

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING)
METRO CODE CHAPTER 4.01 METRO)
WASHINGTON PARK ZOO REGULA-)
TIONS)
ORDINANCE NO. 92-412-A
Introduced by Rena Cusma,
Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The present provisions of Metro Code Chapter 4.01, Metropolitan Washington Park Zoo Regulations, in effect immediately prior to the effective date of this Ordinance, are hereby repealed.

Section 2. The following provisions are hereby adopted as Chapter 4.01, Metropolitan Washington Park Zoo Regulations of the Code of the Metropolitan Service District:

SECTIONS

4.01.010	Purpose
4.01.020	Definitions
4.01.030	Operating Authority
4.01.040	Hours of Operation
4.01.050	Admission Fees
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 Parking Lot
4.01.090	Zoo Railroad
4.01.100	Penalties

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 parking 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.

4.01.020 Definitions:

(a) As used in this Chapter, unless the context requires otherwise:

- (1) "Director" or "Zoo Director" means the Director of the Metro Washington Park Zoo, and also includes such subordinate employees of the Zoo or other Metro employees to the extent the Zoo Director or Executive Officer has delegated specific duties in writing.
- (2) "Parking Lot" means that portion of the Zoo outside of the premises including the paved parking lot area adjacent to the Zoo leased from the City of Portland, but not the public right-of-way located therein, and also includes the adjacent sidewalks, landscaped areas, and plaza outside of the Zoo gates.
- (3) "Premises" means the property, buildings, and grounds within the perimeter fence surrounding the Zoo, the admission and exit gates, all Zoo buildings including but not limited to the administrative, commissary, haybarn, and shop buildings, the employee parking lot, the Zoo vehicular storage area, and the Zoo Railroad right-of-way from the Zoo to and including the Metro Washington Park Station.
- (4) "Public" means any person other than a Zoo employee.
- (5) "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 Executive Officer.
- (6) "Zoo" means the Metro Washington Park Zoo and includes the parking lot and the premises.
- (7) "Zoo Employee" means any paid employees of the Metro Washington Park 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 Executive 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.
- (8) "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.

4.01.030 Operating Authority: Operation of the Zoo and management of the Zoo premises and parking lot shall be under the general supervision of the Zoo Director except as may be specifically provided to the contrary by the Executive Officer. All Zoo employees shall be directed and controlled by the Zoo Director and Executive Officer subject to the personnel rules and applicable collective bargaining agreements of the District.

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 Executive 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.

4.01.050 Admission Fees:

(a) Regular Fees:

(1) Definitions:

(A) An Education Discount is offered to groups of students in a state accredited elementary, middle, junior, or high school, or pre-school/daycare center. Qualifications for education discount include a minimum of one chaperon for every five (5) students of high school age or under; registration for a specific date at least two weeks in advance; and the purchase of curriculum materials offered by the Zoo, or submission of a copy of the lesson plan that will be used on the day of the visit.

(B) The Group Discount is defined as any group of twenty-five (25) or more (including school groups that have not met the advance registration and curriculum requirements for the education discount; groups of students not accompanied by a minimum of one chaperon for every five (5) students shall not qualify for the group discount).

(2) Fee Schedule:

Adult (12 years and over)	\$5.00
Youth (3 years through 11 years)	\$3.00
Child (2 years and under)	free
Senior Citizen (65 years and over)	\$3.50
Education Groups (per student)	\$2.00
Chaperons accompanying education groups	free
Groups other than education groups 25 or more per group	20% discount from appropriate fee listed above

(b) Free and Reduced Admission Passes:

- (1) Free and reduced admission passes may be issued by the Director 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) The reduction granted in admission, by use of a reduced admission pass (other than free admission passes), shall not exceed 20 percent.
- (5) Free or reduced admission passes may be issued to the following groups or individuals and shall be administered as follows:
 - (A) Metro employees shall be entitled to free admission upon presentation of a current Metro employee identification card.
 - (B) Metro Councilors and the Metro Executive Officer shall be entitled to free admission.
 - (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-transferrable, 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) Reduced admission passes may be issued to members of any organization approved by the Council, the main purpose of which is to support the Metro Washington Park Zoo. Such passes shall bear the name of the passholder, shall be signed by an authorized representative of the organization, shall be non-transferrable, and shall terminate not more than one year from the date of issuance.
- (E) Other free or reduced admission passes may, with the approval of the Director, be issued to other individuals who are working on educational projects or projects valuable to the Zoo. Such passes shall bear an expiration date not to exceed three months from the date of issuance, shall bear the name of the passholder, shall be signed by the Director and shall be non-transferable.

(c) Special Admission Days:

- (1) Special admission days are days when the rates established by this Code are reduced or eliminated for a designated group or groups. Six special admission days may be allowed, at the discretion of the Director, during each calendar year.
- (2) Three additional special admission days may be allowed each year by the Director for designated groups. Any additional special admission days designated under this subsection must be approved by the Executive Officer.

(d) Special Free Hours: Admission to the Zoo shall be free for all persons from 3:00 p.m. until closing on the second Tuesday of each month.

(e) Commercial Ventures: Proposed commercial or fund-raising ventures with private profit or nonprofit entities involving admission to the Zoo must be authorized in advance by the Executive Officer. The Executive Officer may approve variances to the admission fees to facilitate such ventures.

(f) 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 subject to the approval of the Executive Officer.

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 the 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 Executive 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, 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.

(k) Animals: Except for assistance animals authorized by ORS 346.685, 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 Executive Officer.

(l) Photographs for News, Advertising, or Commercial Purposes: No photographs 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) Weapons and Explosives: No member of the public while on the premises shall:

- (1) Carry a firearm, loaded or unloaded. "Firearm" is defined to include a pistol, revolver, gun, rifle or other ordinance, including a miniature weapon, which projects a missile or shot by force of gunpowder or any other explosive, by spring or by compressed air.
- (2) Carry a dangerous or deadly weapon. "Dangerous or deadly weapon" includes a firearm, metal knuckles, straight razor, weapon of the type commonly known as a nunchaku, blackjack, sap or sap glove, slingshot, bomb or bombshell, and any type of knife other than an ordinary pocketknife with a blade not longer than three and one-half (3-1/2) inches. When carried with intent to use the same unlawfully against another, "dangerous or deadly weapon" also includes any instrument or device capable of inflicting injury to the person or property of another.
- (3) Carry, discharge, or set off any fireworks or explosives of any nature.

4.01.070 Parking Regulations: The following rules shall govern all vehicles operated within the area of the Zoo 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 on any sign, signal, or marking now installed or hereafter installed upon any portion of the Zoo premises or 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 Executive Officer as serving as a Zoo 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 parking patrol shall have no other police authority or duty. Persons appointed as Zoo parking patrol shall

be special police officers of the Metropolitan Service District. As special police officers, the Zoo parking patrol personnel and the Zoo parking patrol supervisor shall have authority to issue citations for violations of parking or non-moving traffic violations occurring on Zoo property or property adjacent to the Zoo leased from the City of Portland by the Metropolitan Service District for Zoo parking 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:

- (1) Form of citations. All parking citation forms used by the Zoo parking patrol shall be in a form approved by the General Counsel of Metro and as issued by the District 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 the Metro Code.
- (3) Use of parking citation as a complaint. The original of the traffic citation form when completed to meet the minimum requirements of ORS 221.340 may serve as a complaint, other forms of parking complaints are prohibited.

- (4) Citation form books issued by District Court. Citation form books for parking violations shall be provided by the District 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 parking patrol officers shall be forwarded to the District Court within twenty-four (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.

4.01.080 Rules of Conduct for Members of Public in Zoo Parking

Lot: The following rules of conduct and regulations shall be applicable to all members of the public within the Zoo parking lot. 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 parking lot.

(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 on the parking lot and sidewalks between the 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 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 twenty (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.

(b) Littering: Littering, dumping, or any other disposal of rubbish, trash, or any solid waste on the Zoo parking lot by any member of the public is prohibited.

(c) State and Local Laws: All members of the public within the Zoo parking lot 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 parking lot by any member of the public of any alcoholic beverage of any nature whatsoever is prohibited.

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.

4.01.100 Penalties:

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

(b) In addition to prosecution under paragraph (a) above, any person violating these Rules and Regulations may be ejected from the Zoo. The decision to eject shall be made by the Zoo

Director or his/her designate, a security officer, or a peace officer.

(c) In addition to the measures prescribed in subsection (a) and (b) above, violation of these Rules and Regulations may be grounds for exclusion from the Zoo premises and the Zoo parking lot. In the event of a violation of these Rules and Regulations, or a violation of any of the laws of the State of Oregon, any police officer, Zoo security officer, Zoo Director or his/her designate, or any individual providing security services under contract with Metro may exclude for a period of not more than forty-five (45) 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, or Zoo Parking Lot. The notice shall specify the violation of Zoo Rules and Regulations or State Law which is the basis for the exclusion and shall specify the dates covered by the exclusion. The notice shall be signed by the issuing party. Warning of the consequences for failure to comply with the exclusion shall be prominently displayed on the notice.
- (2) A person receiving an exclusion notice may appeal to the Metro Council in accordance with the Contested Case procedure in Chapter 2.05 of the Metro Code.
- (3) At any time within the period of exclusion, a person receiving an exclusion notice may apply in writing to the Zoo Director for a temporary waiver from the exclusion. The Zoo Director may grant a temporary waiver of an exclusion upon a showing of good cause for said waiver.

ADOPTED by the Council of the Metropolitan Service District
this 27th day of February, 1992.



Jim Gardner, Presiding Officer

ATTEST:



Clerk of the Council

DBC/gl 1044

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 92-412-A
METRO CODE CHAPTER 4.01 METRO)
WASHINGTON PARK ZOO REGULA-) Introduced by Rena Cusma,
TIONS) Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The present provisions of Metro Code Chapter 4.01, Metropolitan Washington Park Zoo Regulations, in effect immediately prior to the effective date of this Ordinance, are hereby repealed.

Section 2. The following provisions are hereby adopted as Chapter 4.01, Metropolitan Washington Park Zoo Regulations of the Code of the Metropolitan Service District:

SECTIONS

4.01.010	Purpose
4.01.020	Definitions
4.01.030	Operating Authority
4.01.040	Hours of Operation
4.01.050	Admission Fees
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 Parking Lot
4.01.090	Zoo Railroad
4.01.100	Penalties

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 parking 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.

4.01.020 Definitions:

(a) As used in this Chapter, unless the context requires otherwise:

- (1) "Director" or "Zoo Director" means the Director of the Metro Washington Park Zoo, and also includes such subordinate employees of the Zoo or other Metro employees to the extent the Zoo Director or Executive Officer has delegated specific duties in writing.
- (2) "Parking Lot" means that portion of the Zoo outside of the premises including the paved parking lot area adjacent to the Zoo leased from the City of Portland, but not the public right-of-way located therein, and also includes the adjacent sidewalks, landscaped areas, and plaza outside of the Zoo gates.
- (3) "Premises" means the property, buildings, and grounds within the perimeter fence surrounding the Zoo, the admission and exit gates, all Zoo buildings including but not limited to the administrative, commissary, haybarn, and shop buildings, the employee parking lot, the Zoo vehicular storage area, and the Zoo Railroad right-of-way from the Zoo to and including the Metro Washington Park Station.
- (4) "Public" means any person other than a Zoo employee.
- (5) "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 Executive Officer.
- (6) "Zoo" means the Metro Washington Park Zoo and includes the parking lot and the premises.
- (7) "Zoo Employee" means all any paid employees of the Metro Washington Park 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 Executive 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.
- (8) "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.

4.01.030 Operating Authority: Operation of the Zoo and management of the Zoo premises and parking lot shall be under the general supervision of the Zoo Director except as may be specifically provided to the contrary by the Executive Officer. All Zoo employees shall be directed and controlled by the Zoo Director and Executive Officer subject to the personnel rules and applicable collective bargaining agreements of the District.

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 Executive 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.

4.01.050 Admission Fees:

(a) Regular Fees:

(1) Definitions:

- (A) An Education Discount is offered to groups of students in a state accredited elementary, middle, junior, or high school, or pre-school/daycare center. Qualifications for education discount include a minimum of one chaperon for every five (5) students of high school age or under; registration for a specific date at least two weeks in advance; and the purchase of curriculum materials offered by the Zoo, or submission of a copy of the lesson plan that will be used on the day of the visit.
- (B) The Group Discount is defined as any group of twenty-five (25) or more (including school groups that have not met the advance registration and curriculum requirements for the education discount; groups of students not accompanied by a minimum of one chaperon for every five (5) students shall not qualify for the group discount).

(2) Fee Schedule:

Adult (12 years and over)	\$5.00
Youth (3 years through 11 years)	\$3.00
Child (2 years and under)	free
Senior Citizen (65 years and over)	\$3.50
Education Groups (per student)	\$2.00
Chaperons accompanying education groups	free
Groups other than education groups 25 or more per group	20% discount from appropriate fee listed above

(b) Free and Reduced Admission Passes:

- (1) Free and reduced admission passes may be issued by the Director 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) The reduction granted in admission, by use of a reduced admission pass (other than free admission passes), shall not exceed 20 percent.
- (5) Free or reduced admission passes may be issued to the following groups or individuals and shall be administered as follows:
 - (A) Metro employees shall be entitled to free admission upon presentation of a current Metro employee identification card.
 - (B) Metro Councilors and the Metro Executive Officer shall be entitled to free admission.
 - (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-transferrable, 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) Reduced admission passes may be issued to members of any organization approved by the Council, the main purpose of which is to support the Metro Washington Park Zoo. Such passes shall bear the name of the passholder, shall be signed by an authorized representative of the organization, shall be non-transferrable, and shall terminate not more than one year from the date of issuance.
- (E) Other free or reduced admission passes may, with the approval of the Director, be issued to other individuals who are working on educational projects or projects valuable to the Zoo. Such passes shall bear an expiration date not to exceed three months from the date of issuance, shall bear the name of the passholder, shall be signed by the Director and shall be non-transferable.

(c) Special Admission Days:

- (1) Special admission days are days when the rates established by this Code are reduced or eliminated for a designated group or groups. Six special admission days may be allowed, at the discretion of the Director, during each calendar year.
- (2) Three additional special admission days may be allowed each year by the Director for designated groups. Any additional special admission days designated under this subsection must be approved by the Executive Officer.

(d) Special Free Hours: Admission to the Zoo shall be free for all persons from 3:00 p.m. until closing on the second Tuesday of each month.

(e) Commercial Ventures: Proposed commercial or fund-raising ventures with private profit or nonprofit entities involving admission to the Zoo must be authorized in advance by the Executive Officer. The Executive Officer may approve variances to the admission fees to facilitate such ventures.

(f) 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 subject to the approval of the Executive Officer.

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 the 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 Executive 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, 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.

(k) Animals: Except for assistance animals authorized by ORS 346.685, no animals shall be brought on the premises for other than official purposes 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 Executive Officer.

(l) Photographs for News, Advertising, or Commercial Purposes: No photographs for advertising or any other commercial purpose may be taken on the premises unless officially authorized by the Zoo Director by any member of the public unless officially authorized by the Zoo Director.

(m) Weapons and Explosives: No member of the public while on the premises shall:

- (1) Carry a firearm, loaded or unloaded. "Firearm" is defined to include a pistol, revolver, gun, rifle or other ordinance, including a miniature weapon, which projects a missile or shot by force of gunpowder or any other explosive, by spring or by compressed air.
- (2) Carry a dangerous or deadly weapon. "Dangerous or deadly weapon" includes a firearm, metal knuckles, straight razor, weapon of the type commonly known as a nunchaku, blackjack, sap or sap glove, slingshot, bomb or bombshell, and any type of knife other than an ordinary pocketknife with a blade not longer than three and one-half (3-1/2) inches. When carried with intent to use the same unlawfully against another, "dangerous or deadly weapon" also includes any instrument or device capable of inflicting injury to the person or property of another.
- (3) Carry, discharge, or set off any fireworks or explosives of any nature.

4.01.070 Parking Regulations: The following rules shall govern all vehicles operated within the area of the Zoo 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 on any sign, signal, or marking now installed or hereafter installed upon any portion of the Zoo premises or 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 Executive Officer as serving as a Zoo 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 parking patrol shall have no other police authority or duty. Persons appointed as Zoo parking patrol shall

be special police officers of the Metropolitan Service District. As special police officers, the Zoo parking patrol personnel and the Zoo parking patrol supervisor shall have authority to issue citations for violations of parking or non-moving traffic violations occurring on Zoo property or property adjacent to the Zoo leased from the City of Portland by the Metropolitan Service District for Zoo parking 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:

- (1) Form of citations. All parking citation forms used by the Zoo parking patrol shall be in a form approved by the General Counsel of Metro and as issued by the District 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 the Metro Code.
- (3) Use of parking citation as a complaint. The original of the traffic citation form when completed to meet the minimum requirements of ORS 221.340 may serve as a complaint, other forms of parking complaints are prohibited.

- (4) Citation form books issued by District Court. Citation form books for parking violations shall be provided by the District 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 parking patrol officers shall be forwarded to the District Court within twenty-four (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.

4.01.080 Rules of Conduct for Members of Public in Zoo Parking Lot: The following rules of conduct and regulations shall be applicable to all members of the public within the Zoo parking lot. 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 parking lot.

(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 on the parking lot and sidewalks between the 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 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 twenty (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.

(b) Littering: Littering, dumping, or any other disposal of rubbish, trash, or any solid waste on the Zoo parking lot by any member of the public is prohibited.

(c) State and Local Laws: All members of the public within the Zoo parking lot 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 parking lot by any member of the public of any alcoholic beverage of any nature whatsoever is prohibited.

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.

4.01.100 Penalties:

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

(b) In addition to prosecution under paragraph (a) above, any person violating these Rules and Regulations may be ejected from the Zoo. The decision to eject shall be made by the Zoo

Director or his/her designate, a security officer, or a peace officer.

(c) In addition to the measures prescribed in subsection (a) and (b) above, violation of these Rules and Regulations may be grounds for exclusion from the Zoo premises and the Zoo parking lot. In the event of a violation of these Rules and Regulations, or a violation of any of the laws of the State of Oregon, any police officer, Zoo security officer, Zoo Director or his/her designate, or any individual providing security services under contract with Metro may exclude for a period of not more than forty-five (45) 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, or Zoo Parking Lot. The notice shall specify the violation of Zoo Rules and Regulations or State Law which is the basis for the exclusion and shall specify the dates covered by the exclusion. The notice shall be signed by the issuing party. Warning of the consequences for failure to comply with the exclusion shall be prominently displayed on the notice.
- (2) A person receiving an exclusion notice may appeal to the Metro Council in accordance with the Contested Case procedure in Chapter 2.05 of the Metro Code.
- (3) At any time within the period of exclusion, a person receiving an exclusion notice may apply in writing to the Zoo Director for a temporary waiver from the exclusion. The Zoo Director may grant a temporary waiver of an exclusion upon a showing of good cause for said waiver.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1992.

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

DBC/gl 1044

Page 12

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 91-412
METRO CODE CHAPTER 4.01 METRO)
WASHINGTON PARK ZOO REGULA-) Introduced by Rena Cusma,
TIONS) Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The present provisions of Metro Code Chapter 4.01, Metropolitan Washington Park Zoo Regulations, are hereby repealed.

Section 2. The following provisions are hereby adopted as Chapter 4.01, Metropolitan Washington Park Zoo Regulations of the Code of the Metropolitan Service District:

SECTIONS

4.01.010	Purpose
4.01.020	Definitions
4.01.030	Operating Authority
4.01.040	Hours of Operation
4.01.050	Admission Fees
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 Parking Lot
4.01.090	Zoo Railroad
4.01.100	Penalties

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 parking 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.

4.01.020 Definitions:

(a) As used in this Chapter, unless the context requires otherwise:

- (1) "Director" or "Zoo Director" means the Director of the Metro Washington Park Zoo, and also includes such subordinate employees of the Zoo or other Metro employees to the extent the Zoo Director or Executive Officer has delegated specific duties in writing.
- (2) "Parking Lot" means that portion of the Zoo outside of the premises including the paved parking lot area adjacent to the Zoo leased from the City of Portland, but not the public right-of-way located therein, and also includes the adjacent sidewalks, landscaped areas, and plaza outside of the Zoo gates.
- (3) "Premises" means the property, buildings, and grounds within the perimeter fence surrounding the Zoo, the admission and exit gates, all Zoo buildings including but not limited to the administrative, commissary, haybarn, and shop buildings, the employee parking lot, the Zoo vehicular storage area, and the Zoo Railroad right-of-way from the Zoo to and including the Metro Washington Park Station.
- (4) "Public" means any person other than a Zoo employee.
- (5) "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 Executive Officer.
- (6) "Zoo" means the Metro Washington Park Zoo and includes the parking lot and the premises.
- (7) "Zoo Employee" means all paid employees of the Metro Washington Park Zoo, other paid employees of Metro performing tasks or functions at the Zoo at the request or direction of either the Zoo Director or the Executive 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.
- (8) "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.

4.01.030 Operating Authority: Operation of the Zoo and management of the Zoo premises and parking lot shall be under the general supervision of the Zoo Director except as may be specifically provided to the contrary by the Executive Officer. All Zoo employees shall be directed and controlled by the Zoo Director and Executive Officer subject to the personnel rules and applicable collective bargaining agreements of the District.

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 Executive 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.

4.01.050 Admission Fees:

(a) Regular Fees:

(1) Definitions:

- (A) An Education Discount is offered to groups of students in a state accredited elementary, middle, junior, or high school, or pre-school/daycare center. Qualifications for education discount include a minimum of one chaperon for every five (5) students of high school age or under; registration for a specific date at least two weeks in advance; and the purchase of curriculum materials offered by the Zoo, or submission of a copy of the lesson plan that will be used on the day of the visit.
- (B) The Group Discount is defined as any group of twenty-five (25) or more (including school groups that have not met the advance registration and curriculum requirements for the education discount; groups of students not accompanied by a minimum of one chaperon for every five (5) students shall not qualify for the group discount).

(2) Fee Schedule:

Adult (12 years and over)	\$5.00
Youth (3 years through 11 years)	\$3.00
Child (2 years and under)	free
Senior Citizen (65 years and over)	\$3.50
Education Groups (per student)	\$2.00
Chaperons accompanying education groups	free
Groups other than education groups 25 or more per group	20% discount from appropriate fee listed above

(b) Free and Reduced Admission Passes:

- (1) Free and reduced admission passes may be issued by the Director 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) The reduction granted in admission, by use of a reduced admission pass (other than free admission passes), shall not exceed 20 percent.
- (5) Free or reduced admission passes may be issued to the following groups or individuals and shall be administered as follows:
 - (A) Metro employees shall be entitled to free admission upon presentation of a current Metro employee identification card.
 - (B) Metro Councilors and the Metro Executive Officer shall be entitled to free admission.
 - (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-transferrable, 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) Reduced admission passes may be issued to members of any organization approved by the Council, the main purpose of which is to support the Metro Washington Park Zoo. Such passes shall bear the name of the passholder, shall be signed by an authorized representative of the organization, shall be non-transferrable, and shall terminate not more than one year from the date of issuance.
- (E) Other free or reduced admission passes may, with the approval of the Director, be issued to other individuals who are working on educational projects or projects valuable to the Zoo. Such passes shall bear an expiration date not to exceed three months from the date of issuance, shall bear the name of the passholder, shall be signed by the Director and shall be non-transferable.

(c) Special Admission Days:

- (1) Special admission days are days when the rates established by this Code are reduced or eliminated for a designated group or groups. Six special admission days may be allowed, at the discretion of the Director, during each calendar year.
- (2) Three additional special admission days may be allowed each year by the Director for designated groups. Any additional special admission days designated under this subsection must be approved by the Executive Officer.

(d) Special Free Hours: Admission to the Zoo shall be free for all persons from 3:00 p.m. until closing on the second Tuesday of each month.

(e) Commercial Ventures: Proposed commercial or fund-raising ventures with private profit or nonprofit entities involving admission to the Zoo must be authorized in advance by the Executive Officer. The Executive Officer may approve variances to the admission fees to facilitate such ventures.

(f) 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 subject to the approval of the Executive Officer.

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 the 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 Executive 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 other than in designated receptacles is prohibited.

(g) Alcohol: Possession or consumption 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 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, 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.

(k) Animals: Except for assistance animals authorized by ORS 346.685, no animals shall be brought on the premises for other than official purposes. Use of assistance animals at the Zoo shall be subject to reasonable guidelines established by the Zoo Director and approved by the Executive Officer.

(l) Photographs for News, Advertising, or Commercial Purposes: No photographs for advertising or any other commercial purpose may be taken on the premises unless officially authorized by the Zoo Director.

(m) Weapons and Explosives: No member of the public while on the premises shall:

- (1) Carry a firearm, loaded or unloaded. "Firearm" is defined to include a pistol, revolver, gun, rifle or other ordinance, including a miniature weapon, which projects a missile or shot by force of gunpowder or any other explosive, by spring or by compressed air.
- (2) Carry a dangerous or deadly weapon. "Dangerous or deadly weapon" includes a firearm, metal knuckles, straight razor, weapon of the type commonly known as a nunchaku, blackjack, sap or sap glove, slingshot, bomb or bombshell, and any type of knife other than an ordinary pocketknife with a blade not longer than three and one-half (3-1/2) inches. When carried with intent to use the same unlawfully against another, "dangerous or deadly weapon" also includes any instrument or device capable of inflicting injury to the person or property of another.
- (3) Carry, discharge, or set off any fireworks or explosives of any nature.

4.01.070 Parking Regulations: The following rules shall govern all vehicles operated within the area of the Zoo 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 on any sign, signal, or marking now installed or hereafter installed upon any portion of the Zoo premises or 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 Executive Officer as serving as a Zoo 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 parking patrol shall have no other police authority or duty. Persons appointed as Zoo parking patrol shall be special police officers of the Metropolitan Service District. As special police officers, the Zoo parking patrol personnel and the Zoo parking patrol supervisor shall have authority to issue

citations for violations of parking or non-moving traffic violations occurring on Zoo property or property adjacent to the Zoo leased from the City of Portland by the Metropolitan Service District for Zoo parking 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:

- (1) Form of citations. All parking citation forms used by the Zoo parking patrol shall be in a form approved by the General Counsel of Metro and as issued by the District 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 the Metro Code.
- (3) Use of parking citation as a complaint. The original of the traffic citation form when completed to meet the minimum requirements of ORS 221.340 may serve as a complaint, other forms of parking complaints are prohibited.
- (4) Citation form books issued by District Court. Citation form books for parking violations shall be provided by the District 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 parking patrol officers shall be forwarded to the District Court within twenty-four (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.

4.01.080 Rules of Conduct for Members of Public in Zoo Parking

Lot: The following rules of conduct and regulations shall be applicable to all members of the public within the Zoo parking lot. 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 parking lot.

(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 on the parking lot and sidewalks between the parking lot and the perimeter fence surrounding the Zoo. 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 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 twenty (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.

(b) Littering: Littering, dumping, or any other disposal of rubbish, trash, or any solid waste on the Zoo parking lot is prohibited.

(c) State and Local Laws: All members of the public within the Zoo parking lot 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 parking lot of any alcoholic beverage of any nature whatsoever is prohibited.

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.

4.01.100 Penalties:

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

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

(c) In addition to the measures prescribed in subsection (a) and (b) above, violation of these Rules and Regulations may be grounds for exclusion from the Zoo premises and the Zoo parking lot. In the event of a violation of these Rules and Regulations, or a violation of any of the laws of the State of Oregon, any police officer, Zoo security officer, Zoo Director or his/her designate, or any individual providing security services under contract with Metro may exclude for a period of not more than forty-five (45) 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, or Zoo Parking Lot. The notice shall specify the violation of Zoo Rules and Regulations or State Law which is the basis for the exclusion and shall specify the dates covered by the exclusion. The notice shall be signed by the issuing party. Warning of the consequences for failure to comply with the exclusion shall be prominently displayed on the notice.
- (2) A person receiving an exclusion notice may appeal to the Metro Council in accordance with the Contested Case procedure in Chapter 2.05 of the Metro Code.
- (3) At any time within the period of exclusion, a person receiving an exclusion notice may apply in writing to the Zoo Director for a temporary waiver from the exclusion. The Zoo Director may grant a temporary waiver of an exclusion upon a showing of good cause for said waiver.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

DBC/gl
1044



METRO

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

Memorandum

Date: October 15, 1991

To: Councilor David Knowles, Chair
Regional Facilities Committee

From: Daniel B. Cooper, General Counsel *DB*

Regarding: Ordinance No. 91-412

Ordinance No. 91-412 has been prepared by this Office at the request of the Executive Officer. The Ordinance substantially rewrites Metro Code Chapter 4.01, Metro Washington Park Zoo Regulations.

Research reveals that this chapter originated in the Portland City Code prior to the transfer of the Zoo to Metro. At that time, the Zoo was a Portland Bureau of Parks and Recreation facility for purposes of the City Code. The provisions of the City Code pertaining to the Zoo had to be read in conjunction with provisions contained in the City Code pertaining to parks in general. This created several anomalies when Metro, after assuming operation of the Zoo, adopted the provisions of the City Code regulating the Zoo without revising the regulations to reflect the provisions that were applicable to the Zoo because the Zoo was a City park. For example, present provisions of the Zoo Code prohibit the consumption of beverages with an alcohol content of less than 4 percent, however, possession or consumption of alcoholic beverages with a higher alcohol content is not presently prohibited. In the City Code all alcoholic beverages with a higher alcohol content were prohibited in all parks.

The provisions of Ordinance No. 91-412 have been prepared to correct these anomalies, as well as to bring the Metro Code into a format that is more readable and understandable and in conformity with present practice. The Ordinance would expand the present six sections of the Chapter pertaining to the Metro Washington Park Zoo to ten.

The new sections can be described as follows:

Section 4.01.010, Purpose, sets forth in one paragraph a broad purpose for adopting the Chapter. In part, this paragraph replaces a portion of section 4.01.010(a) which comes close to being a general preamble for the present Code provisions.

Section 4.01.020, Definitions, establishes new definitions for the Parking Lot, Public, Special Event, Zoo Employee, and Zoo Railroad in the Code. These terms are used throughout the Chapter presently, but are undefined. The proposed Code as drafted clearly delineates rules of conduct for members of the "Public" and exempts "Zoo Employees." These are key definitions for the purpose of the new Code. The reason for making these distinctions was to clearly define that the Zoo regulations are to regulate the conduct of the public through potential use of the courts and the power to evict persons from the Zoo who violate the regulations. Any "Zoo Employee," as broadly defined in the Ordinance, is subject to direct supervision and the normal employee disciplinary process. Many acts such as feeding animals, cutting the shrubs, etc., which are necessary acts for Zoo Employees, are clearly improper if done by a member of the public. These explicit definitions eliminate the need to make general exceptions for Zoo Employees, as is now the case.

Section 4.01.030, Operating Authority, sets forth directly and specifically that operations at the Zoo are under the general supervision of the Zoo Director, subject to the overall control of the Executive Officer. Zoo employees are directed and controlled by the Zoo Director and Executive Officer subject to the Personnel Rules and applicable Collective Bargaining Agreements of the District. This statement is implied from the existing Code language, but is not directly set forth therein. Adding it directly removes considerable ambiguity from the existing Code.

Section 4.01.040, Hours of Operation, sets forth in Code language the present practice on the establishment of Zoo hours.

Section 4.01.050, Admission Fees and Policies, is a restatement of the existing provisions of Section 4.01.060 with no substantive changes.

Section 4.01.060, Rules of Conduct for Public Within Zoo Premises, is a restatement of present provisions of Section 4.01.020 with changes made to eliminate present language regulating speech which is unconstitutional and clarifying present provisions. A new paragraph [4.01.060(b)] has been added to explicitly state that payment of the Zoo admission, except as specifically authorized, is a requirement for entry for members of the public. No present provision of the Code would penalize any person who walked through the gate without paying required admission, though the present Code provisions to prohibit persons from climbing over the fence. Subsection (h) contains a constitutionally valid prohibition against making loud electronically amplified noises. Subsection (i) incorporates by reference all existing provisions of Oregon law and the City of Portland Police Code and is a substitute for present provisions that prohibit gambling and some but not all criminal conduct at the Zoo.

Councilor David Knowles
Page 3
October 15, 1991

Section 4.01.070, Parking Regulations, restates present provisions of the Code that are presently a subsection of existing Section 4.01.030.

Subsection 4.01.080, Rules of Conduct for Members of Public and Zoo Parking Lot, sets forth conduct standards for persons in the parking lot and outside the parameter surrounding Zoo, but on Zoo property. These provisions are in part presently contained in present Section 4.01.030.

Section 4.01.090, Zoo Railroad, is a restatement of present Section 4.01.040.

Section 4.01.100, Penalties, is a restatement of present Section 4.01.050.

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-412
UPDATING CHAPTER 4.01 OF THE METRO CODE

Date: October 3, 1991

Presented by: A. McKay Rich

FACTUAL BACKGROUND AND ANALYSIS

Ordinance No. 91-412 repeals the present provisions of Metro Code Chapter 4.01, Metropolitan Washington Park Zoo Regulations and substitutes a new Chapter 4.01. The existing chapter, except for amendments, was adopted by the Metropolitan Service District Board prior to the merger creating Metro. Many parts of the chapter consist of regulations carried forward from the days when the Zoo was owned by the City of Portland. The new chapter brings the Code up to date, fully recognizing the Zoo as an operating department of Metro.

The definition section has been extended significantly and brings more clarity to the chapter. Operating authority and hours of operation are addressed specifically. Rules of conduct for the public within the Zoo premises and the parking area are clarified as is the section on penalties.

General Counsel Dan Cooper will fully explain the changes being proposed. Staff recommends adoption of the new Code Chapter 4.01.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 91-412.

AMR/cak.admfee.sr

TITLE IV

METRO WASHINGTON PARK ZOO

CHAPTERS:

4.01 Metro Washington Park Zoo Regulations

CHAPTER 4.01

METRO WASHINGTON PARK ZOO REGULATIONS

SECTIONS:

4.01.010	General; Definitions
4.01.020	Buildings and Grounds of the Zoo
4.01.030	Parking Lot and Sidewalk Adjacent to the Zoo
4.01.040	Zoo Railroad
4.01.050	Penalties
4.01.060	Admission Fees and Policies

4.01.010 General and Definitions:

(a) These rules and regulations apply to all buildings and grounds of the Metro Washington Park Zoo, to sidewalks and parking lots adjacent thereto and to the Metro Washington Park Zoo Train and tracks, and to all persons entering in or on such buildings, grounds, parking lots, sidewalks, train or tracks.

(b) As used in these Rules and Regulations, unless the context requires otherwise:

- (1) "Director" or "Zoo Director" means the Director of the Metro Washington Park Zoo.
- (2) "Premises" means the property, buildings and grounds within the perimeter fence surrounding the Zoo, the admission and exit gates, the administrative, commissary, haybarn and shop buildings, the employee parking lot, the Zoo vehicular storage area and the Zoo Train right-of-way from the Zoo to the Metro Washington Park Station.
- (3) "Zoo" means the Metro Washington Park Zoo.

(Ordinance No. No. 45, Sec. 1; amended by Ordinance No. 89-269, Sec. 2)

4.01.020 Buildings and Grounds of the Zoo:

(a) Recording Presence: Except as otherwise ordered, the Zoo buildings and grounds shall be closed to the public to after posted visiting hours. Such buildings and grounds, or portions thereof, shall be also closed to the public in emergency situations and at such other times as may be necessary for the orderly conduct of business. Whenever the buildings and grounds or portions thereof are closed to the public for any reasons, visitors will immediately leave the premises upon being requested

by an authorized individual. Admission to such premises during periods when closed to the public will be limited to those on official Zoo business who will be required to register and identify themselves when requested by security officers or other authorized individuals. Climbing or cutting the fence or other means of unauthorized entry is prohibited.

(b) Preservation of Property: It is unlawful to destroy, damage, or remove any property belonging to or a part of the Zoo. In order to remove any property from the premises, a properly completed property pass signed by the Zoo Director, or his/her designate, may be required for removal.

(c) Protection of Zoo Animals: Except for official purposes, no person 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 where prohibited by authorized signs;
- (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;
- (6) Except as provided in paragraph (3), throw any object or material at any animal or into any animal enclosure or exhibit area.

(d) Conformity with Signs and Emergency Directions: Persons in or on the premises shall comply with official signs of a prohibitory or directory nature and with the directions of members of the Zoo staff or volunteers.

(e) Nuisances: The use of unreasonably loud, abusive or obscene language; the improper disposal of rubbish; climbing on buildings, trees and fences; and any other disorderly conduct as defined by ORS 166.025 is prohibited.

(f) Gambling: Participating in games for money or other personal property or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets in or on the premises is prohibited.

(g) Alcoholic Beverages and Narcotics:

- (1) Consumption of alcoholic beverages on the premises is prohibited, unless officially authorized by the Director or his/her designate. Alcoholic beverages is defined to include wine and beer of less than four (4) percent alcohol by weight.
- (2) Entering the premises under the influence of a narcotic or dangerous drug or the use of a narcotic or dangerous drug on the premises except when administered or dispensed by or under the direction of a person authorized by law to prescribe or administer narcotic drugs and dangerous drugs to human beings is prohibited.

(h) Soliciting, Vending and the Distribution of Handbills: The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, and the disseminating of written materials and canvassing for political, charitable or religious purposes are prohibited. This rules does not apply to concessions operated by the Zoo or by a contractor for the Zoo.

(i) Animals: No animals shall be brought on the premises for other than official purposes.

(j) Photographs for News, Advertising or Commercial Purposes: No photographs for advertising or any other commercial purpose may be taken on the premises unless officially authorized by the Zoo Director or his/her designate.

(k) Weapons and Explosives: Except for official purposes, no person while on the premises shall:

- (1) Carry a firearm, loaded or unloaded. "Firearm" is defined to include a pistol, revolver, gun, rifle or other ordinance, including a miniature weapon, which projects a missile or shot by force of gunpowder or any other explosive, by spring or by compressed air.
- (2) Carry a dangerous or deadly weapon. "Dangerous or deadly weapon" includes a firearm, metal knuckles, straight razor, weapon of the type commonly known as a nunchaku, blackjack, sap or sap glove, slingshot, bomb or bombshell, and any type of knife other than an ordinary pocketknife with a blade not longer than three and one-half (3-1/2) inches. When carried with intent to use the same unlawfully against another, "dangerous or deadly weapon" also includes any instrument or device capable or inflicting injury to the person or property of another.

- (3) Carry, discharge or set off any fireworks or explosives of any nature.

(Ordinance No. 45, Sec. 1; amended by Ordinance No. 89-269, Sec. 1)

4.01.030 Parking Lot and Sidewalk Adjacent to the Zoo:

(a) Vehicular and Pedestrian Traffic:

- (1) It shall be a violation of this Code for the driver of any motor vehicle or bus to violate any legend or direction contained on any sign, signal or marking now installed or hereafter installed upon any street, avenue, parking lot or other public way within the boundaries of the Metro Washington Park Zoo or the surrounding area leased by the City of Portland to Metro for public access or for public parking at the Zoo. 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.
- (2) Blocking of entrances, driveways, walks, loading platforms, 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 Executive Officer of Metro as serving as a Zoo 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 parking patrol shall have no other police authority or duty. Persons appointed as Zoo parking patrol shall be special police officers of the Metropolitan Service District. As special police officers the

Zoo parking patrol personnel and the Zoo parking patrol supervisor shall have authority to issue citations for violations of parking or non-moving traffic violations occurring on Zoo property or property adjacent to the Zoo leased from the City of Portland by the Metropolitan Service District for Zoo parking purposes, and particularly they shall have authority to issue citations as provided for in Section 4.01.030 of the Metro Code. 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:

(1) Form of citations. All parking citations forms used by the Zoo parking patrol shall be in a form approved by the General Counsel of Metro and as issued by the District 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 the Metro Code.

(3) Use of parking citation as a complaint. The original of the traffic citation form when completed to meet the minimum requirements of ORS 221.340 may serve a complaint, other forms of parking complaints are prohibited.

(4) Citation form books issued by District Court. Citation form books for parking violations shall be provided by the District 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 parking patrol officers shall be forwarded to the District Court within twenty-four (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.

(e) Advertising, Canvassing, Soliciting and Disseminating of Written Materials for Political, Charitable or Religious

Purposes. Advertising, canvassing, soliciting and disseminating of written materials for political, charitable, or religious purposes is permitted on the parking lot and sidewalks between the parking lot and the perimeter fence surrounding the Zoo. 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 traffic flow is prohibited.
- (2) Loudspeakers and other sound devices are prohibited.
- (3) Activity causing a crowd to gather is prohibited if pedestrian or vehicular traffic is obstructed or impeded.
- (4) Activity conducted within twenty (20) feet of an admission gate, ticket booth, entrance or exit is prohibited.
- (5) Activity shall be conducted by no more than two (2) persons in the vicinity of the entrances or exits for each cause or candidate.
- (6) Obstructing Zoo visitors' line of travel or detaining a Zoo visitor or employee against his or her will is prohibited.
- (7) Abusive language and actual or threatened physical harm directed against a Zoo visitor or employee is prohibited.
- (8) A person conducting such activity shall identify his or her cause or candidate and shall not misrepresent his or her purpose.
- (9) The dissemination or sale of food or goods other than written materials is prohibited.

(Ordinance No. 45, Sec. 1; Amended by Ordinance No. 88-251, Sec. 1)

4.01.040 Zoo Railroad: Except for official purposes, no person shall:

- (a) Enter or exit the train except when the train is stopped.
- (b) Enter the train without authorization.
- (c) Throw any object or material from or at the train.
- (d) Smoke on the train while it is in motion.
- (e) Destroy, damage or deface the train, equipment, rolling stock, tracks or switches or attempt to do the same.

(Ordinance No. 45, Sec. 1)

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 (45) 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.

(Ordinance No. 45, Sec. 1; and Ordinance No. 90-358)

4.01.060 Admission Fees and Policies:

(a) Regular Fees:

(1) Definitions:

- (A) An Education discount is offered to groups of five (5) or more students in a state accredited elementary, middle, junior or high school or pre-school/daycare center. Qualifications for Education Discount include a minimum of one chaperon for every five (5) students of high school age or under; registration for a specific date at least two weeks in advance; and the purchase of curriculum materials offered by the Zoo, or submission of a copy of the lesson plan that will be used on the day of the visit.
- (B) The Group Discount is defined as any group of twenty-five (25) or more (including school groups that have not met the advance registration and curriculum requirements for the Education Discount; groups of students not accompanied by a minimum of one chaperon for every five students shall not qualify for the Group Discount).

(2) Fee Schedule:

Adult (12 years and over)	\$4.50
Youth (3 years through 11 years)	\$2.50
Child (2 years and under)	free
Senior Citizen (65 years and over)	\$3.00
Education Groups (per student)	\$2.00
Chaperons accompanying	
Education groups	free
Groups other than Education groups	
25 or more per group	20% discount from appropriate

fee listed above

(b) Free and Reduced Admission Passes:

- (1) Free and reduced admission passes may be issued by the Director in accordance with this ordinance.
- (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) The reduction granted in admission, by use of a reduced admission pass (other than free admission passes), shall not exceed twenty percent.
- (5) Free or reduced admission passes may be issued to the following groups or individuals and shall be administered as follows:
 - (A) Metro employees shall be entitled to free admission upon presentation of a current Metro employee identification card.
 - (B) Metro Councilors and the Metro Executive Officer shall be entitled to free admission.
 - (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-transferrable, 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) Reduced admission passes may be issued to members of any organization approved by the Council, the main purpose of which is to support the Metro Washington Park Zoo. Such passes shall bear the name of the pass holder, shall be signed by an authorized representative of the organization, shall be non-transferrable, and shall terminate not more than one year from the date of issuance.
 - (E) Other free or reduced admission passes may, with the approval of the Director, be issued

to other individuals who are working on educational projects or projects valuable to the Zoo. Such passes shall bear an expiration date not to exceed three months from the date of issuance, shall bear the name of the pass holder, shall be signed by the Director and shall be nontransferable.

(c) Special Admission Days:

- (1) Special admission days are days when the rate established by this ordinance are reduced or eliminated for a designated group or groups. Six special admission days may be allowed, at the discretion of the Director, during each calendar year.
- (2) Three additional special admission days may be allowed each year by the Director for designated groups. Any additional special admission days designated under this subsection must be approved by the Executive Officer.

(d) Special Free Hours: Admission to the Zoo shall be free for all persons from 3:00 p.m. until closing on the second Tuesday of each month.

(e) Commercial Ventures: Proposed commercial or fund-raising ventures with private profit or nonprofit corporations involving admission to the Zoo must be authorized in advance by the Executive Officer. The Executive Officer may approve variances to the admission fees to facilitate such ventures.

(f) 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 subject to the approval of the Executive Officer.

(Ordinance No. 81-108, Sec. 2; amended by Ordinance No. 85-185, Sec. 1, Ordinance No. 87-235, Sec. 1; Ordinance No. 89-269, Sec. 1; Ordinance No. 89-326, Sec. 1; Ordinance No. 90-354; and Ordinance No. 91-376B, Sec. 1)

REGIONAL FACILITIES COMMITTEE REPORT

ORDINANCE NO. 92-412A, AMENDING METRO CODE CHAPTER 4.01 METRO WASHINGTON PARK ZOO REGULATIONS

Date: February 13, 1992 Presented by: Councilor McFarland

COMMITTEE RECOMMENDATION: At its February 11, 1992 meeting the Regional Facilities Committee voted 4-0 to recommend Council adoption of Ordinance No. 92-412A. Voting were Councilors McLain, Collier, DeJardin, and McFarland. Councilor Gardner was excused.

COMMITTEE DISCUSSION/ISSUES: The Committee considered this ordinance at its January 28 and February 11 meetings. At the first meeting, General Counsel Dan Cooper presented the staff report. He said the intent of the ordinance was to clean up and clarify an outdated Code chapter without changing existing policy. He referred to his October 15, 1991 memo to David Knowles which cited certain anomalies in the current Zoo Code that this ordinance corrects. The revised chapter provides new definitions, and makes a clear distinction between Zoo employees and members of the public. The Code is intended to regulate actions of the public on the Zoo grounds; employees' activities are controlled through other means. He illustrated his point by saying that employees have to weed the flower beds but the public is not to pick the flowers. Current Code language does not make a clear distinction between those two activities, but the revised language does.

Mr. Cooper also pointed out that the ordinance continues the prohibition on bringing a firearm into the Zoo, though the Oregon Supreme Court has historically upheld the broad right of citizens to carry unconcealed weapons. He said we would probably lose if challenged on this prohibition, but he chose to include it anyway.

In response to a question from Councilor Collier, Mr. Cooper said the intent was to make the Code clearer and more enforceable, not to change policy. Councilor Gardner asked Mr. Cooper to comment on an amendment suggested by Council staff, which would specifically authorize the Metro Council to direct staff to perform tasks at the Zoo (in addition to the Executive Officer and the Zoo Director). Mr. Cooper agreed it was a good amendment and would include it.

Chair McLain opened the public hearing and no one testified.

At the February 11 meeting Mr. Cooper summarized changes from the original draft, saying he had added the amendment discussed above and made minor wording changes elsewhere. Councilor McFarland asked what was of substance in the ordinance. Mr. Cooper reiterated his comments from the previous meeting: this is an attempt to clarify the old Code so its regulations would apply to the public and not to Metro employees and agents; and it eliminates unconstitutional provisions on free speech, replacing them with proper restrictions.

Councilor DeJardin asked for clarification of a point regarding alcohol sales, suggesting that such sales be limited to authorized concessions. Mr. Cooper replied that such improper activity by an employee can be handled through other established means, and does not need to be addressed in this ordinance.

Chair McLain opened the public hearing, and no one testified.



METRO

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

Memorandum

DATE: March 2, 1992
TO: Rena Cusma, Executive Officer
FROM: Paulette Allen, Clerk of the Council
RE: TRANSMITTAL OF ORDINANCE NO. 92-412A

Attached for your consideration is a true copy of the ordinance referenced above adopted by the Council on February 27, 1992.

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, March 5, 1992. 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, these ordinances will be considered finally adopted.

I, Unette Horley, received this memo and a true copy of Ordinance No. 92-~~412~~A from the Clerk of the Council on 3-2-92.

ORD.MEM