

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO )  
CODE CHAPTERS 10.01 AND 10.02 TO )  
CLARIFY RULE ENFORCEMENT )  
PROCEDURES WITHIN METRO'S PARKS, )  
CEMETERIES AND NATURAL AREAS )

ORDINANCE NO. 15-1366  
  
Introduced by Metro Attorney Alison R. Kean  
in concurrence with Council President Tom  
Hughes

WHEREAS, Metro Code Chapter 10 sets forth the rules governing use of Metro's parks, cemeteries, and natural areas, and gives the Parks and Nature Department Director the authority to enforce these rules and to adopt additional regulations consistent with the Metro Code;

WHEREAS, with the authority delegated by the Metro Code and the Metro Council, the Director has developed a plan and program for Metro Parks and Nature staff to enforce Metro's rules on Metro property in a manner that will, on balance, protect the public and Metro property and staff;

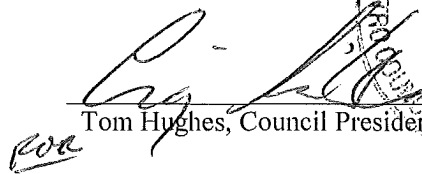
WHEREAS, revisions to Metro Code Chapter 10.01 and 10.02 are now required in order to clarify that Parks and Nature staff will enforce the Department's rules and regulations through civil procedures; and

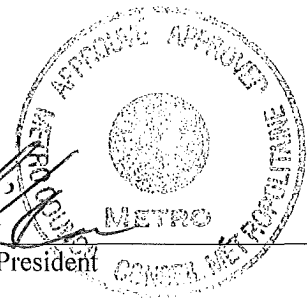
WHEREAS, additional changes are necessary to refer to the new name of Metro's Parks and Nature Department, and to update and eliminate obsolete code provisions; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:


1. Metro Code Chapter 10.01 (Metro Parks and Nature Regulations) and 10.02 (Park Fees) are amended as set forth in Exhibit A and Exhibit B attached to this Ordinance.

ADOPTED by the Metro Council this 28 day of January, 2016.

  
Tom Hughes, Council President



Attest:

  
Alexandra Eldridge, Recording Secretary

Approved as to Form:

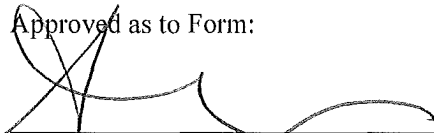
  
Alison R. Kean, Metro Attorney

EXHIBIT A TO ORDINANCE 15-1366

TITLE X

METRO ~~REGIONAL~~-PARKS, CEMETERIES AND ~~GREENSPACES~~NATURAL AREAS

CHAPTERS

TITLE

10.01	Metro <del>Regional</del> -Parks and <del>Greenspaces</del> <u>Nature</u> Regulations
10.02	<del>Regional</del> -Park Fees
10.03	Conservation Easements
10.04	Pioneer Cemetery Properties

CHAPTER 10.01

METRO ~~REGIONAL~~-PARKS AND ~~GREENSPACES~~NATURE REGULATIONS

SECTIONS	TITLE
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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
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10.01.390	Enforcement Personnel
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- 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~~Nature 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 Director of Metro's ~~Regional~~ Parks and ~~Greenspaces~~Nature Department or the Director's designee.

(c) "Metro Code" means the Code of Metro.

(d) "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~~Nature Department, and devoted to active or passive recreation.

(e) "Park rules" means rules adopted by the Director pursuant to Section 10.01.040 of this chapter.

(f) "Person" shall have the meaning assigned thereto in Metro Code Section 1.01.040(f).

(g) "Public" means any person other than a ~~Regional~~ Parks and ~~Greenspaces~~Nature Department employee.

(h) "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~~Nature.

(i) "~~Regional~~-Parks and ~~Greenspaces~~Nature Department employee" means any paid employees of the ~~Regional~~-Parks and ~~Greenspaces~~Nature 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~~Nature Department carrying out their duties or obligations to the ~~Regional~~-Parks and ~~Greenspaces~~Nature Department.

(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 02-978, 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~~Metro's parks 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 Prohibited

Hunting is prohibited.

(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 10-1230, Sec. 3)

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 subsections (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~~659A.103 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 Park hours of operation shall be as posted, except for unusual or unforeseen circumstances and emergencies, and except as otherwise provided by any park rules, park hours. The hours of operation for Parks not posted 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. sunrise 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 GreenspacesNature 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 Ejectment and Exclusion

The Director and authorized enforcement personnel shall:

(a) Have the authority to arrest, cite in lieu of arrest, cite for civil penalties 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 personal property, thing or device confiscated under Section 10.01.410 may request an immediate hearing to appeal the confiscation by filingsending a written request for hearing withto the Director by registered or certified mail.

~~(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)~~

(b) The hearing shall be conducted in accord with the applicable contested case procedures set forth in the Metro Code.

(c) 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, including but not limited to City or County ordinances containing regulations and prohibitions pertaining to firearms and dangerous or deadly weapons.

(Ordinance No. 96-659A, Sec. 1.; Ordinance No. 10-1230, Sec. 4)

#### 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) 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 Court shall be returned to Metro for training of authorized enforcement personnel.~~

~~(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 02-978, Sec. 1.)~~

EXHIBIT B TO ORDINANCE 15-1366

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 (Repealed Ord. 04-1038A §2)
<del>10.02.100</del>	<del>Penalties</del>
<del>10.02.110</del>	<del>Bail and Fine Collection</del>

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

Except as otherwise set forth herein, Park Fees shall be set and adjusted by the Metro Council.

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

(a) ~~Entry-Parking~~ fees at Blue Lake Park and Oxbow Park shall be \$5.00 per motorized vehicle on all days and \$7.00 per bus on all days.

(b) Boat launching and/or parking fees at the M. James Gleason Boat Ramp shall be \$5.00 and fees at the Chinook Landing Marine Park shall be \$5.00 per motorized vehicle on all days.

(c) The fee for annual parking passes in lieu of daily ~~entrance-parking~~ 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) Regular: \$40.00 per year (January 1 through December 31)

(2) Seniors: \$30.00 per year (January 1 through December 31)

(3) Low-Income/Disabled: \$10.00 per year (January 1 through December 31)

(d) Reservation fees for shelters and reservable picnic areas at Blue Lake and Oxbow Parks shall be set and adjusted by the Chief Operating Officer.

(e) Fees for alcohol permits at Blue Lake and Oxbow Parks shall be set and adjusted by the Chief Operating Officer.

(f) Overnight camping fees at Oxbow Park, including fees for nightly use of overnight group camps at Oxbow Park by nonprofit and youth organizations and fees for additional vehicles, shall be set and adjusted by the Chief Operating Officer. Permit must be displayed. Each vehicle must pay entry parking fee on initial day of entry.

(g) Fees for special events shall be set and adjusted by the Chief Operating Officer.

(h) Except for use by Metro, the rental rates and security deposit for "The Lake House" at Blue Lake Park shall be set and adjusted by the Chief Operating Officer.

(i) Entrance-Parking fees at Blue Lake Park and Oxbow Park shall be waived for any police officer (officers' fees are waived also at Chinook Landing Marine Park and the Gleason Boat Ramp) or Metro employee who presents valid current identification at the park entrance. Fee waivers shall not apply to any special events or other facilities.

(j) Entrance-Parking Fees at Blue Lake Park, Oxbow Park, Chinook Landing, and M. James Gleason Boat Ramp, and camping fees at Oxbow Park, shall be waived for any disabled veteran who presents valid current photo identification and an Oregon State Parks Special Access Pass for Veterans with Service Connected Disabilities ID Card and green placard issued by Oregon State Parks in said veteran's vehicle in full view on the dashboard or hanging from the rear-view mirror.

Fee waivers shall not apply to fees for the use of other facilities.

(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 98-722, Sec. 1; Ordinance No. 01-894, Sec. 1; Ordinance No. 02-978, Sec. 1; Ordinance No. 03-1008; Ordinance No. 04-1047, Sec. 1; Ordinance No. 06-1109; Ordinance No. 07-1166; Ordinance No. 09-1211A.)

#### 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~~Parks and Nature 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.)

#### ~~10.02.100 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) shall be responsible for the collection of any bails and/or fines set for penalties described in Chapter 10.02. Any bail or fine amounts remaining after disbursement through~~

~~Circuit Court shall be returned to Metro for training of authorized enforcement personnel.~~

~~(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 02-078, Sec. 1.)~~

~~(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 01-894, Sec. 1; Ordinance No. 03-1008; Ordinance No. 09-1211A.)~~



## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 15-1366, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTERS 10.01 AND 10.02 TO CLARIFY RULE ENFORCEMENT PROCEDURES WITHIN METRO'S PARKS, CEMETERIES AND NATURAL AREAS

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Date: January 21, 2016

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## BACKGROUND

Metro's Department of Parks and Nature desires to more actively enforce its rules and regulations in Metro parks, cemeteries, and natural areas. These changes to the Metro Code clarify provisions in advance of the adoption of a new rule enforcement manual for Metro parks, natural areas and cemeteries.

Revisions to Metro Code Chapter 10.01 (Metro Parks and Nature Regulations) and 10.02 (Park Fees) are required in order to update and eliminate obsolete code provisions. For example, Code Chapters 10.1 and 10.2 include provisions derived from the Multnomah County Code, which applied to Metro properties formerly owned by Multnomah County. These provisions will be deleted in order to clarify that Parks and Nature staff will enforce the department's rules and regulations through Metro's civil procedures.

In addition, Metro Code Chapter 10.01.420, which allows persons who have had personal property confiscated by Metro staff to appeal the confiscation, will be brought into alignment with the procedures for contested cases set forth in Metro Code Chapter 2.05.

The proposed changes will refer to the new name of Metro's Parks and Nature Department.

## ANALYSIS/INFORMATION

1. **Known Opposition:** None
2. **Legal Antecedents:** Metro Code Chapters 10.01 (Metro Parks and Nature Regulations) and 10.02 (Park Fees).
3. **Anticipated Effects:** Metro Code Chapters 10.01 and 10.02 will refer to the new department title and will no longer include obsolete or conflicting provisions.
4. **Budget Impacts.** None.

## RECOMMENDED ACTION

The Office of Metro Attorney recommends adoption by the Metro Council of Ordinance 15-1366.