



ORDINANCE NO. 2025-15

AN ORDINANCE AMENDING CONDUCT AND EXCLUSION RULES IN THE SANDY MUNICIPAL CODE.

WHEREAS, the City Council previously has adopted conduct and exclusion rules for transit facilities and parks, but not for other city property and facilities; and

WHEREAS, the City Council finds that it would be in the best interest of the City to have in place conduct and exclusion rules for all City property facilities, and to ensure that those policies are aligned and in keeping with best practices; and

WHEREAS, as part of this process, the City of Sandy Parks and Trails Advisory Board has carefully reviewed the existing conduct rules for parks and has recommended certain changes, as well as changes to provision relating to permits and approvals.

NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS:

Section 1: Chapter 12.16 of the City of Sandy Municipal Code is hereby repealed in its entirety, and Chapter 12.12 of the City of Sandy Municipal Code is hereby amended to read as shown in Exhibit A, attached and incorporated herein by reference.

Section 2: This Ordinance shall take effect thirty days after its passage and signature by the Mayor.

This ordinance is adopted by the City Council of the City of Sandy this 16th day of June, 2025.

A handwritten signature in black ink, appearing to read "Kathleen Walker", is written over a horizontal line.

Kathleen Walker, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Jeffrey Aprati", is written over a horizontal line.

Jeffrey Aprati, City Recorder

EXHIBIT A

CHAPTER 12.12 - RULES OF CONDUCT AND EXCLUSION FROM PUBLIC PROPERTY

Sec. 12.12.005. - Definitions.

For the purposes of this chapter:

“Animal” means domestic pets, livestock, and wildlife.

“Assistance animal” means:

- A. An animal recognized under the Americans with Disabilities Act as a service animal, including a dog guide, hearing ear dog, or other service animal assisting an individual with a physical disability in one or more daily life activities including, but not limited to, pulling a wheelchair, fetching, and balance work; or
- B. A companion animal designated to assist an individual with a mental or psychological disability in accordance with criteria that may be promulgated by the City for identifying companion animals.

“Class I e-bike” means a bicycle equipped with an electric motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour. Class I e-bikes do not have a throttle.

“Commercial” means any activity conducted for profit or financial gain.

“Controlled substance” means any substance described in Chapter 475 of the Oregon Revised Statutes.

“Emergency” means any incident that presents the risk of actual or threatened serious physical injury to persons, any apparently urgent medical need, or any other circumstance in which the City Manager has declared a state of emergency.

“Hazardous Materials” means any substance that poses a risk to health, safety, or the environment, including but not limited to fireworks, explosives, pesticides, toxic chemicals, combustible liquids, biological contagions or agents, radioactive substances, and any other inherently dangerous substances.

“Public facility” means buildings under city ownership, control, or authority, as well as vehicles under city ownership, control, or authority which the public is permitted to enter, including but not limited to a mobile library vehicle.

“Public land” means land and buildings under city ownership, control, or authority, including sidewalks, and rights of way.

“Public park” or “park” means all property owned or controlled by the city, whether within or without the city limits, and operated for the use of the public for park purposes, including but not limited to improved parks, unimproved parks, skate parks, dog parks, historic sites, and trails.

“Qualified exclusion” means an exclusion from transit facilities which is limited in scope.

“Restricted area” means any portion of a public facility or public land designated for authorized personnel only.

“Scooter” means a two- or three-wheeled device powered by human propulsion, designed with a platform for standing or sitting and handlebars for steering. This includes kick scooters and other similar personal transportation devices, but does not include a device with a motor such as an electric scooter or e-scooter.

“Sidewalk” means a paved pedestrian path adjacent to or within a public right-of-way, generally intended for pedestrian use only and typically constructed of concrete. Sidewalks do not include internal park trails or designated multi-purpose paths.

“Throttle” means a mechanism that allows the rider to engage the motor and propel the vehicle without pedaling or manual effort. Throttles are typically activated by twisting a handle or pressing a thumb lever.

“Transit dependent” means a person who has no independent source of transportation and relies solely on public transit for local movement and access.

“Transit facilities” means all property, equipment and improvements of whatever nature owned, leased, maintained, operated, or otherwise controlled by the City of Sandy, or operated or controlled on the City's behalf, whether within or without the city limits, and operated for the use of the public for mass transportation purposes.

“Transit personnel” means City employees and City contractors who engage in the maintenance and operation of transit facilities and transit vehicles.

“Transit vehicle” means a vehicle owned, leased, maintained, operated, or otherwise controlled by the City of Sandy, or operated or controlled on the City’s behalf, whether within or without the city limits, and operated for the use of the public for mass transportation purposes.

Sec. 12.12.010. - Purpose

The purpose of this chapter is to provide for equal access to all public lands and facilities, and to ensure that persons use public lands and public facilities for their intended purpose. This chapter is further intended to help protect the safety, convenience, and comfort of all users of public lands and facilities; prevent damage to public property; facilitate orderly administration; protect the safety of city personnel; preserve the quality of city services; and protect the City from unnecessary liability or expenses. The provisions of this chapter apply to all public lands except where specifically indicated otherwise.

Sec. 12.12.020. - Exclusion from public land and public facilities.

- A. In addition to any other remedy or penalty provided by this Code, or any of the laws of the state, any peace officer, as defined by ORS 133.005(3), as amended, code enforcement officer, City facility manager, City department head, other city employee specifically authorized by the City Manager, or transit personnel, may exclude any person who violates any provision of this Code, any city ordinance, any laws of the state, or any rule or regulation duly made and issued by the City, from specified public land and public facilities for a specified period determined by

the person authorizing the exclusion, ranging from one day to an indefinite duration, depending on the severity of the violation and whether the person has engaged in repeated violations of the same or different rules. Depending on the severity of the violation, a person may be excluded from public land or public facilities other than the public land or public facilities where the violation occurred.

- B. A person excluded pursuant to this section may not enter or remain upon that public land or public facility described in the notice of exclusion during the exclusion period specified in the notice of exclusion, except that a person excluded from City Hall may enter upon or remain at City Hall to the extent necessary to file documents required to be filed with a city official or appear in a municipal court proceeding.
- C. A person will be given a warning and an opportunity to comply with the applicable law or rule before an exclusion notice is issued, unless the exclusion is based on:
 - 1. Conduct punishable as a felony;
 - 2. Controlled substances or alcoholic beverages;
 - 3. Sexual conduct as defined by ORS 167.060;
 - 4. Action actually resulting or likely to result in personal injury or property damage; or
 - 5. The person having been previously warned or excluded for the same conduct in a separate instance.
- D. A transit dependent person shall not be issued a complete exclusion from transit facilities unless the person engaged in violent, seriously disruptive, or criminal conduct, or conduct posing a serious threat to the safety of others or to the operation of the transit system.
- E. Exclusion notices shall be written and shall include:
 - a. The name, title, and signature of the issuing party;
 - b. The date of issuance;
 - c. The dates and places of exclusion;
 - d. The provision of law violated;
 - e. A brief description of the offending conduct;
 - f. A statement of the consequences for failure to comply; and
 - g. The procedures for appeal.
- F. At any time within the exclusion period, a person receiving an exclusion notice may apply in writing to the City Manager for a temporary waiver from the effects of the notice. The City Manager may grant a waiver if good cause exists, upon such terms and conditions as may be specified by the City Manager in writing.
- G. For indefinite exclusions and exclusions longer than one year in duration, the person receiving the exclusion notice may apply for a revocation of the exclusion notice once per year, beginning on the one-year anniversary of the issuance of the exclusion notice. Such application shall be made in writing and submitted to the City Manager for review and decision.

H. A person who receives an exclusion notice shall not be entitled to any refund or credit for amounts previously paid to the City in connection with the use of public land or public facilities from which the person has been excluded, unless the exclusion is reversed upon appeal.

I. The prohibitions in this Chapter shall not apply to any person who has obtained a permit from the City specifically authorizing the prohibited conduct, or to any City employee engaging in such conduct within the scope of their employment.

Sec. 12.12.025. - Appeal.

A. A person receiving an exclusion notice under Section 12.12.020 of this Code may appeal to the Municipal Judge and seek to have the written notice rescinded, the period shortened, or the terms of the exclusion otherwise modified.

B. An appeal must be filed with the municipal court clerk within five calendar days of receipt of the exclusion notice, unless extended by the Municipal Judge for good cause shown.

C. An appeal of an exclusion notice automatically stays the exclusion period until a decision on appeal is issued by the municipal court.

D. The request for an appeal hearing shall be in writing and shall contain a copy of the notice of exclusion and a statement of the grounds upon which it is contended that the decision to exclude is invalid, unauthorized, or otherwise improper.

E. Upon receipt of a request for an appeal hearing, the municipal court clerk shall schedule a hearing before the judge within 14 days after receipt of the request. Notice of the hearing time and date shall be given to the person requesting the hearing and to the person issuing the exclusion notice.

F. At the hearing, the judge may elect to determine the matter without hearing upon the record. The judge may sustain, reverse, or modify the exclusion notice appealed from in his or her judgment. The City shall have the burden of proving that a violation occurred and that the exclusion order is appropriate.

G. The determination of the municipal judge is a quasi-judicial decision and is not appealable to the city council. Appeals from any determination by the municipal judge shall be by writ of review to the Circuit Court of Clackamas County, Oregon as provided in ORS 34.010 through 34.100.

H. If the appeal concerns an allegation that the excluded person is transit dependent, and the judge finds that the appellant is transit dependent or did not engage in an act that warrants a complete exclusion from transit facilities, the judge shall order a qualified exclusion to permit a transit dependent individual to use the transit system for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any other critical services. Any person asserting the right to a qualified exclusion on the basis of transit dependence has the burden of establishing such dependence by a preponderance of the evidence.

Sec. 12.12.030. - Violation—Penalty.

Violation of an exclusion notice issued in accordance with this chapter is a Class A infraction punishable under Chapter 1.18 of this Code. A violation of any other provision of this chapter is a Class C infraction punishable under Chapter 1.18 of this Code. A violation of an exclusion notice issued in accordance with this chapter constitutes criminal trespass in the second degree and is punishable as provided by state law and any other applicable provisions of this Code.

Sec. 12.12.040. - Prohibited activities generally.

- A. *Unlawful Conduct.* No person shall engage in any violation of local, state, or federal law on public land or in public facilities.
- B. *Disruptive Behavior.* No person shall engage in any conduct on public land or in public facilities which unreasonably interferes with the conduct of public business or the use of the public land or public facilities by others.
- C. *Compliance with Directives.* No person shall refuse to comply with a lawful directive from City employees or law enforcement personnel related to safety, order, and the property use of public land and public facilities.
- D. *Restricted Areas.* No person shall access or attempt to access a restricted area within public land or public facilities without City authorization.
- E. *After-Hours Presence.* No person shall enter or remain on public land or in public facilities outside of the posted hours of operation unless authorized by the City.
- F. *Blocking Access or Passage.* No person shall obstruct or restrict the movement of others on public land or in public facilities, including but not limited to obstructing entrances, walkways, or other public areas.
- G. *Threats and Harassment.* While on public land or in public facilities, no person shall engage in harassment or intimidation through a course of conduct, including violent, threatening, or disruptive behavior or conduct intended and likely to provoke a violent response, which places another person in reasonable fear of imminent physical harm.
- H. *Disorderly and Disruptive Conduct.* No person shall engage in conduct on public land or in public facilities that could reasonably be expected to result in fear or alarm to others. This includes behavior that is threatening, harassing, or otherwise disruptive to the safe and peaceful use of public land and public facilities by others.
- I. *Endangering Safety.* No person shall engage in conduct that creates a hazardous condition or endangers the safety of others on public land or in public facilities.
- J. *Sexual Harassment.* No person shall engage in sexual harassment in violation of City policies on public land or in public facilities.
- K. *Alcohol Possession and Use.* No person shall possess, consume, or distribute alcoholic beverages on public land or in public facilities unless expressly authorized by a City permit.
- L. *Controlled Substances.* No person shall possess, sell, distribute, or use controlled substances on public land or in public facilities, except that a person may possess and use legally prescribed medications as directed by a licensed healthcare provider.
- M. *Smoking and Inhalants.* No person shall smoke, carry any lighted smoking instrument, or use any inhalant delivery system on public land or in public facilities. As used in this subsection,

“smoking instrument” includes cigarettes, cigars, pipes, and similar items and “inhalant delivery system” means any system which delivers nicotine or any other substance in the form of vapor or aerosol, such as electronic cigarettes and personal vaporizers, except a medical device used in accordance with a prescription from a qualified medical professional.

- N. *Misuse or Damage of Public Property*. No person shall misuse, vandalize, or damage any public property on public land or in public facilities.
- O. *Misuse of Public Restrooms*. No person may use a restroom on public land or in a public facility for bathing, laundering, or any other purpose that disrupts the use of the restroom by others. No person may use a mobile device or camera in a restroom or changing area on public land or in public facilities.
- P. *Hygiene and Public Nuisances*. All persons on public land and in public facilities must maintain hygiene standards so as to not create a public health concern or interfere with the use of the public land or public facilities by others.
- Q. *Organized Events*. No person may organize, conduct, or participate in any tournament, camp, or other activity that requires exclusive use of all or a substantial portion of a public land or public facility without City authorization. Commercial use, promotion, or any activity associated with such purposes is prohibited without prior written approval from the City Manager or their designee.
- R. *Urination and Defecation*. No person may urinate or defecate on public land or in public facilities except in facilities specifically designated for that purpose.
- S. *Artwork, Displays, and Performances*. No person shall place any artwork or display, or engage in any performance, on public land or in public facilities, without City authorization. Any such authorized placement of artwork or displays, or authorized performance, must be stationed so as to minimize disturbance to those wishing to avoid such displays and/or performances, minimize congestion, and promote the flow of foot traffic. All artwork and displays must be placed in areas designated for that purpose.
- T. *Facility Specific Rules*. All persons must comply with any rules or regulations posted on a specific public land or at a specific public facility. These specific rules are supplemental to the general rules and are enforceable as part of this Chapter.
- U. *Non-Discrimination*. All events, programs, and activities held on any public land or at any public facility must be open and accessible to all individuals. Discrimination based on race, color, national origin, sex, gender identity, sexual orientation, age, disability, religion, or any other protected status is strictly prohibited. Event organizers are responsible for ensuring compliance with all applicable federal, state, and local non-discrimination laws. Failure to adhere to this requirement may result in denial of future event permits and other appropriate actions.

Sec. 12.12.050. – Parks rules.

A. Definitions

For purposes of this Section 12.12.050:

“Director” means the City Manager’s designee responsible for administering the City’s Parks and Recreation Department.

“Special Event” means an organized activity or gathering in a park, including but not limited to festivals, performances, tournaments, or private functions, requiring a permit due to its size, impact, or need for exclusive use of park facilities.

B. Protection of Park Property

- a. No person shall dig up, cut, break, remove or deface any building, structure, sign, bush, tree, land, rock, or plant belonging to or growing within a public park in the city without written permission from the city. Chalk is considered defacing city assets. The use of chalk, confetti, silly string, water balloons, paintball guns, air soft guns, or any other devices or substances that mark, damage, or alter surfaces—including pavements and structures— or create litter, is prohibited and classified as vandalism. Any debris left behind from these activities is considered littering and is subject to enforcement actions.
- b. It is prohibited for any person to remove, destroy, break, injure, mutilate or deface in any way any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, plant, flower or other property in any public park.
- c. The prohibitions in this subsection shall not apply when the specific activity is approved by the Director, including but not limited to programs which permit the public to place and remove items, such as painted rocks, within park limits.

C. Use of Firearms and Explosives

No person shall discharge any destructive weapon, firearm, firecracker, torpedo or fireworks, or throw or place upon the ground any lighted match, cigar or any burning substance in any public park in the city. It is prohibited for a person to discharge fireworks, firecrackers, or explosives of any kind in a public park unless authorized to do so by the Director. No person shall have in their possession any loaded firearm in any public park in the city, except persons specifically authorized by ORS 166.173(2).

D. Fires

- a. It is prohibited for any person to build campfires, or fires of any type, in public parks, except that in areas where barbecue pits or fireplaces are provided, fires may be built so long as they are contained within the provided facilities. Portable barbecues are allowed in designated areas in conjunction with a picnic shelter rental or special event permit.
- b. In public parks, portable grills and heaters are permitted; however, only propane gas barbecues are allowed. Open flames, including portable gas fire pits, real fire pits, and charcoal grills, are prohibited. Each party or rental is limited to one propane gas barbecue unless additional units are authorized through a special event permit.

E. Motorized Vehicles

Use of motorized vehicles is prohibited in public parks with the following exceptions:

- a. Wheelchairs
- b. Special events for the purpose of loading and unloading.

- c. Emergency vehicles
- d. Service vehicles used by the City
- e. As otherwise expressly allowed in designated areas or by written authorization from the City Manager or designee.

F. Non-Motorized Vehicles

- a. It is prohibited for any person to use any rolling device such as a bicycle, skateboard, scooter, inline skates, etc., in a manner that may cause potential harm to other people, pets, wildlife, or park property, or on any sports fields, tennis courts, playgrounds, or off-leash areas, or other areas reserved for special events.
- b. Use of bicycles, skates, skateboards, scooters, and other non-motorized, wheeled vehicles are allowed in designated areas only. Use is not permitted on any brickwork, ornamental surface, picnic table, tennis court, basketball court, fountain area, wading pool, planter, or sculpture located in public parks.

G. Horseback Riding

Horseback riding is prohibited in public parks unless otherwise posted.

H. Alcohol and Smoking

- a. The possession or consumption of alcoholic beverages in parks is prohibited unless expressly authorized by a valid OLCC permit and a City-issued Special Event Permit or other approved permit. In all cases, only individuals aged 21 or older are permitted to possess or consume alcohol. Permits, excluding those for City-sanctioned events, allow only the possession and consumption of beer and wine. The sale of alcohol is prohibited unless specifically authorized by an OLCC permit. The City Manager (or designee) may impose conditions and require financial security to ensure events are conducted safely and in accordance with public park use. Alcohol consumption or possession is strictly prohibited in Sandy River Park under all circumstances.
- b. It is prohibited for any person to use tobacco or cannabis, or to smoke or vape any substance within any public park. This includes, but is not limited to, playgrounds, restrooms, spectator areas, picnic shelters, concession stands, parking lots, athletic fields, aquatic areas and trails.

I. Littering and Dumping Trash in Parks

- a. Disposal of garbage that is a result of normal park recreation and lawful activities is allowed. It is prohibited for any persons to enter any public park with straw, dirt, chips, paper, shavings, shells, ashes, swill, or garbage or other rubbish or refuse or debris that has originated outside the park, for the purpose of disposing of any of the rubbish, refuse or debris in the park
- b. All refuse, papers, and rubbish shall be placed in refuse/recycling containers provided for that purpose, and everyone who uses park facilities shall keep them and the premises clean, so as to leave them in orderly condition for the next user.

- c. No person shall deposit into a public water feature any bubbling agents or dyes, or any objects or substances that would harm or hinder its function or endanger public safety. Materials used in the course of maintenance or operations by city staff or contractors are excepted.

J. Feeding of Animals

It is prohibited for any person to leave, place, or distribute foodstuffs of any kind or nature in any park, with an intent to feed livestock or wildlife; provided, this section shall not apply to the feeding of livestock or wildlife by City personnel.

K. Disturbing or Harming Animals

It is strictly prohibited for any person to use weapons, sticks, stones, missiles, or any other means to harm, injure, disturb, or harass any wild or domestic animal, bird, or fish within a public park. This includes actions that impact salmon grounds and salmon runs. Fishing is permitted only in designated areas. No person shall hunt, pursue, trap, kill, or disturb any animal or its habitat. The prohibitions in this rule shall not apply to city employees and agents acting in accordance with applicable City policy.

L. Amplified Sound

With the exception of City-approved and/or sponsored special events, no person shall cause or allow amplified sound to be played in a public park at a volume that can be heard more than 50 feet from its source without a permit. Additionally, amplified sound must not disrupt the enjoyment of the park by other users, even if it remains within the park boundaries. These restrictions aim to balance individual enjoyment with the collective experience of all park visitors.

M. Fishing, Hunting, and Bathing

It is prohibited for any person to fish, wade, swim or bathe in any public park where signs have been posted prohibiting these activities. Fishing must follow ODFW regulations. No person shall hunt in public parks.

N. Hazards and Nuisances

It is prohibited for any person to use a slingshot, javelin, shot put, discus, golf equipment, or archery equipment, in or upon any public park, except that any of the above equipment or devices may be used in areas specifically designated or provided for that particular use. It is also prohibited for any person to use equipment or engage in behavior in a park in a manner that may be hazardous or a nuisance to others or property.

O. Mutilation of Park Notices

It is prohibited for any person to injure, deface, or destroy any notice of the rules and regulations for the government of the parks, which have been posted by order or permit from the Director.

P. Pesticide Use

It is prohibited for any person to use pesticides, herbicides, or any other chemicals in or on park property except as authorized by the Director. This includes the community gardens, which are designated as pesticide-free zones.

Q. Public Art

It is prohibited for any person to remove, deface, or in any way injure or damage any work of art, statue, monument, memorial tablet or plaque, fountain, or any other ornamental structure in any public park. The addition of art to park property must receive approval from the Director.

R. Signs

Except as otherwise provided in this subsection, it is prohibited for any person to place any structure, sign, bulletin board, or other device of any kind, or to erect any post or pole or attach any notice, bill, poster, sign, wire, rod, or cord on any tree, shrub, fence railing, fountain, wall, post, vase, statue, bridge, monument, or other structure in any public park.

S. Structures in Parks

- a. Unless authorized in writing from the Director, and subject to the terms of a permit, if required, it is prohibited to excavate for, to erect or install, or to do any act as part of or commencement of excavation, erection, or installation for, a permanent or temporary structure or facility in or on any public park.
- b. This subsection shall not be deemed to prohibit the erection of permanent or temporary covering or shelter in places designated for such purposes and subject to park regulations applicable to such designated places.

T. Trail Use

It is prohibited to alter or demolish existing or build new trails without written approval from the Director.

U. Protection and Handling of Park Vegetation and Property

It is prohibited for any person other than city personnel to bring upon any public park or possess while therein, any tree, shrub, or plant or any newly-plucked branch or leaf or tree, shrub or plant, unless authorized by the city.

V. Animals Running at Large

It is prohibited for any person to permit any dog, other pet, or livestock in any area of a public park designated and posted by the City Manager or Director as a game refuge,

sanctuary or reserve, or to permit such dog or other pet to molest or disturb wildlife therein or the nest or breeding place of any such wildlife, or to permit any dog or other pet to enter any other area that the City Manager or Director has posted as a place prohibited to animals.

W. Domestic Animals in Parks

- a. Dogs and other domestic animals are not allowed in public parks unless leashed and controlled by the owner or keeper at all times, except in areas designated by sign as "off leash."
- b. Owners or keepers must promptly remove and properly dispose of excrement and other solid waste deposited by the animal.
- c. No grooming of pets is permitted in public parks.
- d. All dogs in public parks that have a set of permanent canine teeth must be licensed and current in vaccinations. The owner or keeper of the dog shall be found in violation of this rule if the dog is not wearing its collar and vaccination tag.
- e. Dogs and other domestic animals are not allowed on athletic fields unless authorized by the Director.
- f. It is prohibited for any person to allow any animal in his or her custody or control to annoy, molest, attack, or injure any person or animal in a public park.
- g. No person shall tie up any animal in his or her custody or control and leave such animal unattended in a public park.

X. Parking and Use of Parking Areas

- a. Use of parking areas in public parks is restricted to users of the associated park. It is prohibited to block paths, trails, sidewalks, parking lots or parking spaces, or driveways without approval from the Director.
- b. It is prohibited for any person to operate or park a motor vehicle in any public park outside of the designated parking area without written approval from the Director.
- c. It is unlawful for a person to leave a motor vehicle parked in any parking area overnight or during any time the public park is closed without written approval from the Director. This rule does not apply to City maintenance or public works vehicles or those of contractors authorized by the City to perform work in a park property.
- d. It is prohibited to ride, propel, drive or direct any motorized vehicle over any street, drive or parkway in any public park in excess of 15 miles per hour when no speed limit is posted, or in excess of any posted speed limit.

Y. Prohibited Camping

Camping is prohibited in all parks, trails, and areas designated as parks and open space (POS) unless expressly authorized under Sandy Municipal Code Chapter 8.35.

Z. Fighting

No person shall engage in, sponsor, or conduct fighting, boxing, wrestling or similar forms of mutual combat in a public park. However, boxing and wrestling matches and exhibitions that are regulated and licensed by the Oregon State Boxing and Wrestling

Commission, or boxing and wrestling conducted by organizations identified in ORS 463.210 as exempt from the licensing and bonding provisions or ORS Chapter 463, may be held in public parks upon the approval of the City Manager. The City Manager may impose such conditions upon such events, and require such financial security in connection therewith, so as to assure that such events are conducted in a safe manner and consistent with the use of parks by the public.

AA. Commercial Activity

- a. It is prohibited for any person to engage in any commercial activity in a public park except as approved by the Director pursuant to a reservation of park facilities or authorization of vendors for City-sponsored events that provide services pursuant to a contract with the City.
- b. It is prohibited for any person to solicit, sell or peddle any goods, services, wares, merchandise, liquids or edibles for human consumption in any public park, except by permit issued by the City Manager or the Director.

BB. Geocaching

Geocaching containers must be clearly labeled as "Official Geocache" before placement in any public park and require prior written approval from the Director.

CC. Metal detectors

Use of metal detectors in public parks is prohibited without written approval from the Director.

DD. Planes and drones

Operation of motorized models (including remote control cars), planes, and drones is prohibited in public parks unless written approval has been granted by the City Manager or designee, or the activity takes place in a designated area approved by the City Manager or designee.

EE. Parks Hours and Closure

- a. All parks shall be closed to the public and visitors excluded from dusk until dawn except as otherwise posted, or as otherwise determined by the City Manager or designee, during special events, or with prior written approval from the City Manager or designee. The Director may establish exceptions for Jonsrud Viewpoint for special weather events or exceptional photo opportunities.
- b. Any part or all of a public park may be closed to the public by the following persons for the following reasons:
 - i. The Fire Marshal may order a closure if the Marshal believes continued public use could create or exacerbate a fire hazard.
 - ii. The Director may order a closure if the Director believes that construction activity or other conditions on the property creates a risk of harm to the public, or believes that public use would create a risk of harm to a public park.

- iii. The City Manager may order a closure if the Manager believes that closure is in the best interests of the City.

Sec. 12.12.060. - Prohibited activities on the transit system.

A. *Failure to Vacate Elderly and Disabled Priority Seating:* No person shall fail to vacate seats on a transit vehicle designated for use by individuals with disabilities and qualified senior citizens, when requested to do so by a peace officer or transit personnel.

B. *Smoking:* No person shall smoke tobacco or any other substance, or shall carry any lighted or smoldering substance in any form, aboard a transit vehicle, in any area of a passenger shelter, or within ten feet of any transit vehicle.

C. *Food and Beverages:* No person shall bring or carry aboard a transit vehicle food or beverages in open containers, nor consume food aboard a transit vehicle.

D. *Radios, Compact Disk Players and other Sound-Emitting Devices without Earphones:* No person, except a peace officer, firefighter, transit personnel, or emergency response professional in the course of employment, shall operate a radio, compact disk player, MP3 player, video player, or other sound-emitting device aboard any transit vehicle or in or upon any passenger shelter, unless the only sound produced by such item is emitted by a personal listening attachment (i.e. earphone) audible only to the person carrying the device producing the sound.

E. *Shopping Carts and Unfolded Carriages or Strollers:*

1. Except while boarding a transit vehicle, no person shall carry an unfolded or occupied carriage or stroller aboard any type of transit vehicle. Carriages and strollers must remain folded while aboard a transit vehicle.
2. No person shall bring or carry a commercial shopping cart aboard any type of transit vehicle.
3. No person shall abandon a commercial shopping cart at a transit facility.

F. *Animals, Except Properly Controlled Assistance Animals and Properly Contained Pets:* No person shall bring or carry aboard a transit vehicle or be present in or upon a transit facility with an animal except:

1. A person accompanied by an assistance animal or a person training an assistance animal, so long as the animal is under the control of the person by leash, harness, or other device made for the purpose of controlling the movement of an animal.
2. A person transporting a pet if:
 - a. The animal is kept under the control of the owner at all times and is either (1) held at all times within a secure container appropriate and constructed for carrying the size and type of animal, or (2) kept at all times on a secure leash that is no longer than one foot in length; and
 - b. The animal can be transported without risk of injury to the animal and without risk of harm or inconvenience to other riders or transit personnel;

3. A peace officer with a trained police dog.

G. Noxious Fumes or Foul-Smelling Materials or Substances: No person shall carry aboard a transit vehicle any substance or material emitting a foul smell or releasing noxious fumes.

H. Oversized Packages: No person shall bring or carry aboard a transit vehicle any package or article of a size which will block any aisle or stairway on the vehicle.

I. Skateboards, Roller-skates, and In-line Skates: No person shall ride a skateboard, in-line skates, or roller-skates upon a transit vehicle, or transit facility.

J. Riding of Motorized Vehicles: No person shall operate or ride upon a motorized vehicle other than a wheelchair inside a transit vehicle or transit facility.

K. Corrosive and Soiling Substances: No person shall carry upon a transit vehicle any corrosive material or soiling substance where containment of such substance cannot be guaranteed.

L. Excessive Noise: No person shall:

1. Make excessive and unnecessary noise, including boisterous and unreasonably loud conduct, within any transit vehicle or transit facility with the intent to cause inconvenience, annoyance, or alarm to the public, transit personnel, or a peace officer, or with a reckless disregard to the risk thereof; or

2. Perform vocal or instrumental music, within any transit vehicle or transit facility, without the prior written authorization of the City.

M. Display of Lights: No person shall light a flashlight, scope light, laser light, or object that projects a flashing light or emits a beam of light while inside a transit vehicle, except in an emergency.

N. Improper Use of City Transit Vehicle/City Transit Facility seating: No person shall:

1. Lie down on or across the seats of a transit vehicle or City transit facility;

2. Place any object or substance on the seats of a transit vehicle or City transit facility that inhibits the proper use of such seats; or

3. Block or obstruct the use of the seats of a transit vehicle or transit facility.

O. Disruptive Conduct Inside a City Transit Vehicle: No person shall occupy, move about, or engage in activity in a transit vehicle in a manner that:

1. Interferes with the free movement of passengers; or

2. Interferes with or disrupts the function or safe operation of the transit vehicle, including movement that constitutes a distraction to the operator of a transit vehicle; or

3. Uses a transit vehicle for any purpose other than for transportation.

Sec. 12.12.065. - Misuse of city transit system.

A. Use of Transit System for Non-Transit Purposes: No person shall enter or remain upon, occupy, or use a transit facility for purposes other than boarding, disembarking, or waiting for a transit vehicle, in an area where non-transit uses are prohibited by posted signage. A person is in violation of this section only after having occupied a transit facility for a period of time that exceeds that which is reasonably necessary to wait for, board, or disembark a transit vehicle.

B. Destructive Conduct Involving a Transit Vehicle: No person shall interfere with the safe and efficient operation of a transit vehicle through conduct which involves:

1. Extending any portion of his or her body through any door or window of a transit vehicle while it is in motion;
2. Attempting to board or de-board a moving transit vehicle;
3. Throwing, propelling, or discarding any object or substance in any transit vehicle or through any open door or window of a transit vehicle;
4. Unreasonably preventing or delaying the closure of a door on a transit vehicle;
5. Striking or hitting a transit vehicle;
6. Stopping or crossing in front of a transit vehicle for the purpose of stopping the vehicle or gaining passage after the vehicle has concluded boarding;
7. In any manner hanging onto, or attaching himself or herself to any exterior part of a transit vehicle while the vehicle is resting or in motion.

C. Refuse and Waste: No person shall discard, deposit, or leave any rubbish, trash, debris, offensive substance, or other solid or liquid waste in or upon a transit vehicle or transit facility, except in receptacles provided for that purpose. No person shall spit, defecate, or urinate in or upon a transit vehicle or transit facility, except in the confines of a lavatory where lavatories are available for public use.

D. Destruction of Signs: No person shall mutilate, deface, or destroy any sign, notice, or advertisement posted by the City or located on any transit vehicle or transit property.

E. Posting of Unauthorized Signs or Notices: Except as otherwise allowed by City regulations, no person shall place, permit, or cause to be placed any notice or sign upon any transit vehicle or transit facility.

F. Alcoholic Beverages: No person shall possess an open container of alcoholic beverage on a transit vehicle or transit facility, unless authorized by the City.

G. Damaging or Defacing City Transit Property: No person shall:

1. Draw graffiti or any other writing on any transit vehicle or any other transit property; or
2. Damage, destroy, interfere with, or obstruct in any manner, the property, services, or facilities of the transit system.

Sec. 12.12.070. - Prohibited risks to transit system security and order.

A. Flammable Substances and Ignition Devices: No person shall bring, possess, or carry aboard a transit vehicle or facility any flammable substance or device that can cause a spark or flame, except for matches and cigarette lighters. No spark or flame may be lit or initiated at any time by any device on a transit vehicle, including matches and lighters.

B. Weapons: No person, except a peace officer, shall bring or carry aboard a transit vehicle any firearm, knife (except a folding knife with a blade less than three and one-half inches in length), or any other instrument, article, device, material, or substance specifically designed for, or attempted to be used to, inflict or cause bodily harm to another, except where otherwise provided by law.

C. Activation of the Emergency Stop Device Except in an Emergency: No person shall activate the "emergency stop" device of a transit vehicle in the absence of an emergency.

D. Hazardous and Toxic Material or Substances: No person shall carry, possess, or transport any hazardous material, toxic chemical, combustible liquid, biological contagion or agent, radioactive substance, or any other inherently dangerous substance onto a transit vehicle or other transit property unless the person is a City employee or authorized personnel acting in the course of employment.

E. Harassment and Intimidation:

1. While on a transit vehicle or other transit facility, no person shall engage in harassment or intimidation through a course of conduct, including violent, threatening, or disruptive behavior or conduct intended and likely to provoke a violent response, which places another person in reasonable fear of imminent physical harm; and

2. While on a transit vehicle or other transit facility, no person shall engage in conduct that could reasonably be expected to result in fear or alarm to other passengers or transit personnel.

F. Explosive Materials or Device: No person may carry, possess, or transport any explosive material or device, assembled or disassembled, onto a transit vehicle or other transit property unless the person is a City or transit personnel, peace officer, or emergency response professional, acting in the course of employment or duty.

G. Threats: No person may utter a threat to cause damage to a transit vehicle or other transit property, or state a threat to cause disruption to City operations through the use of a bomb, explosive, or any other destructive device or weapon, or release of any harmful substance, while on a transit vehicle or other transit property; or state a threat of physical harm to a peace officer or transit personnel.

H. Interference with Emergency Response: No person may impede the efforts of transit personnel or peace officers in the course of an emergency response, including failing to obey a lawful order by transit personnel or peace officers uttered in the course of an emergency.

I. Abandonment of Packages: No person shall knowingly abandon a package on a transit vehicle or transit property, where the abandonment of such package is likely to cause suspicion or alarm about its contents, or require the dispatch of emergency response personnel to remove and inspect the package.

J. Discharge or Detonation of a Weapon: No person may throw an object at or discharge a bow and arrow, air rifle, rifle gun, revolver, or other firearm at a transit vehicle or any part of a transit facility, or

any person on a transit vehicle or at a transit facility, except a peace officer acting in the course of employment.