

ORDINANCE NO. 780

AN ORDINANCE AMENDING CHAPTER 13.20 OF THE TROUTDALE MUNICIPAL CODE REGARDING THE EXCLUSION OF INDIVIDUALS FROM PARKS

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. City parks are open to the public for their quiet use and enjoyment. City rules and regulations govern permissible conduct in parks. These limited rules and regulations are intended to maintain the public safety and peace in public parks and open spaces.
2. It is sometimes necessary to exclude persons from parks for conduct detrimental to the safe and peaceful use of the parks. It is necessary and proper to eject persons who do not conform their conduct to city ordinances or state law from parks and to preclude them from returning to the park for a defined period. Excluding individuals from the park in limited circumstances is necessary for the safety of those ejected as well as other park users.
3. Persons who are ejected and excluded from city parks should have an opportunity to contest the basis for concluding that they should be ejected and excluded from the park in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. Section 13.20.380 of the Troutdale Municipal Code, is hereby amended to read as follows:

13.20.380 Authority to Eject and Exclude

The director, the director's authorized representative and city police shall have the authority to eject from city parks any person acting in violation of this chapter, any city ordinances, or the laws of the state. A person that is ejected shall be excluded from the park for a minimum of thirty days. Any person that has been ejected from any park at least one time in the past twelve months may be excluded from any and all parks for up to twelve months.

Section 2. Section 13.20.400 of the Troutdale Municipal Code, is hereby adopted to read as follows:

13.20.400 Hearing Procedures

- A. Persons who have been ejected and excluded from a park under Section 13.20.380 of this chapter may request a hearing by filing a written request with

the police chief within thirty days of the date the order excluding the person from the park was issued.

B. Persons who have had any property, thing or device confiscated under Section 13.20.390 of this chapter may request a hearing by filing a written request with the director within thirty days of the seizure.

C. The police chief or director shall, upon receipt of a request for hearing, promptly notify the municipal court of the requested hearing. The municipal court shall set a time and place for a hearing before the municipal judge at the earliest possible time and shall promptly notify the person requesting the hearing as to the time and place for the hearing.

D. The person requesting the hearing may be represented by counsel if he desires and the director or police chief may be represented by the City Attorney. Both parties may make argument, submit testimony and written briefs, cross-examine witnesses and submit rebuttal evidence on matters pertinent to the issue to be determined.


E. Failure of the person requesting hearing to appear at the hearing shall constitute a waiver of the right to a hearing.

F. If the municipal court determines there was a wrongful confiscation of property, the property shall be returned to the person requesting the hearing, or, if the property has been destroyed, restitution shall be made. If the municipal court determines that there was a wrongful exclusion order, the person shall be allowed to return the park.

YEAS: 5

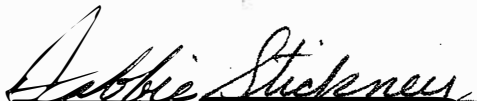
NAYS: 0

ABSTAINED: 0



Paul Thalhofer, Mayor
September 13, 2006

Date



Debbie Stickney, City Recorder
Adopted: September 12, 2006