

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING THE)
REVISION OF METRO CODE SECTION)
4.01.050 TO ALLOW EXCLUSION FROM)
ZOO PREMISES)

ORDINANCE NO. 90-358

Introduced by Rena Cusma
Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Metro Code Section 4.01.050 Penalties is amended to read as follows:

4.01.050 Penalties:

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

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

(c) In addition to the measures prescribed in subsection (a) and (b) above, violation of these Rules and Regulations may be grounds for exclusion from Zoo premises. 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 forty-five days, 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 premises. The notice shall specify the violation of Zoo Rules and Regulations or State law which is the basis for the exclusion and shall specify the dates

covered by the exclusion. The notice shall be signed by the issuing party. Warning of the consequences for failure to comply with the exclusion shall be prominently displayed on the notice.

(2) A person receiving an exclusion notice may appeal to the Metro Council in accordance with the Contested Case procedure in Chapter 2.05 of the Metro Code.

(3) At any time within the period of exclusion, a person receiving an exclusion notice may apply in writing to the Zoo Director for a temporary waiver from the exclusion. The Zoo Director may grant a temporary waiver of an exclusion upon a showing of good cause for said waiver.

ADOPTED by the Council of the Metropolitan Service District this 13th day of September, 1990.



Tanya Collier, Presiding Officer


ATTEST:



Clerk of the Council

90-358.Ord.
GWB:lc

I certify that this ordinance was not vetoed by the Executive Officer.



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ORDINANCE NO. 90-358

Introduced by Rena Cusma
Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

~~[The Metro Council currently authorizes ejection from Zoo premises by the Director, his/her designate or by any peace officer. This has been helpful in preventing immediate anti-social or inappropriate behaviors. However, there is a need for applying longer term sanctions against entering the Zoo grounds for some cases.~~
~~—NOW, THEREFORE,]~~

Metro Code Section 4.01.050 Penalties is amended to read as follows:

4.01.050 Penalties:

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

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

(c) In addition to the measures prescribed in subsection (a) and (b) above, violation of these Rules and Regulations may be grounds for exclusion from Zoo premises. 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 forty-five

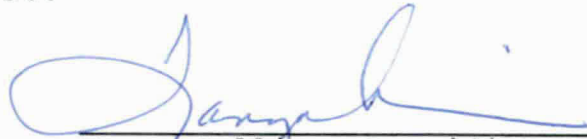
days, any person who violates any provision of these Rules and Regulations, or any of the laws of the State of Oregon.

(1) Written notice shall be given to any person excluded from the Zoo premises. The notice shall specify the violation of Zoo Rules and Regulations or State law which is the basis for the exclusion and shall specify the dates covered by the exclusion. The notice shall be signed by the issuing party. Warning of the consequences for failure to comply with the exclusion shall be prominently displayed on the notice.

(2) A person receiving an exclusion notice may appeal to the Metro Council in accordance with the Contested Case procedure in Chapter 2.05 of the Metro Code.

(3) At any time within the period of exclusion, a person receiving an exclusion notice may apply in writing to the Zoo Director for a temporary waiver from the exclusion. The Zoo Director may grant a temporary waiver of an exclusion upon a showing of good cause for said waiver.

ADOPTED by the Council of the Metropolitan Service District this
13th day of September, 1990.



Tanya Collier, Presiding Officer

ATTEST:

Sven Ware-Burgett
Clerk of the Council

90-358.Ord.
GWB:lc

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 90-358
REVISING THE METRO CODE SECTION 4.01.050
TO INCLUDE EXCLUSION FROM ZOO PREMISES

Date: July 5, 1990

Presented by: A. M. Rich

FACTUAL BACKGROUND AND ANALYSIS

The Metro Council currently authorizes ejection from Zoo premises by the Director, her/his designate or by any peace officer. While this has been very helpful in solving immediate anti-social or inappropriate behaviors, there is a need for applying a longer term sanction in more serious cases, as outlined below.

1. During the summer of 1989 a young man was ejected from the Zoo for shooting plastic bread-wrapper clips, with a rubber band, at several specimens in the animal collection; the same young man returned twice more and repeated this act. During any given year many persons are ejected for shoplifting at the Zoo gift shop. The perpetrators and Metro Washington Park Zoo would be better served using the exclusion and knowing a particular offender would not return within a specified time, unless he wished to risk an official processing for trespass.
2. Longer term exclusions would be appropriate in the following situations:
 - a. concert disruption or disturbance
 - b. actions which are against public decency
 - c. actions which pose a threat to visitors, staff, the animal collection or property.

For these reasons, staff recommends amending the Metro Code to permit the use of exclusions in the manner prescribed by Metro Legal Counsel, which has been incorporated into this revision.

EXECUTIVE OFFICER'S RECOMMENDATION:

The Executive Officer recommends approval of Ordinance No. 90-358.

COUNCIL ZOO COMMITTEE REPORT

ORDINANCE NO. 90-358, REVISING METRO CODE SECTION 4.01.050 TO
INCLUDE EXCLUSION FROM ZOO PREMISES

Date: August 17, 1990

Presented by: Councilor Saucy

COMMITTEE RECOMMENDATION: At the August 16, 1990, Zoo Committee meeting, Councilors Gardner, McFarland and myself voted unanimously to recommend Council adopt Resolution No. 90-358. Councilor Knowles was not present for this item and Councilor DeJardin was excused.

COMMITTEE DISCUSSION/ISSUES: Ordinance No. 90-358 amends Metro Code Section 4.01.050 describing Penalties for disruptive or inappropriate behavior at the Zoo. The proposed amendments would allow Zoo management to exclude scofflaws from the Zoo for up to 45 days, an option not currently available.

At the August 2, 1990 Zoo Committee meeting, Councilors present discussed the ordinance informally and supported the exclusion provisions, recommending only a technical amendment to replace "Zoo official" with "Zoo Director or his/her designate" in the last line of the ordinance's first page. Zoo staff incorporated this change into the current version. Committee members did not offer any additional comments or changes, but noted their support for the ordinance, particularly with the appeal and waiver provisions for those receiving exclusion notices.

jpmsix
a:\90358.cr



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: August 8, 1990
To: Zoo Committee Members
From: Jessica *JM* Marlitt, Council Analyst
Regarding: AGENDA ITEM NO. 2 -- ORDINANCE NO. 90-358

Please note Zoo staff incorporated a technical amendment to Ordinance No. 90-358 per Committee discussion at the August 2 meeting. On the bottom of the first page of the ordinance, section (c), the last line was revised to replace "Zoo official" with "Zoo Director or his/her designate". This change is consistent with the language used throughout the ordinance when referring to Zoo officials, other than security, who have the authority to administer Code rules regarding Zoo Penalties.

If you have any questions, please contact me at extension 286.

jpmsix
a:\90358816.mem



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: September 14, 1990
To: Rena Cusma, Executive Officer
From: Gwen Ware-Barrett, ^{afwb} Clerk of the Council
Regarding: TRANSMITTAL OF ORDINANCE NO. 90-358

Attached for your consideration is a true copy of Ordinance No. 90-358 adopted by the Council on September 13, 1990.

If you wish to veto this ordinance, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, September 20, 1990. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time and date stated above, this ordinance will be considered finally adopted.

I, Unette Harley, received this memo and a true copy of Ordinance No. 90-358 from the Council Clerk on September 14, 1990.

Dated: 9/14/90

GWPB:lc
\MEM.ORD

attachment