

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)	ORDINANCE NO. 15-1358A
METRO CODE CHAPTER 4.01 TO UPDATE)	
OREGON ZOO REGULATIONS)	Introduced by Chief Operating Officer Martha
)	Bennett in concurrence with Council President
)	Tom Hughes

WHEREAS, the Oregon Zoo is a community asset that attracts more than 1.6 million visitors per year from across the region, state of Oregon, and greater Northwest;

WHEREAS, Metro Council on June 18, 2015, via Resolution 15-4612, established the Oregon Zoo Operating Fund;

WHEREAS, Oregon Local Budget Law requires that the resources in each fund must be equal to the expenditures and other requirements in that fund;

WHEREAS, the Oregon Zoo must set and adjust its admission prices from time-to-time to generate sufficient resources to maintain operations;

WHEREAS, adjustments to fee schedules should be based on independently objective criteria that account for the quality of the Zoo experience;

WHEREAS, any changes in prices or access programs must balance with Metro’s six desired outcomes;

WHEREAS, current admission prices remain in effect until the Oregon Zoo shall report to Metro Council on future admissions price changes and on efforts and outcomes related to ensuring equitable access to this community asset; and

WHEREAS, good governance requires that the Oregon Zoo regulations be revised from time to time to improve clarity, remove superfluity, and comport with changes in other parts of the Metro Code; now therefore,

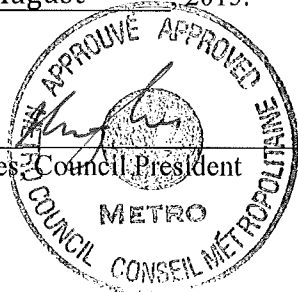
THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That Metro Code Section 4.01 “Oregon Zoo Regulations” is deleted in its entirety and replaced as set forth in Exhibit A to this Ordinance.
2. These revisions to Metro Code Section 4.01 “Oregon Zoo Regulations” are effective November 5, 2015.


ADOPTED by the Metro Council this 6th day of August, 2015.

Tom Hughes

 Tom Hughes, Council President




Attest:



Alexandra Eldridge, Recording Secretary

Approved as to Form:



Alison R. Kean, Metro Attorney

CHAPTER 4.01

OREGON ZOO REGULATIONS

Section	Title
4.01.010	Purpose
4.01.020	Definitions
4.01.030	Operating Authority
4.01.040	Hours of Operation
4.01.050	Admission Fees and Policies
4.01.060	Rules of Conduct for Public Within Zoo Premises
4.01.070	Parking Regulations
4.01.080	Rules of Conduct for Members of Public in Zoo Shuttle Parking Lot
4.01.090	Zoo Railroad
4.01.100	Penalties

Repealed

4.01.110	Allocation of Zoo Tax Base ____ (Repealed Ord. 10-1230, Sec. 2)
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4.01.010 Purpose

The purpose of this chapter is to provide for the operation of the Zoo and to provide for regulations governing the use of the Zoo and Zoo Shuttle areas by members of the public in order to provide protection of Zoo animals, plants, and property, and to protect the safety and enjoyment of persons visiting the Zoo.

(Ordinance 92-412A, Sec. 2. Ordinance 13-1320, Sec. 1.)

4.01.020 Definitions

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

(a) "Director" or "Zoo Director" means the Director of the Zoo, and also includes such subordinate employees of the Zoo or other Metro employees to the extent the Zoo Director or Chief Operating Officer has delegated specific duties in writing.

(b) "Premises" means the property, buildings, and grounds within the perimeter fence surrounding the Zoo, the admission and exit gates, the entry plaza, all Zoo buildings including but not limited to the administrative, commissary, haybarn, and shop buildings, the employee parking lot, the Zoo vehicular storage

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area, including the Zoo Railroad right-of-way from the Zoo to and including the Metro Washington Park Station, and any portions of the landscaping and sidewalk between the Zoo perimeter fence and Knights Boulevard or the Washington Park parking lot.

(c) "Public" means any person other than a Zoo employee.

(d) "Shuttle Parking Lot" means any facility located outside the Zoo and the Washington Park parking Lot and designated by the Zoo for overflow parking.

(e) "Special event" means any event or occasion held on the Premises other than during normal operating hours as specifically authorized by the Zoo Director and Chief Operating Officer.

(f) "Zoo" means the Oregon Zoo and includes the Premises.

(g) "Zoo Employee" means any paid employees of the Zoo, any other paid employees of Metro performing tasks or functions at the Zoo at the request or direction of either the Zoo Director, the Metro Council, or the Chief Operating Officer, volunteers performing functions and duties assigned or authorized by the Zoo Director, and any contractors or agents of the Zoo carrying out their duties or obligations to the Zoo.

(h) "Zoo Railroad" means the equipment, rails, and right-of-way extending from within the Zoo Premises through the City of Portland park adjacent to the Zoo to a location near the Rose Test Gardens, also known as the Washington Park and Zoo Railway.

(Ordinance 92-412A, Sec. 2. Ordinance 98-726, Sec. 5; Ordinance 02-973, Sec. 1; Ordinance 04-1059, Sec. 1; Ordinance 13-1320, Sec. 1.)

4.01.030 Operating Authority

Operation of the Zoo and management of the Zoo Premises shall be under the general supervision of the Zoo Director except as may be specifically provided to the contrary by the Chief Operating Officer. All Zoo employees shall be directed and controlled by the Zoo Director and Chief Operating Officer subject to the personnel rules and applicable collective bargaining agreements of Metro.

(Ordinance 92-412A, Sec. 2. Ordinance 02-973, Sec. 1; Ordinance 13-1320, Sec. 1.)

4.01.040 Hours of Operation

Hours of operations of the Zoo, including all times the Zoo is open to the public or for special events, shall be established by the Zoo Director and approved by the Chief Operating Officer. In cases of inclement weather, or in any case of emergency, the Zoo may be closed in order to protect the safety of members of the public, Zoo employees or animals, and other Zoo property.

(Ordinance 92-412A, Sec. 2. Amended by Ordinance 02-973, Sec. 1.)

4.01.050 Admission Fees and Policies

(a) Regular Fee Schedule. The schedule of regular paid admission fees shall be set and adjusted by the Chief Operating Officer, or designee, based on consideration of the following criteria:

(1) Increases/decreases in the Consumer Price Index since the last admission fee adjustment;

(2) Comparisons to Zoos of similar attendance, size, quality and service area;

(3) Pricing survey data;

(4) Revenue and expense projections.

(b) In the event the Chief Operating Officer elects to set or adjust paid admission fees, the Chief Operating Officer shall provide the Metro Council with 45 business days notice prior to the effective date of such fees. Upon notice of said fees, the Metro Council may elect to affirm or modify paid admission fees by resolution of the Metro Council. Admission fees set by the Metro Council may thereafter be adjusted as set forth in section 4.01.050(a).

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Adult (12 years and over)	\$11.25
Youth (3 years through 11 years)	\$8.25
Child (2 years and younger)	Free
Senior Citizen (65 years and over)	\$9.75

~~(c) Conservation Admission Surcharge. A twenty-five cents (\$0.25) surcharge will be added to each regular paid admission fee shall go toward the funding of Oregon Zoo conservation initiatives. This surcharge is in addition to the admission fees listed in the Regular Fee Schedule in subsection (a) above.~~

~~(d) Free and Reduced Admission~~

- ~~(1) The Director may set free or reduced price admission rates for individuals, groups, special events, or as otherwise in accordance with this Chapter.~~
- ~~(2) A free admission pass will entitle the holder only to enter the Zoo without paying an admission fee.~~
- ~~(3) A reduced admission pass will entitle the holder only to enter the Zoo by paying a reduced admission fee.~~
- (4) Free or reduced admission passes may be issued to the following groups or individuals and shall be administered as follows:

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~~(A) Metro employees and eligible family members shall be entitled to free regular Zoo admission upon presentation of a current Metro employee identification card, in accordance with the Zoo Admission and Discount Policy for Metro Employees.~~

(B)

~~(B) Metro elected officials shall be entitled to free admission, and Eligible family members of Metro elected officials, shall be~~

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entitled free regular Zoo admission in accordance with the Zoo Admission and Discount Policy for Metro Employees.

~~(C)~~ (C) Free admission passes in the form of volunteer identification cards may, at the Director's discretion, be issued to persons who perform volunteer work at the Zoo. Cards shall bear the name of the volunteer, shall be signed by the Director, shall be non-transferable, and shall terminate at the end of each calendar year or upon termination of volunteer duty, whichever date occurs first. New identification cards may be issued at the beginning of each new calendar year for active Zoo volunteers.

(D) The Zoo Director may issue reduced price admission passes to individuals using a TriMet bus or the Metro Area Express (MAX) for travel to the Zoo upon presentation of acceptable proof of fare payment, which includes TriMet passes, MAX tickets and bus transfer receipts validated on the date of Zoo entry.

~~(5) Admission to the Zoo shall be at a reduced rate for all persons during a portion of a day each month, as determined by the Director.~~

~~(d)~~ (e) Special Events. -The Zoo, or portions thereof, may be utilized for special events designed to enhance Zoo revenues during hours that the Zoo is not normally open to the public. The number, nature of, and admission fees for such events shall be determined by the Zoo Director.

~~(e)~~ (f) Shuttle Fee. -The Zoo Director may establish, charge and collect a Shuttle fee from shuttle users for transport from the Zoo Shuttle Parking Lots and may adjust said Shuttle fee annually.

(Ordinance 92-412A, Sec. 2. Ordinance 93-505, Sec. 1; Ordinance 94-568; Ordinance 98-726, Sec. 6; Ordinance 98-735, Sec. 2; Ordinance 99-804, Sec. 1; Ordinance 01-915, Sec. 1; Ordinance 02-949, Sec. 1; Ordinance 02-973, Sec. 1; Ordinance 03-1016, Sec. 1; Ordinance 04-1050; Ordinance 04-1059, Sec. 2; Ordinance 06-1125, Sec. 1; Ordinance 09-1210, Sec. 1; Ordinance 12-1287, Sec. 1; Ordinance 13-1320, Sec. 1.)

4.01.060 Rules of Conduct for Public Within Zoo Premises

The following rules of conduct and regulations shall be applicable to all members of the public within Zoo Premises. In addition to penalties provided for herein or by applicable law, adherence to these standards of conduct shall be a condition of admission to the Zoo Premises.

— (a) Limited Right-of-Entry. —Public entry into the Zoo Premises is prohibited except during hours of public operation as established pursuant to Section 4.01.040. Members of the public attending special events after normal hours of operation may do so only as specifically authorized by the Zoo Director, and may only enter those portions of the Zoo Premises specifically authorized for the conduct of the special event.

— (b) Admission Fee Required. —All members of the public entering the Zoo shall do so only after payment of the applicable admission fee except as entry may be specifically authorized by the Zoo Director or Chief Operating Officer.

— (c) Destruction Prohibited. —No member of the public may destroy, damage or remove any property including plants located on Zoo Premises.

— (d) Protection of Zoo Animals. —No member of the public shall:

— (1) Kill, injure, or disturb any animal by any means except to secure personal safety;

— (2) Pet, attempt to pet, handle, move, or remove the animals except where expressly permitted;

— (3) Feed the animals except when and where expressly permitted;

— (4) Catch, attempt to catch, trap, remove, or kill any free roaming animals inhabiting the Premises;

— (5) Go over, under, between, or otherwise cross any guardrail, fence, moat, wall, or any other safety barrier; or

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- _____ (6) Except as provided in paragraph (3), throw any object or material at any animal or into any animal enclosure or exhibit area.
- _____ (e) Conformity with Signs and Emergency Directions. Members of the public shall comply with official signs of a prohibitory or directory nature, and with the directions of Zoo employees.
- _____ (f) Littering. -Littering, dumping or any other disposal of rubbish, trash, or other wastes, at the Zoo by any member of the public other than in designated receptacles is prohibited.
- _____ (g) Alcohol. -Possession or consumption by any member of the public on the Zoo Premises of any alcoholic beverage of any nature whatsoever other than beverages purchased from Zoo employees or as expressly authorized in writing by the Zoo director is prohibited.
- _____ (h) Sound Amplification Devices. -Possession or use by any member of the public of musical instruments, radios or other electric sound-producing or amplification devices that make or emit sounds audible to anyone other than the user of the device is prohibited.
- _____ (i) State and Local Laws. -All members of the public on Zoo Premises shall comply with all provisions of the Oregon Criminal Code, the City of Portland Police Code, including but not limited to regulations and prohibitions pertaining to firearms and dangerous or deadly weapons, and other provisions of applicable law.

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- (j) Soliciting, Vending, and the Distribution of Handbills. The soliciting of alms and contributions, commercial soliciting, and vending or distribution of samples of any kind, the display or distribution of commercial advertising, and the disseminating of written materials, and canvassing for political, charitable, or religious purposes by members of the public are prohibited within the Zoo Premises, except on the sidewalks between the Washington Park parking lot and the perimeter fence surrounding the Zoo; otherwise such activity by members of the public is prohibited. Such activities must be conducted in accordance with the following conditions:
- (1) Parking lot entrances, exits, and travel lanes must not be obstructed. ~~Interference with pedestrian traffic flow is prohibited.~~
 - (2) Loudspeakers, musical instruments, and other sound-making or amplification devices of any nature are prohibited.
 - (3) Activity causing a crowd to gather is prohibited if pedestrian or vehicular traffic is obstructed or impeded.
 - (4) Activity conducted within 20 feet of an admission gate, ticket booth, entrance, or exit is prohibited.
 - (5) Obstructing Zoo visitors' line of travel or detaining a Zoo visitor or employee against his or her will is prohibited.
 - (6) Actual or threatened physical harm directed against a Zoo visitor or employee is prohibited.
 - (7) The sale of food or items of any nature is prohibited.
- (k) Animals. Except for assistance animals authorized by ORS ~~346.659A.143-685~~, no animals shall be brought on the Premises by any member of the public. Use of assistance animals at the Zoo shall be subject to reasonable guidelines established by the Zoo Director and approved by the Chief Operating Officer.
- (l) Photographs and Videography for News, Advertising, or Commercial Purposes. No photographs, video or other images recorded in electronic form, for advertising or any other

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commercial purpose may be taken on the Premises by any member of the public unless officially authorized by the Zoo Director.

- (m) Explosives. No member of the public while on the Zoo Premises shall carry, discharge, or set off any fireworks or explosives of any nature.

(Ordinance 92-412A, Sec. 2. Ordinance 02-973, Sec. 1; Ordinance 10-1230, Sec. 1; Ordinance 13-1320, Sec. 1.)

4.01.070 Parking Regulations

The following rules shall govern all vehicles operated within the area of the Shuttle Parking Lot and Zoo Premises:

- (a) It shall be a violation of this Code for the driver of any motor vehicle or bus to violate any legend or direction contained in any sign, signal, or marking now installed or hereafter installed upon any portion of the Zoo Premises or Shuttle Parking Lot areas. Drivers of all vehicles shall drive in a careful and safe manner at all times, and shall comply with the signals and directions of the police or security officers and all posted traffic signs. Blocking of entrances, driveways, walks, loading platforms, fire lanes, or fire hydrants is prohibited. Parking without authority, or parking in unauthorized locations or in locations reserved for other persons or contrary to the directions of posted signs, is prohibited.
- (b) Security personnel designated by the Chief Operating Officer ~~toas~~ ~~serveing~~ as a Zoo ~~Shuttle parking~~ patrol shall have the authority and duty to issue parking citations in accordance with subsection (c) of this section for a violation specified by subsection (a) of this section. The Zoo ~~Shuttle parking~~ patrol shall have no other policy authority or duty. Persons appointed as Zoo ~~Shuttle parking~~ patrol shall be special police officers of Metro. As special police officers, the Zoo ~~Shuttle parking~~ patrol personnel and the Zoo ~~Shuttle parking~~ patrol supervisor shall have authority to issue citations for violations of parking or non-moving traffic violations occurring on Zoo property or property leased from or licensed to the Zoo by third parties for Zoo Shuttle Parking Lot purposes, and particularly they shall have authority to issue citations. To the extent of the power and authority granted in this section, such personnel and their supervisor shall exercise full police power and authority.

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(c) Parking Citations. Parking citations shall be in a form approved by the Metro Attorney and shall be issued by the Zoo parking patrol:

(1) In the manner set forth in the Metro Code Section 2.14.030(c)(2) and (d), with recourse in Metro's contested case hearing procedures; or

(2) In the manner set forth in Metro Code Section 2.14.030(c) and cited into Multnomah County Circuit Court.

~~(1) Form of Citations. All parking citation forms used by the Zoo Shuttle patrol shall be in a form approved by the Metro Attorney and as issued by the Circuit Court for the State of Oregon for Multnomah County. Such parking citations shall, at a minimum, clearly state:~~

~~(A) The date, place, and nature of the charge;~~

~~(B) Time and place for the defendant's appearance in court;~~

~~(C) Name of the issuing officer;~~

~~(D) License number of the vehicle.~~

~~(2) Procedure for Issuing Citations. Any citation form issued pursuant to this Code section shall either be delivered to the defendant or placed in a conspicuous place upon the vehicle involved in the violation. A duplicate original of the notice shall serve as the complaint in the case when it is filed with the court. In all other aspects, the procedure now provided by law in such cases shall be followed, but ORS 810.365 does not apply. The officer need not have observed the act of parking, but need only observe that the car was parked in violation of Metro Code.~~

~~(3) Use of Parking Citation as Complaint. The original of the traffic citation form when completed to meet the minimum requirements of ORS 221.333 may serve as a complaint; other forms of parking complaints are prohibited.~~

~~(4) Citation Form Books Issued by circuit court. Citation form books for parking violations shall be provided by the circuit court and upon request distributed to the Zoo parking patrol officers who issue them.~~

~~(5) List of Parking Citations. A list of the parking citations issued by Zoo Shuttle patrol officers shall be forwarded to the circuit court within 24 hours.~~

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~~(d) Person Responsible for Violation Charged by the Citation. The registered owner of the vehicle is prima facie responsible for the violation charged by the citation.~~

(Ordinance 92-412A, Sec. 2. Ordinance 02-973, Sec. 1; Ordinance 04-1059, Sec. 3; Ordinance 13-1320, Sec. 1.)

4.01.080 Rules of Conduct for Members of Public in Zoo Shuttle Parking Lots

The following rules of conduct and regulations shall be applicable to all members of the public within the Zoo Property. In addition to penalties provided for herein or by applicable law adherence to these standards of conduct shall be a condition of admission to the Zoo Property.

- (a) Advertising, Canvassing, Soliciting, and Disseminating of Written Materials for Political, Charitable, or Religious Purposes. Commercial or non-commercial speech activity including advertising, canvassing, soliciting, or disseminating of written materials for commercial or non-commercial purposes including political, charitable, or religious purposes is permitted only in accord with code section 4.01.060(j) and not in the Shuttle Parking Lots
- (b) Littering. Littering, dumping, or any other disposal of rubbish, trash, or any solid waste on the Zoo Shuttle Parking Lots by any member of the public is prohibited.
- (c) State and Local Laws. All members of the public within Zoo Shuttle Parking Lots shall comply with all provisions of the Oregon Criminal Code, the Oregon Traffic Code, the City of Portland Police and Traffic Codes, and other provisions of applicable law.
- (d) Alcohol. Possession or consumption on the Zoo Shuttle Parking Lots by any member of the public of any alcoholic beverage of any nature whatsoever is prohibited.

(Ordinance 92-412A, Sec. 2. Ordinance 02-973, Sec. 1. Ordinance 13-1320, Sec. 1.)

4.01.090 Zoo Railroad

No member of the public shall:

- (a) Enter or exit the train except when the train is stopped.

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- (b) Enter the train without authorization.
- (c) Throw or propel any object or material from or at the train.
- (d) Smoke on the train.
- (e) Destroy, damage, or deface the train, equipment, rolling stock, stations, tracks, or switches or attempt to do the same.

(Ordinance 92-412A, Sec. 2.)

4.01.100 Penalties

- (a) Each violation of these rules and regulations shall be punishable by a fine set by the schedule of civil penalties set forth in Section 2.03.060 ~~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 Shuttle Parking Lots. 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 one (1) 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 Shuttle Lots. In accordance with Section 2.05.005(c), ~~the notice shall specify the violation of Zoo rules and regulations or state law violated and the nature of the violation which is the basis for the exclusion,~~ inform the person excluded of their right to a request a hearing within 30 days of the date of mailing of the notice, notify them of their right to legal representation at the hearing, and shall specify the dates covered by the exclusion.

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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~~ Hearings ~~an on~~ exclusion notices s shall be conducted ~~may appeal to the Metro Council~~ in accordance with the contested case procedures s 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 92-412A, Sec. 2. Ordinance 00-870, Sec. 1; Ordinance 02-973, Sec. 1; Ordinance 13-1320, Sec. 1.)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 15-1358A, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 4.01, EFFECTIVE NOVEMBER 5, 2015

Date: July 8, 2015

Prepared by: Caleb Ford (503) 220-5705

BACKGROUND

As part of the budget development process for Fiscal Year 2015-16, it was determined to appropriate resources for the operation of the Oregon Zoo in an enterprise fund. Based on increased transparency, improved budgetary forecasting, and easier public understanding, the zoo is now presented as a separate fund. Local budget law requires that all funds balance; resources in each fund must be equal to expenditures and other requirements in that fund.

The Oregon Zoo generates approximately two-thirds of its budget from enterprise activities. A major component of available resources comes from admissions revenue. The changes proposed in this ordinance provides additional flexibility to management to adjust pricing to meet business needs, while maintaining the transparency expected by the public and simplifying the process. In addition, Council has the authority to modify or affirm any proposed changes.

In a similar manner, this ordinance removes very specific requirements for a monthly discounted admissions day. The Oregon Zoo is committed to sustaining its role as a beloved community asset, and will report to Council on any changes to its accessibility programs with the goal of improving outcomes related to Diversity, Equity and Inclusion. No immediate operational change to the monthly discounted admission offering is proposed with this ordinance. Planning is underway to more effectively provide access to the region's critical communities.

The changes to Metro Code Chapter 4.01 are proposed in an effort to align with other chapters of code, improve clarity, and provide additional flexibility for management to meet Council goals.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** Metro Code Section 4.01.050(a) "Admission Fees and Policies" sets Oregon Zoo admissions fees and identifies policies on zoo admission, and requires the zoo to request an amendment to the Metro Code to change admissions fees or policies.
- 3. Anticipated Effects:** No immediate changes to operations are anticipated. Any future changes based on increased authority delegated to the Chief Operating Officer will be reported to Council prior to implementation.
- 4. Budget Impacts:** There are no anticipated budgetary impacts.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 15-1358
METRO CODE CHAPTER 4.01 TO UPDATE)
OREGON ZOO REGULATIONS) Introduced by Chief Operating Officer Martha
) Bennett in concurrence with Council President
) Tom Hughes

WHEREAS, the Oregon Zoo is a community asset that attracts more than 1.6 million visitors per year from across the region, state of Oregon, and greater Northwest;

WHEREAS, Metro Council on June 18, 2015, via Resolution 15-4612, established the Oregon Zoo Operating Fund;

WHEREAS, Oregon Local Budget Law requires that the resources in each fund must be equal to the expenditures and other requirements in that fund;

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WHEREAS, any changes in prices or access programs must balance with Metro’s six desired outcomes;

WHEREAS, current admission prices remain in effect until the Oregon Zoo shall report to Metro Council on future admissions price changes and on efforts and outcomes related to ensuring equitable access to this community asset; and

WHEREAS, good governance requires that the Oregon Zoo regulations be revised from time to time to improve clarity, remove superfluity, and comport with changes in other parts of the Metro Code; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That Metro Code Section 4.01 “Oregon Zoo Regulations” is deleted in its entirety and replaced as set forth in Exhibit A to this Ordinance.
2. These revisions to Metro Code Section 4.01 “Oregon Zoo Regulations” are effective _____, 2015.

ADOPTED by the Metro Council this ____ day of _____, 2015.

Tom Hughes, Council President

Attest:

Approved as to Form:

Alexandra Eldridge, Recording Secretary

Alison R. Kean, Metro Attorney

Exhibit A to Ordinance No. 15-1358

TITLE IV

OREGON ZOO

Chapter	Title
4.01	Oregon Zoo Regulations

CHAPTER 4.01

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Repealed

4.01.110	Allocation of Zoo Tax Base ____ (Repealed Ord. 10-1230, Sec. 2)
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4.01.010 Purpose

The purpose of this chapter is to provide for the operation of the Zoo and to provide for regulations governing the use of the Zoo and Zoo Shuttle areas by members of the public in order to provide protection of Zoo animals, plants, and property, and to protect the safety and enjoyment of persons visiting the Zoo.

(Ordinance ~~No.~~ 92-412A, Sec. 2. Ordinance 13-1320, Sec. 1.)

4.01.020 Definitions

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

——(a) "Director" or "Zoo Director" means the Director of the Zoo, and also includes such subordinate employees of the Zoo or other Metro employees to the extent the Zoo Director or Chief Operating Officer has delegated specific duties in writing.

——(b) "Premises" means the property, buildings, and grounds within the perimeter fence surrounding the Zoo, the admission and exit gates, the entry plaza, all Zoo buildings including but not limited to the administrative, commissary, haybarn, and shop buildings, the employee parking lot, the Zoo vehicular storage

area, including the Zoo Railroad right-of-way from the Zoo to and including the Metro Washington Park Station, and any portions of the landscaping and sidewalk between the Zoo perimeter fence and Knights Boulevard or the Washington Park parking lot.

——(c) "Public" means any person other than a Zoo employee.

——(d) "Shuttle Parking Lot" means any facility located outside the Zoo and the Washington Park parking Lot and designated by the Zoo for overflow parking.

——(e) "Special event" means any event or occasion held on the Premises other than during normal operating hours as specifically authorized by the Zoo Director and Chief Operating Officer.

——(f) "Zoo" means the Oregon Zoo and includes the Premises.

——(g) "Zoo Employee" means any paid employees of the Zoo, any other paid employees of Metro performing tasks or functions at the Zoo at the request or direction of either the Zoo Director, the Metro Council, or the Chief Operating Officer, volunteers performing functions and duties assigned or authorized by the Zoo Director, and any contractors or agents of the Zoo carrying out their duties or obligations to the Zoo.

——(h) "Zoo Railroad" means the equipment, rails, and right-of-way extending from within the Zoo Premises through the City of Portland park adjacent to the Zoo to a location near the Rose Test Gardens, also known as the Washington Park and Zoo Railway.

(Ordinance 92-412A, Sec. 2. Ordinance 98-726, Sec. 5; Ordinance 02-973, Sec. 1; Ordinance 04-1059, Sec. 1; Ordinance 13-1320, Sec. 1.)

4.01.030 Operating Authority

Operation of the Zoo and management of the Zoo Premises shall be under the general supervision of the Zoo Director except as may be specifically provided to the contrary by the Chief Operating Officer. All Zoo employees shall be directed and controlled by the Zoo Director and Chief Operating Officer subject to the personnel rules and applicable collective bargaining agreements of Metro.

(Ordinance 92-412A, Sec. 2. Ordinance 02-973, Sec. 1; Ordinance 13-1320, Sec. 1.)

4.01.040 Hours of Operation

Hours of operations of the Zoo, including all times the Zoo is open to the public or for special events, shall be established by the Zoo Director and approved by the Chief Operating Officer. In cases of inclement weather, or in any case of emergency, the Zoo may be closed in order to protect the safety of members of the public, Zoo employees or animals, and other Zoo property.

(Ordinance 92-412A, Sec. 2. Amended by Ordinance 02-973, Sec. 1.)

4.01.050 Admission Fees and Policies

(a) Regular Fee Schedule. The schedule of regular paid admission fees shall be set and adjusted by the Chief Operating Officer, or designee, based on consideration of the following criteria:

(1) Increases/decreases in the Consumer Price Index since the last admission fee adjustment;

(2) Comparisons to Zoos of similar attendance, size, quality and service area;

(3) Pricing survey data;

(4) Revenue and expense projections.

(b) In the event the Chief Operating Officer elects to set or adjust paid admission fees, the Chief Operating Officer shall provide the Metro Council with 45 business days notice prior to the effective date of such fees. Upon notice of said fees, the Metro Council may elect to affirm or modify paid admission fees by resolution of the Metro Council. Admission fees set by the Metro Council may thereafter be adjusted as set forth in section 4.01.050(a).

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Adult (12 years and over)	\$11.25
Youth (3 years through 11 years)	\$8.25
Child (2 years and younger)	Free
Senior Citizen (65 years and over)	\$9.75

~~(c)~~ ~~Conservation Admission Surcharge.~~ ~~A t~~Twenty-five cents ~~s~~ (\$0.25) ~~surcharge will be added to~~ ~~per~~ ~~of~~ each regular paid admission ~~fee shall~~ ~~to~~ go toward the funding of Oregon Zoo conservation initiatives. ~~This surcharge is in addition to the admission fees listed in the Regular Fee Schedule in subsection (a) above.~~

~~(d)~~ Free and Reduced Admission

- ~~(1)~~ ~~(1)~~ The Director may set free or reduced price admission rates for individuals, groups, special events, or as otherwise in accordance with this Chapter.
- ~~(2)~~ ~~(2)~~ A free admission pass will entitle the holder only to enter the Zoo without paying an admission fee.
- ~~(3)~~ ~~(3)~~ A reduced admission pass will entitle the holder only to enter the Zoo by paying a reduced admission fee.
- (4) ~~(4)~~ Free or reduced admission passes may be issued to the following groups or individuals and shall be administered as follows:

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~~(A)~~ Metro employees and eligible family members shall be entitled to free regular Zoo admission upon presentation of a current Metro employee identification card, in accordance with the Zoo Admission and Discount Policy for Metro Employees.

(B)

~~(B)~~ Metro elected officials ~~shall be entitled to free admission.~~ and Eligible family members of Metro elected officials, shall be entitled free regular Zoo admission in accordance with the Zoo Admission and Discount Policy for Metro Employees.

~~(C)~~ Free admission passes in the form of volunteer identification cards may, at the Director's discretion, be issued to persons who perform volunteer work at the Zoo. Cards shall bear the name of the volunteer, shall be signed by the Director, shall be non-transferable, and shall terminate at the end of each calendar year or upon termination of volunteer duty, whichever date occurs first. New identification cards may be issued at the beginning of each new calendar year for active Zoo volunteers.

(D) The Zoo Director may issue reduced price admission passes to individuals using a TriMet bus or the Metro Area Express (MAX) for travel to the Zoo upon presentation of acceptable proof of fare payment, which includes TriMet passes, MAX tickets and bus transfer receipts validated on the date of Zoo entry.

~~(5) Admission to the Zoo shall be at a reduced rate for all persons during a portion of a day each month, as determined by the Director.~~

~~(d)~~ (e) Special Events. -The Zoo, or portions thereof, may be utilized for special events designed to enhance Zoo revenues during hours that the Zoo is not normally open to the public. The number, nature of, and admission fees for such events shall be determined by the Zoo Director.

~~(e)~~ (f) Shuttle Fee. -The Zoo Director may establish, charge and collect a Shuttle fee from shuttle users for transport from the Zoo Shuttle Parking Lots and may adjust said Shuttle fee annually.

(Ordinance 92-412A, Sec. 2. Ordinance 93-505, Sec. 1; Ordinance 94-568; Ordinance 98-726, Sec. 6; Ordinance 98-735, Sec. 2; Ordinance 99-804, Sec. 1; Ordinance 01-915, Sec. 1; Ordinance 02-949, Sec. 1; Ordinance 02-973, Sec. 1; Ordinance 03-1016, Sec. 1; Ordinance 04-1050; Ordinance 04-1059, Sec. 2;

4.01.060 Rules of Conduct for Public Within Zoo Premises

The following rules of conduct and regulations shall be applicable to all members of the public within Zoo Premises. In addition to penalties provided for herein or by applicable law, adherence to these standards of conduct shall be a condition of admission to the Zoo Premises.

~~_____~~ (a) Limited Right-of-Entry. ~~—~~Public entry into the Zoo Premises is prohibited except during hours of public operation as established pursuant to Section 4.01.040. Members of the public attending special events after normal hours of operation may do so only as specifically authorized by the Zoo Director, and may only enter those portions of the Zoo Premises specifically authorized for the conduct of the special event.

~~_____~~ ~~(~~(b) Admission Fee Required. ~~—~~All members of the public entering the Zoo shall do so only after payment of the applicable admission fee except as entry may be specifically authorized by the Zoo Director or Chief Operating Officer.

~~_____~~ (c) Destruction Prohibited. ~~—~~No member of the public may destroy, damage or remove any property including plants located on Zoo Premises.

~~_____~~ (d) Protection of Zoo Animals. ~~—~~No member of the public shall:

~~_____~~ (1) Kill, injure, or disturb any animal by any means except to secure personal safety;

~~_____~~ (2) Pet, attempt to pet, handle, move, or remove the animals except where expressly permitted;

~~_____~~ (3) Feed the animals except when and where expressly permitted;

~~_____~~ (4) Catch, attempt to catch, trap, remove, or kill any free roaming animals inhabiting the Premises;

- _____ (5) Go over, under, between, or otherwise cross any guardrail, fence, moat, wall, or any other safety barrier; or
- _____ (6) Except as provided in paragraph (3), throw any object or material at any animal or into any animal enclosure or exhibit area.
- _____ (e) Conformity with Signs and Emergency Directions. Members of the public shall comply with official signs of a prohibitory or directory nature, and with the directions of Zoo employees.
- _____ (f) Littering. -Littering, dumping or any other disposal of rubbish, trash, or other wastes, at the Zoo by any member of the public other than in designated receptacles is prohibited.
- _____ (g) Alcohol. -Possession or consumption by any member of the public on the Zoo Premises of any alcoholic beverage of any nature whatsoever other than beverages purchased from Zoo employees or as expressly authorized in writing by the Zoo director is prohibited.
- _____ (h) Sound Amplification Devices. -Possession or use by any member of the public of musical instruments, radios or other electric sound-producing or amplification devices that make or emit sounds audible to anyone other than the user of the device is prohibited.
- _____ (i) State and Local Laws. -All members of the public on Zoo Premises shall comply with all provisions of the Oregon Criminal Code, the City of Portland Police Code, including but not limited to regulations and prohibitions pertaining to firearms and dangerous or deadly weapons, and other provisions of applicable law.
- _____ (j) Soliciting, Vending, and the Distribution of Handbills. The soliciting of alms and contributions, commercial soliciting, and vending or distribution of samples of any kind, the display or distribution of commercial advertising, and the disseminating of written materials, and canvassing for political, charitable, or religious purposes by members of the public are prohibited within the Zoo Premises, except on the sidewalks between the Washington Park parking lot and the perimeter fence

surrounding the Zoo; otherwise such activity by members of the public is prohibited. Such activities must be conducted in accordance with the following conditions:

- (1) Parking lot entrances, exits, and travel lanes must not be obstructed. —Interference with pedestrian traffic flow is prohibited.
- (2) Loudspeakers, musical instruments, and other sound-making or amplification devices of any nature are prohibited.
- (3) Activity causing a crowd to gather is prohibited if pedestrian or vehicular traffic is obstructed or impeded.
- (4) Activity conducted within 20 feet of an admission gate, ticket booth, entrance, or exit is prohibited.
- (5) Obstructing Zoo visitors' line of travel or detaining a Zoo visitor or employee against his or her will is prohibited.
- (6) Actual or threatened physical harm directed against a Zoo visitor or employee is prohibited.
- (7) The sale of food or items of any nature is prohibited.
- (k) Animals. —Except for assistance animals authorized by ORS ~~346659A.143-685~~, no animals shall be brought on the Premises by any member of the public. —Use of assistance animals at the Zoo shall be subject to reasonable guidelines established by the Zoo Director and approved by the Chief Operating Officer.
- (l) Photographs and Videography for News, Advertising, or Commercial Purposes. —No photographs, video or other images recorded in electronic form, —for advertising or any other commercial purpose may be taken on the Premises by any member of the public unless officially authorized by the Zoo Director.

—(m) Explosives. —No member of the public while on the Zoo Premises shall carry, discharge, or set off any fireworks or explosives of any nature.

(Ordinance 92-412A, Sec. 2. Ordinance 02-973, Sec. 1; Ordinance 10-1230, Sec. 1; Ordinance 13-1320, Sec. 1.)

4.01.070 Parking Regulations

The following rules shall govern all vehicles operated within the area of the Shuttle Parking Lot and Zoo Premises:

—(a) It shall be a violation of this Code for the driver of any motor vehicle or bus to violate any legend or direction contained in any sign, signal, or marking now installed or hereafter installed upon any portion of the Zoo Premises or Shuttle Parking Lot areas. Drivers of all vehicles shall drive in a careful and safe manner at all times, and shall comply with the signals and directions of the police or security officers and all posted traffic signs. Blocking of entrances, driveways, walks, loading platforms, fire lanes, or fire hydrants is prohibited. Parking without authority, or parking in unauthorized locations or in locations reserved for other persons or contrary to the directions of posted signs, is prohibited.

—(b) Security personnel designated by the Chief Operating Officer ~~to as~~ ~~serve~~ ~~ing~~ as a Zoo ~~Shuttle-parking~~ patrol shall have the authority and duty to issue parking citations in accordance with subsection (c) of this section for a violation specified by subsection (a) of this section. The Zoo ~~Shuttle-parking~~ patrol shall have no other policy authority or duty. Persons appointed as Zoo ~~Shuttle-parking~~ patrol shall be special police officers of Metro. As special police officers, the Zoo ~~Shuttle-parking~~ patrol personnel and the Zoo ~~Shuttle-parking~~ patrol supervisor shall have authority to issue citations for violations of parking or non-moving traffic violations occurring on Zoo property or property leased from or licensed to the Zoo by third parties for Zoo Shuttle Parking Lot purposes, and particularly they shall have authority to issue citations. To the extent of the power and authority granted in this section, such personnel and their supervisor shall exercise full police power and authority.

~~(c) Parking Citations. Parking citations shall be in a form approved by the Metro Attorney and shall be issued by the Zoo parking patrol:~~

~~(1) In the manner set forth in the Metro Code Section 2.14.030(c)(2) and (d), with recourse in Metro's contested case hearing procedures; or~~

~~(2) In the manner set forth in Metro Code Section 2.14.030(c) and cited into Multnomah County Circuit Court.~~

~~(1) Form of Citations. All parking citation forms used by the Zoo Shuttle patrol shall be in a form approved by the Metro Attorney and as issued by the Circuit Court for the State of Oregon for Multnomah County. Such parking citations shall, at a minimum, clearly state:~~

~~(A) The date, place, and nature of the charge;~~

~~(B) Time and place for the defendant's appearance in court;~~

~~(C) Name of the issuing officer;~~

~~(D) License number of the vehicle.~~

~~(2) Procedure for Issuing Citations. Any citation form issued pursuant to this Code section shall either be delivered to the defendant or placed in a conspicuous place upon the vehicle involved in the violation. A duplicate original of the notice shall serve as the complaint in the case when it is filed with the court. In all other aspects, the procedure now provided by law in such cases shall be followed, but ORS 810.365 does not apply. The officer need not have observed the act of parking, but need only observe that the car was parked in violation of Metro Code.~~

~~(3) Use of Parking Citation as Complaint. The original of the traffic citation form when completed to meet the minimum requirements of ORS 221.333 may serve as a complaint; other forms of parking complaints are prohibited.~~

~~(4) Citation Form Books Issued by circuit court. Citation form books for parking violations shall be provided by the circuit court and upon request distributed to the Zoo parking patrol officers who issue them.~~

~~(5) List of Parking Citations. A list of the parking citations issued by Zoo Shuttle patrol officers shall be forwarded to the circuit court within 24 hours.~~

~~(d) Person Responsible for Violation Charged by the Citation. The registered owner of the vehicle is prima facie responsible for the violation charged by the citation.~~

(Ordinance 92-412A, Sec. 2. Ordinance 02-973, Sec. 1; Ordinance 04-1059, Sec. 3; Ordinance 13-1320, Sec. 1.)

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4.01.080 Rules of Conduct for Members of Public in Zoo Shuttle Parking Lots

The following rules of conduct and regulations shall be applicable to all members of the public within the Zoo Property. In addition to penalties provided for herein or by applicable law adherence to these standards of conduct shall be a condition of admission to the Zoo Property.

~~(a) Advertising, Canvassing, Soliciting, and Disseminating of Written Materials for Political, Charitable, or Religious Purposes. -Commercial or non-commercial speech activity including advertising, canvassing, soliciting, or disseminating of written materials for commercial or non-commercial purposes including political, charitable, or religious purposes is permitted only in accord with code section 4.01.060(j) and not in the Shuttle Parking Lots~~

~~(b) Littering. -Littering, dumping, or any other disposal of rubbish, trash, or any solid waste on the Zoo Shuttle Parking Lots by any member of the public is prohibited.~~

—(c) State and Local Laws. —All members of the public within Zoo Shuttle Parking Lots shall comply with all provisions of the Oregon Criminal Code, the Oregon Traffic Code, the City of Portland Police and Traffic Codes, and other provisions of applicable law.

—(d) Alcohol. —Possession or consumption on the Zoo Shuttle Parking Lots by any member of the public of any alcoholic beverage of any nature whatsoever is prohibited.

(Ordinance 92-412A, Sec. 2. Ordinance 02-973, Sec. 1. Ordinance 13-1320, Sec. 1.)

4.01.090 Zoo Railroad

No member of the public shall:

—(a) Enter or exit the train except when the train is stopped.

—(b) Enter the train without authorization.

—(c) Throw or propel any object or material from or at the train.

—(d) Smoke on the train.

—(e) Destroy, damage, or deface the train, equipment, rolling stock, stations, tracks, or switches or attempt to do the same.

(Ordinance 92-412A, Sec. 2.)

4.01.100 Penalties

—(a) Each violation of these rules and regulations shall be punishable by a fine set by the schedule of civil penalties set forth in Section 2.03.060 ~~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 Shuttle Parking Lots. 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 one (1) 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 Shuttle Lots. In accordance with Section 2.05.005(c), ~~the notice shall specify the violation of Zoo rules and regulations or state law violated and the nature of the violation which is the basis for the exclusion, inform the person excluded of their right to a request a hearing within 30 days of the date of mailing of the notice, notify them of their right to legal representation at the hearing,~~ 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~~ Hearings an on exclusion notices shall be conducted ~~may appeal to the Metro Council~~ in accordance with the contested case procedures s 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. ~~Amended by~~ Ordinance ~~No.~~ 00-870, Sec. 1; Ordinance ~~No.~~ 02-973, Sec. 1; Ordinance 13-1320, Sec. 1.)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 15-1358, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 4.01, EFFECTIVE OCTOBER 21, 2015

Date: July 8, 2015

Prepared by: Caleb Ford (503) 220-5705

BACKGROUND

As part of the budget development process for Fiscal Year 2015-16, it was determined to appropriate resources for the operation of the Oregon Zoo in an enterprise fund. Based on increased transparency, improved budgetary forecasting, and easier public understanding, the zoo is now presented as a separate fund. Local budget law requires that all funds balance; resources in each fund must be equal to expenditures and other requirements in that fund.

The Oregon Zoo generates approximately two-thirds of its budget from enterprise activities. A major component of available resources comes from admissions revenue. The changes proposed in this ordinance provides additional flexibility to management to adjust pricing to meet business needs, while maintaining the transparency expected by the public and simplifying the process. In addition, Council has the authority to modify or affirm any proposed changes.

In a similar manner, this ordinance removes very specific requirements for a monthly discounted admissions day. The Oregon Zoo is committed to sustaining its role as a beloved community asset, and will report to Council on any changes to its accessibility programs with the goal of improving outcomes related to Diversity, Equity and Inclusion. No immediate operational change to the monthly discounted admission offering is proposed with this ordinance. Planning is underway to more effectively provide access to the region's critical communities.

The changes to Metro Code Chapter 4.01 are proposed in an effort to align with other chapters of code, improve clarity, and provide additional flexibility for management to meet Council goals.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** Metro Code Section 4.01.050(a) "Admission Fees and Policies" sets Oregon Zoo admissions fees and identifies policies on zoo admission, and requires the zoo to request an amendment to the Metro Code to change admissions fees or policies.
- 3. Anticipated Effects:** No immediate changes to operations are anticipated. Any future changes based on increased authority delegated to the Chief Operating Officer will be reported to Council prior to implementation.
- 4. Budget Impacts:** There are no anticipated budgetary impacts.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.