Metro Council amended Chapter 2.08 of the Metro Code to create the office of the Metro Attorney and to define the duties and responsibilities of the Metro Attorney, pursuant to Ordinance No. 02-953A on June 27, 2002; and

WHEREAS, it is necessary to amend the following Chapters of Title X Metro Regional Parks and Greenspaces of the Metro Code to conform to the Metro Charter Amendments adopted on November 7, 2000:

| Exhibit | Chapter | Title X Metro Regional Parks and Greenspaces |
|----------------|----------------|---|
| A | 10.01 | Metro Regional Parks and Greenspaces Regulations |
| B | 10.02 | Regional Park Fees |
| C | 10.03 | Conservation Easements |

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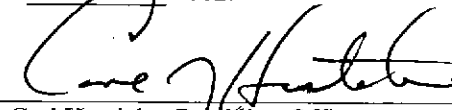
THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro Code Chapters are amended as provided for and are attached as follows:

| Exhibit | Chapter | Title X Metro Regional Parks and Greenspaces |
|---------|---------|--|
| A | 10.01 | Metro Regional Parks and Greenspaces Regulations |
| B | 10.02 | Regional Park Fees |
| C | 10.03 | Conservation Easements |

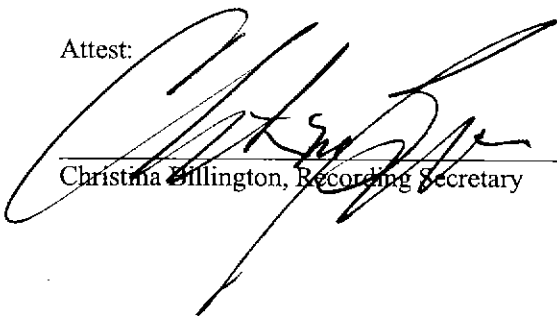
2. The Metro Charter Amendments to Title X Metro Regional Parks and Greenspaces of the Metro Code adopted by this ordinance shall take effect on January 6, 2003.

ADOPTED by the Metro Council this 21st day of November 2002.



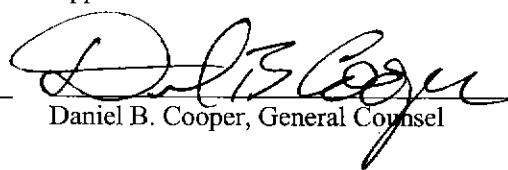
Carl Hosticka, Presiding Officer

Attest:



Christina Billington, Recording Secretary

Approved as to Form:



Daniel B. Cooper, General Counsel

**Metro Charter 2003 Amendments to Metro Code
Title X Metro Regional Parks and Greenspaces**

TITLE X

METRO REGIONAL PARKS AND GREENSPACES

| CHAPTERS | TITLE |
|----------|--|
| 10.01 | Metro Regional Parks and Greenspaces Regulations |
| 10.02 | Regional Park Fees |
| 10.03 | Conservation Easements |

CHAPTER 10.01

METRO REGIONAL PARKS AND GREENSPACES REGULATIONS

| SECTIONS | TITLE |
|-----------|---|
| 10.01.010 | Purpose |
| 10.01.020 | Definitions |
| 10.01.030 | Policy |
| 10.01.040 | Enforcement Authority/Park Rules |
| 10.01.050 | Park Property Destruction and Other Property Prohibitions |
| 10.01.060 | Trees, Shrubbery and Lawns Prohibitions |
| 10.01.070 | Animals, Birds and Fish Prohibitions |
| 10.01.080 | Pollution of Waters and Soils Prohibited |
| 10.01.090 | Refuse and Trash Prohibitions |
| 10.01.100 | Traffic Prohibitions |
| 10.01.110 | Parking Prohibitions |
| 10.01.120 | Bicycle Prohibitions |
| 10.01.130 | Bathing and Swimming Prohibitions |
| 10.01.140 | Blue Lake Boating Prohibitions |
| 10.01.150 | Fishing Prohibited in Swimming Areas |
| 10.01.160 | Hunting and Firearms Prohibitions |
| 10.01.170 | Camping Prohibitions |
| 10.01.180 | Prohibited Games |
| 10.01.190 | Horseback Riding Restricted |
| 10.01.200 | Consumption of Alcoholic Beverages Limited |
| 10.01.210 | Fireworks and Explosives Prohibited |
| 10.01.220 | Domestic Animals Restricted |
| 10.01.230 | Soliciting Prohibited |
| 10.01.240 | Fires Limited |
| 10.01.250 | Games of Chance Prohibited |
| 10.01.260 | Violent and Excessively Loud Conduct Prohibited |
| 10.01.270 | Exhibiting Permits Required |
| 10.01.280 | Interference with Permittees Prohibited |
| 10.01.290 | Vending and Peddling Restricted |
| 10.01.300 | Signs Restricted |
| 10.01.310 | Park Hours |
| 10.01.320 | Posting of Park Rules |
| 10.01.330 | Closed Areas |
| 10.01.340 | Lost and Found Articles |
| 10.01.350 | Permits for Camping, Group Picnics and Vending |
| 10.01.360 | Special Use Permit |
| 10.01.370 | Permit Revocation |
| 10.01.380 | Boats and Moorages |
| 10.01.390 | Enforcement Personnel |
| 10.01.400 | Ejectment and Exclusion |
| 10.01.410 | Seizure of Property |
| 10.01.420 | Hearing Regarding Seized Property |

- 10.01.430 Other Laws Applicable
- 10.01.440 Severability
- 10.01.600 Penalties
- 10.01.610 Bail and Fine Collection

10.01.010 Purpose

The purpose of this chapter is to provide for regulations governing the use of Metro owned or operated Regional Parks and Greenspaces facilities by members of the public in order to provide protection for wildlife, plants and property, and to protect the safety and enjoyment of any person visiting these facilities. This chapter is intended to supersede and replace any Multnomah County Code provisions previously applicable to any properties formerly owned or operated by Multnomah County.

(Ordinance No. 96-659A, Sec. 1.)

10.01.020 Definitions

As used in this chapter, unless the context requires otherwise:

- (a) "Council" shall have the meaning assigned thereto in Metro Code Section 1.01.040(a).
- (b) "Director" means the person designated by the Chief Operating Officer to serve as the ~~D~~irector of Metro's Regional Parks and Greenspaces Department or the Director's ~~D~~esignee.
- ~~(c) "District" shall have the meaning assigned thereto in Metro Code section 1.01.040(b).~~
- ~~(d) "Executive officer" means the Metro executive officer, and shall include any person(s) to whom the executive officer has delegated authority under this chapter.~~
- (~~c~~e) "Metro Code" means the Code of Metro ~~the Metropolitan Service District~~.
- (~~d~~f) "Park" means a forest, reservation, playground, beach, natural area, recreation center, cemetery, or any other similar area owned, operated or managed by Metro, through its Regional Parks and Greenspaces Department, and devoted to active or passive recreation.
- (~~e~~g) "Park rules" means rules adopted by the Director pursuant to Section 10.01.040 of this chapter.
- (~~f~~h) "Person" shall have the meaning assigned thereto in Metro Code Section 1.01.040(f).
- (~~g~~i) "Public" means any person other than a Regional Parks and Greenspaces Department employee.
- (~~h~~j) "Vehicle" means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled, including a bicycle, and includes any trailer in tow of any size, kind or description, but does not include baby carriages or vehicles in the service of Metro Regional Parks and Greenspaces.

(ik) "Regional Parks and Greenspaces Department employee" means any paid employees of the Regional Parks and Greenspaces Department, any other paid employees of Metro performing tasks or functions at any park at the request or direction of either the Director or the Metro Council, volunteers performing functions and duties assigned or authorized by the Director, and any contractors or agents of the Regional Parks and Greenspaces Department carrying out their duties or obligations to the Regional Parks and Greenspaces Department.

(Ordinance No. 96-659A, Sec. 1.)

10.01.030 Policy

The Council has determined that it is necessary to adopt these Code provisions in order to insure the efficient operation, protection and maintenance of Regional Parks and Greenspaces and to protect the health, safety and welfare of the public; therefore, this chapter shall be liberally construed to effectuate this purpose.

(Ordinance No. 96-659A, Sec. 1.)

10.01.040 Enforcement Authority/Park Rules

(a) The Director shall have the authority to enforce all of the provisions of this chapter, including but not limited to the authority to enforce any park rules adopted pursuant to this chapter.

(b) The Director shall have the authority to adopt park rules which are not inconsistent with the provisions of this chapter, including but not limited to park rules governing fees. Park rules shall be in writing, shall be posted as otherwise required by this chapter, and shall be filed with the Metro Council.

(c) No person shall violate any park rule which has been adopted by the Director pursuant to this chapter.

(Ordinance No. 96-659A, Sec. 1.)

10.01.050 Park Property Destruction and Other Property Prohibitions

No person shall, within the boundaries of any park:

(a) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, rest rooms, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, other structures or equipment, recreation facilities or park property or appurtenances whatsoever, either real or personal.

(b) Dig, or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(c) Damage or destroy any park tree, shrub, plant, structure or appurtenance through the use of a motor vehicle, whether intentional or not.

- (d) Use any metal or mineral locating devices of any kind.

(Ordinance No. 96-659A, Sec. 1.)

10.01.060 Trees, Shrubbery and Lawns Prohibitions

No person shall, within the boundaries of any park:

- (a) Damage, cut, carve, transplant or remove any tree or plant or any part of any tree or plant, regardless of whether the tree or plant is dead or alive. Use of chain saws is prohibited.

- (b) Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or upon any other property not designated or customarily used for those purposes.

- (c) Plant any tree or shrub in a park or cemetery area without the written permission of the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.070 Animals, Birds and Fish Prohibitions

No person shall, within the boundaries of any park:

- (a) Hunt, molest, harm, frighten, kill, trap, chase, shoot or throw missiles at any bird, fish or other living creature or remove or have in possession any wild animal, bird, fish, or reptile or the eggs or nest of any reptile or bird. However, angling is permitted in designated areas in accordance with applicable rules and regulations as promulgated by the Oregon Department of Fish & Wildlife.

- (b) Give or offer to give food items to any animal or bird, except for those items intended for that purpose approved by the Director.

- (c) Give or offer to give to any animal or bird any tobacco, alcohol or other noxious substances.

(Ordinance No. 96-659A, Sec. 1.)

10.01.080 Pollution of Waters and Soils Prohibited

No person shall throw, discharge or otherwise place or cause to be placed in the soils of any Metro park or waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park, any matter or thing, liquid or solid, which will or may result in the pollution of those waters or soils.

(Ordinance No. 96-659A, Sec. 1.)

10.01.090 Refuse and Trash Prohibitions

No person shall deposit, dump, place or leave any rubbish, bottles, cans, garbage or refuse of any type regardless of its source in a park area, except refuse, garbage or litter occasioned through use of those areas which shall be deposited in refuse receptacles provided for that purpose.

(Ordinance No. 96-659A, Sec. 1.)

10.01.100 Traffic Prohibitions

No person shall, within the boundaries of any park:

(a) Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.

(b) Fail to obey all authorized enforcement personnel and park employees, which persons hereby are authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent to the parks in accordance with the provisions of this chapter and such supplementary rules as may be issued by the Director.

(c) Fail to observe and obey all traffic signs indicating speed, direction, caution, stopping or parking, and all other signs posted for proper control and to safeguard life and property.

(d) Drive any vehicle on any area except the park roads or parking areas or such other areas as may be specifically designated by the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.110 Parking Prohibitions

No person shall, within the boundaries of any park:

(a) Park a vehicle in other than an established or designated parking area or not comply with the posted directions and with instructions of any attendant who may be present at an established or designated parking area.

(b) Double park any vehicle on a road or parkway unless directed by a park attendant.

(c) Leave any vehicle parked in any park area after normal park operation hours without first obtaining permission from authorized enforcement personnel.

(d) Leave any vehicle parked on a boat ramp except while loading or unloading a boat.

(Ordinance No. 96-659A, Sec. 1.)

10.01.120 Bicycle Prohibitions

No person shall, within the boundaries of any park:

(a) Ride a bicycle on other than a vehicular road or path designed for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(b) Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit. Bicycles shall be kept in single file when two (2) or more are operating as a group. Bicyclists shall at all times operate their bicycles with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking and pass to the right of any vehicles they may be meeting.

(c) Ride a bicycle on any road between 30 minutes after sunset and 30 minutes before sunrise without an attached headlight plainly visible at least 200 feet in front of, and without a red taillight or reflector plainly visible from at least 200 feet from the rear of the bicycle.

(d) Use bikes on trails or other areas not specifically designated for such use.

(Ordinance No. 96-659A, Sec. 1.)

10.01.130 Bathing and Swimming Prohibitions

No person shall, within the boundaries of any park:

(a) Swim, bathe or wade in any waters or waterways in or adjacent to Blue Lake Park, except in such waters and at such times and places as are designated and in compliance with this chapter or rules adopted under this chapter.

(b) Allow a child under the age of five (5) to swim, bathe or wade in Blue Lake.

(c) Construct or install rope swings adjacent to waterways in any park area.

(Ordinance No. 96-659A, Sec. 1.)

10.01.140 Blue Lake Boating Prohibitions

Except as provided in subsections (a) through (d), no person shall bring into or launch any watercraft of any type from Blue Lake Park. Boating activities shall be in accordance with applicable rules of the State of Oregon.

(a) Watercraft belonging to residents whose property adjoins Blue Lake. Such watercraft shall be identified by the current decal and number of the Interlachen Homeowners Association.

(b) Watercraft for rent at the Park.

(c) Privately owned watercraft between October 1st and April 30th of each year provided that they shall not exceed 14 feet in length (17 feet for canoes), and 3.0 horsepower in motor capability

for the purpose of angling in accordance with rules promulgated by the Oregon Department of Fish and Wildlife.

- (d) As allowed by the Director for special events or other special purposes.

(Ordinance No. 96-659A, Sec. 1.)

10.01.150 Fishing Prohibited in Swimming Areas

No person shall fish, within the boundaries of any park, in any designated swimming area.

(Ordinance No. 96-659A, Sec. 1.)

10.01.160 Hunting and Firearms Prohibitions

No person shall discharge a firearm, air rifle, spring gun, bow and arrow or other weapon in or over any park except in areas specifically designed for that purpose. All weapons which are brought into parks areas shall be completely unloaded and kept in the owner's vehicle at all times.

(Ordinance No. 96-659A, Sec. 1.)

10.01.170 Camping Prohibitions

No person shall, within the boundaries of any park:

- (a) Camp overnight or longer without first obtaining a camping permit.
- (b) Camp longer than five (5) consecutive days in any specific park.
- (c) Camp for more than 10 days in any 30-day period in any specific park.
- (d) ~~___~~ Camp at any time or in any place except as specifically provided for in a camping permit.
- (e) Camp if he/she is under the age of 18, unless he/she is accompanied by an adult.
- (f) Camp in nondesignated areas.
- (g) Allow more than eight (8) people to occupy a site.
- (h) Ignore the 10:00 p.m. to 6:00 a.m. quiet time period.
- (i) Check out after 2:00 p.m. without paying the fee for an additional day.

(Ordinance No. 96-659A, Sec. 1.)

10.01.180 Prohibited Games

No person shall, within the boundaries of any park, take a part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, sharp objects, vehicles, javelins or power-projected model airplanes or boats except in areas set apart for those forms of recreation.

(Ordinance No. 96-659A, Sec. 1.)

10.01.190 Horseback Riding Restricted

No person shall, within the boundaries of any park, ride a horse except on designated bridle trails. Horses shall be unloaded at designated areas only, shall be thoroughly broken and properly restrained, shall be ridden with due care, and shall not be allowed to graze or go unattended. Horse waste shall be removed by the owner when such waste occurs in an area designated for horse trailer parking.

(Ordinance No. 96-659A, Sec. 1.)

10.01.200 Consumption of Alcoholic Beverages Limited

(a) Except as provided in subsection (b) and (c) of this section, no person shall bring into or consume alcoholic beverages in any park, provided, however, that the Council may, from time to time, designate certain parks or park areas where alcohol may be brought for use in meal preparation or consumption with meals.

(b) The Director may, by issuance of a permit, allow the sale of alcoholic beverages on the premises of designated facilities when duly licensed by the Oregon Liquor Control Commission.

(c) After the proper permit(s) are secured from the Director, alcohol may be consumed in designated areas at Blue Lake Park, Oxbow Park and Howell Territorial Park.

(Ordinance No. 96-659A, Sec. 1.)

10.01.210 Fireworks and Explosives Prohibited

No person shall, within the boundaries of any park, bring, or have in possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedoes, rockets or other fireworks or explosives or inflammable material, or discharge them or throw them into any park from any adjacent land or highway. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. The Director, however, may issue a special fireworks permit in accordance with state law.

(Ordinance No. 96-659A, Sec. 1.)

10.01.220 Domestic Animals Restricted

Except for "dog guides," "dog guide trainees," "hearing aid dogs," "hearing aid dog trainees," "assistance animals," and "assistance animal trainees," all as defined by ORS Chapter 346.610 et seq., and except as

required by any other law, no person shall bring a dog or other domestic animal into any park, on or off leash or within a motor vehicle, except as may be specifically allowed by the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.230 Soliciting Prohibited

No person shall, within the boundaries of any park, solicit for any public or private purpose.

(Ordinance No. 96-659A, Sec. 1.)

10.01.240 Fires Limited

No person shall, within the boundaries of any park:

(a) Build or attempt to build a fire except in such areas and under such rules as may be designated by the Director. All fires shall be completely extinguished after use.

(b) Drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park or on any highway, road or street abutting and contiguous to any park.

(Ordinance No. 96-659A, Sec. 1.)

10.01.250 Games of Chance Prohibited

No person shall, within the boundaries of any park, gamble or participate in or abet any game of chance except as approved by the Director in writing and in compliance with the statutes of the State of Oregon.

(Ordinance No. 96-659A, Sec. 1.)

10.01.260 Violent and Excessively Loud Conduct Prohibited

No person shall, within the boundaries of any park, engage in, promote, instigate, encourage, aid or abet fighting or similar violent conduct which would threaten the physical well-being of the public or a park employee, or cause excessive amplified or nonverbal noise.

(Ordinance No. 96-659A, Sec. 1.)

10.01.270 Exhibiting Permits Required

No person shall:

(a) Fail to produce and exhibit any permit from the Director the person claims to have, upon request of any authorized enforcement personnel or park employee who shall desire to inspect the permit for the purpose of enforcing compliance with any ordinance or rule.

(b) Fail to clearly display at all times, while within the boundaries of any park, any required proof of entrance and/or parking fee payment on the dashboard of the person's vehicle so that such proof is plainly visible from the exterior of the vehicle.

(Ordinance No. 96-659A, Sec. 1.)

10.01.280 Interference with Permittees Prohibited

No person shall disturb or interfere unreasonably with any person or party occupying any park area or participating in any activity in a park under the authority of a permit.

(Ordinance No. 96-659A, Sec. 1.)

10.01.290 Vending and Peddling Restricted

Except as expressly provided in this chapter, no person shall, within the boundaries of any park, expose, advertise or offer for sale or rent any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing, unless the person is a regularly licensed concessionaire acting by and under the written authority of the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.300 Signs Restricted

No person shall, within the boundaries of any park:

(a) Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatsoever, or cause to be erected any sign whatsoever, except upon permission of the Director, unless the person is a regularly licensed concessionaire acting by and under the written authority of the Director.

(b) Distribute or otherwise place any non-authorized printed material on any vehicle parked in a park facility.

(Ordinance No. 96-659A, Sec. 1.)

10.01.310 Park Hours

Except for unusual or unforeseen circumstances and emergencies, and except as otherwise provided by any park rules, park hours are as follows:

(a) Blue Lake Park

Summer and Winter Hours: 8:00 a.m. to legal sunset.

(b) Oxbow Park

Summer and Winter Hours: 6:30 a.m. to legal sunset.

(c) Chinook Landing Marine Park

Summer and Winter Hours: 6:00 a.m. to legal sunset.

(d) All other parks

Summer and Winter Hours: 7:00 a.m. to legal sunset.

(Ordinance No. 96-659A, Sec. 1.)

10.01.320 Posting of Park Rules

The rules and provisions for use and administration of parks, notice of those rules or summaries of those rules shall be kept posted within the main entrance of each park or at suitable other locations.

(Ordinance No. 96-659A, Sec. 1.)

10.01.330 Closed Areas

All or any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

(Ordinance No. 96-659A, Sec. 1.)

10.01.340 Lost and Found Articles

The finding of lost articles by park employees shall be reported to the Director or his/her designee, who shall make every reasonable effort to find and return lost articles and dispose of unclaimed articles as prescribed by law.

(Ordinance No. 96-659A, Sec. 1.)

10.01.350 Permits for Camping, Group Picnics and Vending

A permit shall be obtained as indicated before participating in the following park activities:

(a) In those parks where overnight camping is allowed, a permit shall be obtained from the park attendant at the park.

(b) A permit must be secured from the Regional Parks and Greenspaces main office for any organized event consisting of more than 25 persons.

(c) Before a person may act as a concessionaire at a park, the person shall secure an executed contract in compliance with Metro's standard contracting procedures.

(d) A permit for concessions at special events which are intended to raise funds for Metro parks purposes may be issued by the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.360 Special Use Permit

A special use permit shall be obtained prior to pursuing the following activities in any park:

- (a) Movie, commercial or television filming, photography and production.
- (b) Fishing, water-skiing, track or any other organized sporting event.
- (c) Special educational events or festivals, except those specifically hosted by Metro.
- (d) Amplified sound, pony rides, dunk tanks, use of alcohol with a reservation permit or any other type of special use.
- (e) Any other organized event or activity involving 25 persons or more except for picnics where a reservation has been secured.

(Ordinance No. 96-659A, Sec. 1.)

10.01.370 Permit Revocation

The Director or his/her designee shall have the authority to revoke a permit upon a finding of violation of any rule, ordinance, statute, or any special use or reservation permit provision.

(Ordinance No. 96-659A, Sec. 1.)

10.01.380 Boats and Moorages

No person shall:

- (a) Disobey any applicable signage posted in boat launching, moorage and beach areas.
- (b) Moor a boat longer than 30 minutes on boarding docks or 12 hours on transient docks.
- (c) Improperly secure a boat in such a manner as to cause personal injury or damage to park property or resources.
- (d) Swim, fish or water ski in the immediate area of or from boat moorage docks.

(Ordinance No. 96-659A, Sec. 1.)

10.01.390 Enforcement Personnel

(a) The Director and the Director's authorized representatives shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(b) No person shall harass, obstruct, interfere with or disobey the direction of any authorized enforcement personnel or park employee carrying out the enforcement of this chapter or rules adopted under this chapter.

(Ordinance No. 96-659A, Sec. 1.)

10.01.400 Ejection and Exclusion

The Director and authorized enforcement personnel shall:

(a) Have the authority to arrest, cite in lieu of arrest or eject from the park any person acting in violation of this chapter or the laws of the State of Oregon.

(b) Exclude from the park any person acting in violation of this chapter or the laws of the State of Oregon.

(c) Exclusions exceeding one (1) year shall be approved by the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.410 Seizure of Property

The Director and any authorized enforcement personnel shall have the authority to seize and confiscate any property, thing or device, including but not limited to motor vehicles and chain saws, used in violation of this chapter.

(Ordinance No. 96-659A, Sec. 1.)

10.01.420 Hearing Regarding Seized Property

(a) Persons who have had any property, thing or device confiscated under Section 10.01.410 may request an immediate hearing by filing a written request for hearing with the Director.

(b) The Director shall, upon receipt of request for immediate hearing, set a time and place for hearing at the earliest possible time and promptly notify the person requesting hearing as to the time and place for the hearing.

(c) The person requesting the hearing and park staff may make argument, submit testimony and written briefs, cross-examine witnesses and submit rebuttal evidence on matters pertinent to the issue to be determined.

(d) All hearings shall be recorded in a manner which will allow for a written transcription to be made and all materials submitted at the hearing shall be retained by the Director for a period of at least two (2) years.

(e) Failure of the person requesting hearing to appear at the hearing shall constitute a waiver of the right to a hearing.

(f) If the Director determines there was a wrongful confiscation of property, the property shall be returned to the person requesting the hearing or, if the property has been destroyed, restitution shall be made.

(g) The Director shall issue an order within two (2) weeks after the hearing and shall mail a copy of the order to the person requesting the hearing.

(h) Any property, thing or device which was not wrongfully confiscated shall become the property of Metro and shall be disposed of in a manner to be determined by the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.430 Other Laws Applicable

This chapter shall in no way be a substitute for or eliminate the necessity of conforming with any and all state laws and rules and other ordinances which are now or may be in the future in effect which relate to the activities regulated in this chapter.

(Ordinance No. 96-659A, Sec. 1.)

10.01.440 Severability

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be considered a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portion of this chapter.

(Ordinance No. 96-659A, Sec. 1.)

10.01.600 Penalties

Any person convicted of a violation of this chapter shall be punished by a term of not more than one (1) year in jail or by a fine of not more than \$500, or both. Each day of a continuous violation of this chapter shall be considered a new, separate and distinct violation. Restitution shall be made in cases involving damage or destruction to park property or improvements.

(Ordinance No. 96-659A, Sec. 1.)

10.01.610 Bail and Fine Collection

The Circuit Court of the metropolitan region judicial districts of all three (3) Circuit Courts (District 4 Multnomah County; District No. 5 Clackamas County; or District 20 Washington County) District Court shall be responsible for the collection of any bails and/or fines set for penalties described in this chapter. Any bail or fine remaining after disbursement through the Circuit ~~District~~ Court shall be returned to Metro ~~and placed in the Regional Parks and Expo Fund~~ for training of authorized enforcement personnel.

(Ordinance No. 96-659A, Sec. 1.)

Exhibit B
Metro Charter 2003 Amendments to Metro Code
Chapter 10.02, Regional Park Fees

CHAPTER 10.02

REGIONAL PARK FEES

| SECTIONS | TITLE |
|-----------|--|
| 10.02.010 | Purpose and Authority |
| 10.02.020 | Park Fees |
| 10.02.030 | Suspension of Fees |
| 10.02.040 | Park Use Without Required Fee Prohibited |
| 10.02.050 | Fees for Memorials and Cemeteries |
| 10.02.100 | Penalties |
| 10.02.110 | Bail and Fine Collection |

10.02.010 Purpose and Authority

It is the purpose of this chapter to establish park fees pursuant to Metro Code Section 10.01.010,

(Ordinance No. 96-659A, Sec. 1.)

10.02.020 Park Fees

The following fees shall be charged and collected by Metro for and prior to the following park uses and activities:

(a) Reservation fees for shelters and reservable picnic areas at Blue Lake Park shall be set forth in Appendix "A" to Chapter 10.02. However, reservation fees for weekday events (except holidays) shall be reduced by 20 percent. Off-season reservation fees (November 1 through May 14) shall be reduced by 50 percent.

(b) Fees for alcohol permits at Blue Lake Park shall be as follows:

(1) \$175.00 for areas with capacity of 51 or more.

(2) \$100.00 for areas with a capacity of 50 or less.

(c) Overnight camping fees at Oxbow Park shall be \$13 per site per night. Permit must be displayed. The fee for each additional vehicle shall be \$3.00 per night. Each vehicle must pay entry fee on initial day of entry.

(d) Entry fees at Blue Lake Park and Oxbow Park shall be \$3.00 per motorized vehicle on all days and \$6.00 per bus on all days.

(e) Boat launching and/or parking fees at the M. James Gleason Boat Ramp shall be \$3.00 and fees at the Chinook Landing Marine Park shall be \$4.00 per motorized vehicle on all days.

(f) Fees for special events shall be set by the Director of the Regional Parks and Greenspaces Department.

(g) Fees for nightly use of overnight group camps at Oxbow Park by nonprofit and youth organizations shall be as follows:

- (1) \$20.00 minimum for the first 10 people for Group Camp #2 and #3 and then \$2.00 per person up to a \$70.00 maximum (this does not include the vehicle entry fee). 35 people per night maximum per site.
- (2) \$40.00 minimum for the first 20 people for Group Camp #1 and then \$2.00 per person up to a \$300.00 maximum (this does not include the vehicle entry fee). 150 people maximum per night.
- (3) A reservation fee of \$10.00 will be charged to all groups.

(h) Picnic area reservation fees at Oxbow Park shall be as follows (does not include vehicle entry fees):

- Area A - \$255.00
- Area B - \$155.00
- Area C - \$195.00
- Area D - \$135.00

However, reservation fees for weekday events (except holidays) shall be reduced by 20 percent. Off-season reservation fees (November 1 through May 14) shall be reduced by 50 percent.

(i) The fee for annual passes in lieu of daily entrance fees, launching and/or parking fees at Blue Lake Park, Oxbow Park, Chinook Landing, and M. James Gleason Boat Ramp shall be as follows:

- (1) Premium: \$50.00 per year (October 1 through September 30)
- (2) Regular: \$35.00 per year (October 1 through September 30)
- (3) Seniors: \$25.00 per year (October 1 through September 30)
- (4) Low-Income/Disabled: \$10.00 per year (October 1 through September 30).

(j) Entrance fees at Blue Lake Park and Oxbow Regional Park shall be waived for any police officer or Metro employee who presents valid current identification at the park entrance. Fee waivers shall not apply to any special events or other facilities.

(k) Except for use by Metro, rental fees, along with \$100.00 refundable deposit, for "The Lake House" at Blue Lake Park shall be:

- (1) April 1 to October 31 (Friday 5:00 p.m. through Sunday):

| | |
|--------------------------|------------|
| 10:00 a.m. to 4:00 p.m. | \$750.00 |
| 6:00 p.m. to midnight | \$750.00 |
| 10:00 a.m. to 10:00 p.m. | \$1,200.00 |

- (2) November 1 to March 30 (Friday 5:00 p.m. through Sunday):

| | |
|--------------------------|----------|
| 10:00 a.m. to 4:00 p.m. | \$450.00 |
| 6:00 p.m. to midnight | \$450.00 |
| 10:00 a.m. to 10:00 p.m. | \$750.00 |

- (3) Weekdays (Monday through 5:00 p.m. Friday):

| |
|--|
| \$40.00 per hour (10:00 a.m. - 5:00 p.m.) with a three-hour minimum charge |
| \$60.00 per hour (5:00 p.m. - midnight) with a three-hour minimum charge |

(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 98-722, Sec. 1; Ordinance No. 01-894, Sec. 1.)

10.02.030 Suspension of Fees

Collection of any fee under Section 10.02.020 may be waived or suspended by order of the Director of Regional Parks and Greenspaces or his/her designee for such period of time as the order may provide. The Director shall develop and implement a written policy to guide decisions related to the waiver or suspension of fees.

(Ordinance No. 96-659A, Sec. 1.)

10.02.040 Park Use Without Required Fee Prohibited

No person shall engage in a park activity for which there is a fee without first paying the required fee. Any person engaged in a park activity for which there is a fee shall be required to produce and exhibit the receipt from the Director showing fee payment, which the person claims to have, upon request of any authorized person who shall desire to inspect the receipt for the purpose of enforcing compliance with this chapter or rules promulgated pursuant thereto.

(Ordinance No. 96-659A, Sec. 1.)

10.02.050 Fees for Memorials and Cemeteries

(a) For the services of Regional Parks and Greenspaces in connection with memorials, cemeteries, and related matters, the grave fees shall be as follows:

| | |
|-------------------|----------|
| Grave Price Range | \$800.00 |
| Cremain Graves | \$425.00 |
| Child Graves | \$275.00 |

All service fees will be set by the Director of Regional Parks and Greenspaces to reflect the average cost of services as charged by the industry in the Portland metropolitan region.

(b) The Director may waive fees for grave sales and burial services in situations of extreme financial hardship. All waivers or exemptions shall be written by order setting forth the facts to justify the waiver or exemption.

(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 01-894, Sec. 1.)

10.02.100 Penalties

Any person convicted of a violation of this chapter shall be punished by a fine of not more than \$500.00

(Ordinance No. 96-659A, Sec. 1.)

10.02.110 Bail and Fine Collection

The Circuit Court of the metropolitan region judicial districts of all three (3) Circuit Courts (District 4 Multnomah County; District No. 5 Clackamas County; or District 20 Washington County) District Court shall be responsible for the collection of any bails and/or fines set for penalties described in Cchapter 10.02. Any bail or fine amounts remaining after disbursement through Circuit District Court shall be returned to Metro and placed in the Regional Parks and Expo Fund for training of authorized enforcement personnel.

(Ordinance No. 96-659A, Sec. 1.)

APPENDIX "A"
 TO CHAPTER 10.02.020(a)
 PARK FEES, BLUE LAKE REGIONAL PARK

| <u>AREA</u> | <u>GROUP SIZE</u> | <u>FEE</u> | <u>ENTIRE AREA FEE</u> |
|---------------------|-------------------|------------|------------------------|
| 11A | 100 | \$60.00 | |
| 11B Full Canopy | 50 | \$90.00 | \$150.00 |
| 12A Half Canopy | 100 | \$110.00 | |
| 12B | 50 | \$45.00 | |
| 12C | 50 | \$45.00 | |
| 12D | 50 | \$45.00 | \$245.00 |
| 13A | 50 | \$45.00 | |
| 13B | 50 | \$45.00 | |
| 13C | 100 | \$60.00 | |
| 13D | 50 | \$45.00 | \$195.00 |
| 14A | 100 | \$60.00 | |
| 14B Full Canopy | 50 | \$90.00 | |
| 14C | 50 | \$45.00 | |
| 14D | 100 | \$60.00 | |
| 14E | 50 | \$45.00 | \$300.00 |
| Celilo Shelter * | | | |
| A | 60 | \$120.00 | |
| B | 60 | \$120.00 | \$240.00 |
| Chinook Shelter * | | | |
| A | 125 | \$195.00 | |
| B | 125 | \$195.00 | \$390.00 |
| 17A | 100 | \$60.00 | |
| 17B | 100 | \$60.00 | |
| 17C | 100 | \$60.00 | |
| 17D | 100 | \$60.00 | \$240.00 |
| 18A * | 100 | \$60.00 | |
| 18B * | 100 | \$60.00 | \$120.00 |
| 19 | 100 | \$60.00 | \$60.00 |
| 20A Full Canopy | 50 | \$90.00 | |
| 20B Full Canopy | 50 | \$90.00 | \$180.00 |
| Multnomah Shelter * | | | |
| A | 60 | \$120.00 | |
| B | 60 | \$120.00 | |
| C | 60 | \$120.00 | |
| D | 60 | \$120.00 | \$480.00 |
| Shahala Shelter * | | | |
| A | 125 | \$195.00 | |
| B | 125 | \$195.00 | \$390.00 |

| <u>AREA</u> | <u>GROUP SIZE</u> | <u>FEE</u> | <u>ENTIRE AREA FEE</u> |
|-------------------|-------------------|------------|------------------------|
| Clatsop Shelter * | | | |
| A | 125 | \$195.00 | |
| B | 125 | \$195.00 | \$390.00 |
| Bandstand * | 200 | \$150.00 | \$150.00 |

* Alcohol allowed in these areas only; alcohol permit must be obtained from Reservation Office at the time reservation is booked (additional fee) pursuant to Ssections 10.01.200 and 10.02.020(b).

Please Note: The cost of a reservation does not include the entry fee.

(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 01-894, Sec. 1.)

Exhibit C
Metro Charter 2003 Amendments to Metro Code
Chapter 10.03, Conservation Easements

CHAPTER 10.03

CONSERVATION EASEMENTS

| SECTIONS | TITLE |
|-----------|---|
| 10.03.010 | Finding |
| 10.03.020 | Purpose |
| 10.03.030 | Applicability |
| 10.03.040 | Definitions |
| 10.03.050 | Acquisition and Creation of Conservation Easement |
| 10.03.060 | Hearing; Notice |
| 10.03.070 | Validity of Conservation Easement |
| 10.03.080 | Enforcement |

10.03.010 Finding

The purchasing and acceptance of conservation easements to promote the protection of regionally significant natural resources is of metropolitan concern, and for that reason and the reasons set forth in this chapter it is appropriate for Metro to undertake these acts.

(Ordinance No. 97-714, Sec. 1.)

10.03.020 Purpose

The purpose of this chapter is to encourage the voluntary retention and protection of the natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, and preserving the historical, architectural, archeological, or cultural aspects of real property by private property owners through sale, donation, or dedication of conservation easements to Metro.

(Ordinance No. 97-714, Sec. 1.)

10.03.030 Applicability

(a) This chapter applies to any interest created after November 6, 1997, which complies with this chapter, whether designated as a conservation easement or as a covenant, equitable servitude, restriction, easement, or otherwise.

(b) This chapter applies to any interest created before November 6, 1997, if it would have been enforceable had it been created after November 6, 1997, unless retroactive application contravenes the Constitution or laws of this state or the United States.

(c) This chapter does not invalidate any interest, whether designated as a conservation or preservation easement, or as a covenant, equitable servitude, restriction, easement, or otherwise, that is enforceable under other law of this state.

(Ordinance No. 97-714, Sec. 1.)

10.03.040 Definitions

For the purposes of this chapter unless the context requires otherwise, the following terms shall have the meanings indicated:

(a) "Conservation easement" means an interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archeological, or cultural aspects of real property. Although generally a non-possessory interest, a conservation easement can include the right of limited Metro access for surface water repair and maintenance, a public pathway or right of public access at the election of the private landowner.

(b) "Holder" means:

- (1) Metro acting alone or in cooperation with any federal or state agency, public corporation, or political subdivision.
- (2) A charitable corporation, charitable association, charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreation, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archeological, or cultural aspects of real property.

(c) "Third-party right of enforcement" means a right provided in a conservation easement to enforce any of its terms granted to a governmental body, charitable corporation, charitable association or charitable trust which, although eligible to be a holder, is not a holder.

(Ordinance No. 97-714, Sec. 1.)

10.03.050 Acquisition and Creation of Conservation Easement

(a) Metro may acquire by purchase, agreement or donation, but not by exercise of the power of eminent domain, unless specifically authorized by law, conservation easements in any area within or without the Metro region wherever the Metro Council determines that the acquisition will be in the public interest.

(b) Except as otherwise provided, a conservation easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements.

(c) No right or duty in favor of or against a holder and no right in favor of a person having a third-party right of enforcement arises under a conservation easement before its acceptance by the holder and recordation of the acceptance.

(d) Except as provided in this chapter, a conservation easement is unlimited in duration unless the instrument creating it otherwise provides.

(e) An interest in real property in existence at the time a conservation easement is created is not impaired by it unless the owner of the interest is a party to or consents to the conservation easement.

(Ordinance No. 97-714, Sec. 1.)

10.03.060 Hearing; Notice

(a) Before the acquisition or acceptance of a conservation easement, Metro shall hold one or more public hearings on the proposal and the reasons therefor. All interested persons, including representatives of other governmental agencies, shall have the right to appear and a reasonable opportunity to be heard.

(b) Notice of the hearing shall be published at least twice, once not less than 12 days and once not less than five (5) days, prior to the hearing in a newspaper of general circulation in the community. The notice may also be published by broadcasting or telecasting generally in the community.

(c) At least 30 days prior to the hearing, Metro shall mail notice of the hearing to the governing body of each county, city, and other governmental agency having jurisdiction in the area of the proposed easements.

(d) At the conclusion of the hearing, the Metro Council shall decide whether to accept, reject, or condition such easement, or whether to continue the hearing for further information. If the Metro Council decides to accept such easement, the Chief Operating Officer ~~executive officer~~ is empowered thereby to execute all necessary documents to obtain conveyance of the easement pursuant to this chapter.

(Ordinance No. 97-714, Sec. 1.)

10.03.070 Validity of Conservation Easement

- (a) A conservation easement is valid even though:
 - (1) It is not appurtenant to an interest in real property;
 - (2) It can be or has been assigned to another holder;
 - (3) It is not of a character that has been recognized traditionally at common law;

- (4) It imposes a negative burden;
- (5) It imposes affirmative obligations upon the owner of an interest in the burdened property or upon the holder;
- (6) The benefit does not touch or concern real property; or
- (7) There is no privity of real estate or contract.

(Ordinance No. 97-714, Sec. 1.)

10.03.080 Enforcement

(a) Action affecting conservation easement; standing to bring action. A conservation easement may be enforced by:

- (1) An owner of an interest in real property burdened by the easement;
- (2) A holder of the easement;
- (3) A person having a third-party right of enforcement; or
- (4) A person otherwise authorized by other law to enforce the easement.

(b) This chapter does not affect the power of a court to modify or terminate a conservation easement in accordance with the principles of law and equity.

(c) In addition to any other remedy, the violation of the terms of a conservation easement held by Metro or in which Metro has a third-party right of enforcement is a civil infraction that may be enforced pursuant to the law of the jurisdiction where the encumbered property is located.

(Ordinance No. 97-714, Sec. 1.)

STAFF REPORT

IN CONSIDERATION OF

- ORDINANCE NO. 02-967 FOR THE PURPOSE OF AMENDING TITLE II ADMINISTRATION AND PROCEDURES (CHAPTERS 2.03, 2.05, 2.07, 2.09, 2.11, 2.12, 2.14, 2.15, 2.16, 2.17, AND 2.18), OF THE METRO CODE TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY
- ORDINANCE 02-972 FOR THE PURPOSE OF AMENDING TITLE III PLANNING OF THE METRO CODE (CHAPTER 3.01 THROUGH CHAPTER 3.09), TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY
- ORDINANCE 02-973, FOR THE PURPOSE OF AMENDING TITLE IV OREGON ZOO OF THE METRO CODE (CHAPTER 4.01), TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY
- ORDINANCE 02-975, FOR THE PURPOSE OF AMENDING TITLE VI COMMISSIONS OF THE METRO CODE (CHAPTER 6.01), TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY
- ORDINANCE 02-977, FOR THE PURPOSE OF AMENDING TITLE IX ELECTIONS OF THE METRO CODE (CHAPTER 9.01 AND CHAPTER 9.02), TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY
- ORDINANCE 02-978, FOR THE PURPOSE OF AMENDING TITLE X METRO REGIONAL PARKS AND GREENSPACES OF THE METRO CODE (CHAPTER 10.01 THROUGH CHAPTER 10.03), TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY

Date: October 10, 2002

Prepared by: Peggy Coats

BACKGROUND

As a result of the passage by the voters of Ballot Measure 26-10 on November 7, 2000, various changes to Metro's existing code are in order to conform to the approved amendments to Metro's charter. The changes proposed in these ordinances to primarily remove references to the Executive Officer and Presiding Officer, whose offices will be abolished effective January 6, 2003; and create references to the Council President and the Chief Operating Officer, consistent with code amendments adopted by Council earlier this year (see "Legal Antecedents" below), along with minor grammatical and formatting corrections. The proposed ordinances make changes to the following code sections:

- Title II, Administration and Procedures (Chapters 2.03, 2.05, 2.07, 2.09, 2.11, 2.12, 2.14, 2.15, 2.16, 2.17, and 2.18)
- Title III Planning (Chapters 3.01 through 3.09)

- Title IV Oregon Zoo (Chapter 4.01)
- Title VI Commissions (Chapter 6.01)
- Title IX Elections (Chapters 9.01 and 9.02)
- Title X Metro Regional Parks and Greenspaces (Chapters 10.01 through 10.03)

ANALYSIS/INFORMATION

1. **Known Opposition** None
2. **Legal Antecedents** Resolution 00-2929A "For the Purpose of Submitting to the Voters an Amendment to the Metro Charter Abolishing the Office of Executive Officer, Creating the Office of Council President, and Making Related Changes"; Ordinance 02-942A "For the Purpose of Adding a New Chapter 2.20 to the Metro Code Creating the Office of Chief Operating Officer"; Ordinance 02-953A "For the Purpose of Creating the Office of Metro Attorney"; Ordinance 02-954A "For the Purpose of Reflecting the Creation of the Office of Metro Council President"; and Ordinance 02-955A "For the Purpose of Amending Chapter 2.19 of the Metro Code to Conform to Charter Amendments Adopted on November 7, 2000".
3. **Anticipated Effects** This ordinance will amend Chapters 2.03, 2.05, 2.06, 2.07, 2.09, 2.11, 2.12, 2.14, 2.15, 2.16, 2.17, 2.18, 3.01 through 3.09, 4.01, 6.01, 9.01, 9.02, and 10.01 through 10.03) of the Metro Code to conform to approved Charter amendments.
4. **Budget Impacts** None

RECOMMENDED ACTION

That Council approve adoption of Ordinances 02-967, 02-972, 02-973, 02-975, 02-977 and 02-978.