

## City of Wilsonville's Civil Exclusion Policy

### **Exclusion Generally:**

The following conduct is prohibited on the City of Wilsonville's Property as authorized by the City Manager. Wilsonville Code 10.540. City Property means any property, including but not limited to parks, greenways, libraries, buildings, parking lots, or other land or physical structures owned by the City. Persons who violate rules outlined below ("Conduct Violations") may be subject to the penalties set forth herein.

Engaging in more than one of the Conduct Violations 1-25 below or any Conduct Violations listed in rules 26-50 may be cause for immediate exclusion as well as criminal penalty. Engaging in: (a) one or more of the Conduct Violations on different City Properties on the same day or within a previously imposed exclusion period; (b) more than one of the Conduct Violations 1-25 below; or (c) any Conduct Violations listed in rules 26-50 may be cause for exclusion from all City Property for a period of one day to 180 days, dependent on the number and severity of the Conduct Violation(s). An excluding officer is defined as any police officer or City employee who is authorized by the City Manager to issue exclusions.

### **Repeat Offenses:**

Individuals who repeatedly engage in Conduct Violations after having been previously excluded for Conduct Violations will face longer exclusions. Repeat offenders need not violate the same rule to be subject to stricter enforcement and may not be warned that their conduct is inappropriate before being excluded.

### **Written Notice:**

Written notice signed by the excluding officer shall be given to any person excluded from any City Property. The notice shall specify: (a) the date of the exclusion's issuance; (b) length of exclusion; (c) City Property from which the person is excluded; (d) identify the provision of law the person has violated and shall contain a brief description of the offending conduct; (e) inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal; (f) inform the excluded person of the right to petition for a waiver of all or any portion of the exclusion; and (g) the consequences for failure to comply shall be prominently displayed on the notice.

### **Appeal Procedure:**

A person receiving such notice of exclusion may appeal, in writing, to the Wilsonville Municipal Court Clerk. A hearing shall be held at the next regularly scheduled session of the Wilsonville Municipal Court. The excluded individual may request, in writing, setting forth the reason therefor, that the hearing be postponed, and the Clerk shall grant such a postponement upon a showing of necessity. The Municipal Judge shall dismiss the exclusion upon a showing that: (1) The excluding officer lacked probable cause; or (2) The excluded individual was engaged in the lawful exercise of any right or privilege guaranteed under the United States Constitution, Constitution of the State of Oregon, or any other law.

**Exclusions During an Election:**

To ensure eligible voters are not excluded, a maximum of two hours shall be permitted to anyone issued a notice of exclusion in order to participate in an election facilitated on City property.

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<b>Tier 1: Disruptive Personal Conduct</b>						
<b>Consequences (Exclusion Period)</b>						
<b>#</b>	<b>Violation</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>	<b>4th Violation</b>	<b>5th Violation</b>
1	Excessive Odor, either because of Poor personal hygiene or excessive cologne/perfume	Asked to leave until Resolved	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
2	Disruptive Cell Phone Use	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
3	Loud Noises, including but not limited to shouting, snoring, and impermissible audio equipment use	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days

4	Disregarding the Direction of Facility Staff	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
5	Verbal or Written abuse directed toward staff or patrons	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
6	Solicitation of any kind, except in dedicated areas	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
7	Use of Tobacco, Cigarettes, e-cigarettes, or Vape Pens	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days

8	Behavior that endangers other Patrons and/or Staff Including verbal abuse	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
9	Leaving Personal Items unattended	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
10	Disruptive Eating (Consuming food that is loud or messy, more than a quick tidy snack)	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for One Week	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
11	Leaving Trash or food waste in the library (except in designated garbage receptacles)	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days

12	Entering or Remaining on facility premises with belongings that cannot be carried in a single trip and stored under a library chair or table without disturbing others	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
13	Using Restrooms for bathing, washing hair, shaving, washing laundry, or other improper use	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
14	Significantly rearranging or moving furniture or materials without returning them.	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
15	Using Rooms, materials, and/or furniture for purposes for which they are not intended	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days

16	Laying on the floor for the purpose of sleeping	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
17	Blocking Access to Facility Services	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
18	Bringing Animals into the library (Except Service Animals)	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
20	Intoxication: Including exhibiting any signs of or being under the influence; being under the influence of any controlled substance listed in Schedules I-V of the Controlled Substances Act, 21 U.S.C. §812	Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
21	Fraudulently Using another Patron's account for any purpose	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days

<b>Tier 2: Disruptive Property Violations</b>						
<b>Consequences (Exclusion Period)</b>						
<b>#</b>	<b>Violation</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>	<b>4th Violation</b>	<b>5th Violation</b>
22	Blocking Access to Facility Services	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
23	Using Facility Rooms, Materials, and/or furniture for purposes in which they are not intended	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
24	Damage to City Facility or Facility Property	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days
25	Disruptive behavior defined as conduct that interferes with: (a) Normal facility operations; and/or (b) Staff's ability to do their job; and/ or (c) Another patron's ability to use a facility.	Warning Given; and if Continued Exclusion for Remainder of Day	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion 180 days



<b>Tier 3: Criminal Violations</b>						
<b>Consequences (Exclusion Period)</b>						
<b>#</b>	<b>Violation</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>	<b>4th Violation</b>	<b>5th Violation</b>
26	Refusing to leave the facility when asked to do so	Immediate Exclusion with No Warning	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
27	Harassment of Staff or other Patrons	Immediate Exclusion with No Warning	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
28	Intoxication: Including exhibiting any signs of or being under the influence; being under the influence of any controlled substance listed in Schedules I-V of the Controlled Substances Act, 21 U.S.C. §812	Immediate Exclusion with No Warning	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
29	Selling, Using or Distributing of Cannabis, Alcohol or Other illegal substances. A controlled substance is defined in ORS 475.005.	Immediate Exclusion for 7 Days with No Warning	Excluded for 30 Days	Excluded For 60 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days

30	Engaging in Conduct that is classified as a felony or misdemeanor defined in ORS 164.055 Theft	Immediate Exclusion for 7 Days with No Warning	Excluded for 30 Days	Excluded For 60 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
31	Engaging in Conduct under ORS 166.023 Disorderly conduct	Immediate Exclusion with No Warning	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
32	Engaging in Sexual Conduct, as defined under ORS 167.060, including but not limited to indecent exposure or physical contact through clothing for sexual gratification or disregarding another person's reasonable expectation of privacy as otherwise defined in ORS 163.700	Immediate Exclusion for 7 Days with No Warning	Excluded for 30 Days	Excluded For 60 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
33	Engaging in Conduct that is classified as a felony or misdemeanor defined in ORS 162 Offenses Against the State and Public Justice	Immediate Exclusion for 7 Days with No Warning	Excluded for 30 Days	Excluded For 60 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days

34	Engaging in Conduct that is classified as a felony or misdemeanor defined in ORS 163 Offenses Against Persons; including: (1) Homicide (2) Assault and Related Offenses (3) Kidnapping and Related Offenses (4) Coercion (5) Sexual Offenses (6) Invasion of Privacy (7) Stalking	Immediate Exclusion for 7 Days with No Warning	Excluded for 30 Days	Excluded For 60 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
35	Engaging in Conduct that is classified as a felony or misdemeanor defined in ORS 164 Offenses Against Property, Except for ORS 164.805, Offensive Littering	Immediate Exclusion with No Warning	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
36	Engaging in Conduct that is classified as a felony or misdemeanor defined in ORS 165 Offenses Involving Fraud or Deception	Immediate Exclusion for 7 Days with No Warning	Excluded for 30 Days	Excluded For 60 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
37	Engaging in Conduct that is classified as a felony or misdemeanor defined in ORS 166 Offenses Against Public Order; Firearms and other Weapons;	Immediate Exclusion for 7 Days with No Warning	Excluded for 30 Days	Excluded For 60 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days

38	Engaging in Conduct that is classified as a felony or misdemeanor defined in ORS 166.715 Racketeering	Immediate Exclusion for 7 Days with No Warning	Excluded for 30 Days	Excluded For 60 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
39	Engaging in Conduct that is classified as a felony or misdemeanor defined in ORS 177 Offenses Against Public Health, Decency, and Animals	Immediate Exclusion for 7 Days with No Warning	Excluded for 30 Days	Excluded For 60 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
40	Engaging in Conduct that is classified as a felony or misdemeanor defined in ORS 475 Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors;	Immediate Exclusion for 7 Days with No Warning	Excluded for 30 Days	Excluded For 60 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
41	Engaging in Conduct that Constitutes a violation of Wilsonville City Code 10.130 Minor- Purchase or Possession of Liquor	Immediate Exclusion with No Warning	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days

42	Engaging in Conduct that Constitutes a violation of Wilsonville City Code 10.230 Killing of Birds or Animals Prohibited	Immediate Exclusion with No Warning	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
43	Engaging in Conduct that Constitutes a violation of Wilsonville City Code 10.300 Public Intoxication and Drinking	Immediate Exclusion with No Warning	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
45	Engaging in Conduct that Constitutes a violation of Wilsonville City Code 10.320 Public Kept in Decency	Immediate Exclusion with No Warning	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
46	Engaging in Conduct that Constitutes a violation of Wilsonville City Code 10.350 City Property, Destruction	Immediate Exclusion for 7 Days with No Warning	Excluded for 30 Days	Excluded For 60 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
47	Engaging in Conduct that Constitutes a violation of Wilsonville City Code 10.390 Posted Notices, Defacement	Immediate Exclusion for 7 Days with No Warning	Excluded for 30 Days	Excluded For 60 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days

48	Engaging in Conduct that Constitutes a violation of Wilsonville City Code 10.410 Diving from Public Pilings	Immediate Exclusion with No Warning	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
49	Engaging in Conduct that Constitutes a violation of Wilsonville City Code 10.420 Intentionally Causing Damage to Town Center Park Properties by or for Skateboarding in a Prohibited Area	Immediate Exclusion with No Warning	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days
51	Engaging in Conduct that Constitutes a violation of Wilsonville City Code 10.510 Attempt to Commit Offenses	Immediate Exclusion with No Warning	Excluded for 7 Days	Excluded For 30 Days	If within two years before the date of the present exclusion, 90 days	If within two years before the date of the present exclusion, 180 days