

PROPOSED SAFE ZONE ORDINANCE SUMMARY SHEET
Presented by the Laurelhurst Neighborhood Association Safety Committee
July 12, 2017

In brief, the proposed Safe Zone Ordinance addresses the following:

- Authorizes the City to designate "safe zones" around public areas frequented by minors (i.e., athletic fields, playgrounds, parks, beaches, recreational facilities or community rooms).
- Purpose is to:
 - (1) protect minors from unlawful and inappropriate behavior - specifically, use, possession and distribution of drugs; public urination and defecation; and unauthorized camping.
 - (2) protect and preserve public assets that are harmed and degraded by the unlawful and inappropriate behavior described in (1).
- Establishes posting requirements for designated safe zones.
- Provides penalties for violation of ordinance consistent with current state law and city code (voluntary compliance, exclusion from designated safe zone(s), possible fine and arrest, and possible prosecution). Emphasis is on voluntary compliance, in the event that some do not comply, the ordinance provides for stronger penalties.
- Aims to strike a balance by not criminalizing those down on their luck, but preserving public assets and making them safe again, especially for children.

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ORDINANCE No. _____

Amend City Code Title 14 Public Order and Police to revise and update definitions and provisions in Section 14A.50.020 Camping Prohibited on Public Property and Public Rights of Way and add section 14A.50.025 authorizing designation of safe zones.

The City of Portland Ordains:

Section 1. The Council finds:

1. Unlawful and inappropriate behavior, including the use, possession or distribution of illegal substances; public urination or defecation; and unauthorized camping on public property and rights of way, in and adjacent to City parks, athletic fields, playgrounds or recreational facilities (hereafter, referred to collectively as "Public Property") diminishes these precious assets, poses health and safety risks, creates environmental hazards, and deprives citizens of the full use and enjoyment of Public Property including the natural beauty, recreational opportunities and peaceful repose that Public Property is intended to provide and preserve in an urban setting.
2. Criminal acts and unauthorized camping on Public Property threaten property damage, personal injury, environmental hazards, and public health and safety, especially for children; such criminal acts and unauthorized camping can transform Public Property into an unwelcoming, unattractive, and unsafe public space requiring increased public expenditures for public safety, repair and maintenance.
3. The laws intended to preserve and protect Public Property and public rights of way for the benefit of all are effective only if those who use such areas obey the law. The current criminal and civil penalties for violating the law are frequently inadequate alone to deter illegal behavior, prevent its recurrence or provide for the removal of the offender from Public Property.
4. Compliance with the law, including the Code of the City of Portland, will be enhanced by the administrative sanction of excluding from specified Public Property, anyone who violates the law. In addition, for repeat offenders or for more serious offenses, exclusion for extended periods of time, and possible criminal prosecution, will provide a necessary additional remedy to protect Public Property and the safety of those, especially children, who use and visit Public Property.

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5. It is the City's intent to authorize and designate "safe zones" within 1,000 feet of posted Public Property so that those using or visiting Public Property designated as a "safe zone" have a safe place to visit, recreate and play.

NOW, THEREFORE, the Council directs:

- a. Portland City Code Title 14 is amended as follows (added language is underlined, deleted language is shown with strikethrough (e.g. ~~strikethrough~~):

14A.50.020 Camping Prohibited on Public Property and Public Rights of Way.

A. Definitions as used in this Section:

1. "To camp" means to ~~set up, or to remain in or at a campsite, for the purpose of~~ establishing or maintaining a temporary place to live remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such a way as will permit remaining overnight.
2. "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

B. It is unlawful for any person to camp in or upon any public property or public right of way, unless otherwise specifically authorized by this Code or by declaration by the Mayor in emergency circumstances.

C. The violation of this Section is punishable, upon conviction, by a fine of not more than \$100, or by criminal imprisonment for a period not to exceed 30 days or both. If violation of this section occurs in a posted safe zone designated under 14A.50.025, it may result in possible exclusion from specified Public Property and/or criminal prosecution and imprisonment.

14A.50.025 Safe Zones

A. The City may designate public areas in the City that are frequented by minors (i.e. athletic fields, playgrounds, parks, beaches, recreational facilities or community rooms) as a "safe zone" for the purpose of protecting said minors from unlawful and inappropriate behavior, including the use, possession or distribution of illegal substances; public urination or

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defecation; and unauthorized camping on public property and rights of way, in and adjacent to City parks, athletic fields, playgrounds or recreational facilities.

B. "Safe zone" means an athletic field, park, playground, beach, recreational facility or community room(s) designated as a safe zone by the City pursuant to this section.

C. This section shall apply to the athletic fields, parks, playgrounds, beaches, recreational facilities or community rooms set forth below which the City finds are frequented by minors and which are hereby designated safe zones within the City of Portland:

1. Laurelhurst Park
2. Delta Park
3. Peninsula Park
4. Peninsula Community Center

[Note: These are examples only. The actual parks and their property boundaries would need to be identified in an adopted ordinance.]

D. Each safe zone designated under this section shall be conspicuously marked with an informational sign stating the following:

<p style="text-align: center;">SAFE ZONE</p> <p style="text-align: center;">Increased penalties, possible exclusion and criminal prosecution for use, possession or distribution of illegal substances, public urination and defecation, or unauthorized camping within this zone.</p> <p style="text-align: center;">PCC 14A.50.020, 14A.50.025</p>

E. Pursuant to this section and in conjunction with Chapter 20.12 of the PCC, a person who is found using, possessing or distributing illegal substances, urinating or defecating in public, or engaging in unauthorized camping in violation of 14A.50.020 within a designated safe zone or within 1,000 feet of the real property surrounding or adjacent to a designated safe zone may be found guilty of an aggravated offense subjected to increased penalties, exclusion from specified safe zone(s) pursuant to 20.12.265 and this section, subject to

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citation or arrest for unlawful possession of illegal substances, or citation or arrest for criminal trespass consistent with State law and this Code.

Passed by the Council,

Mayor Ted Wheeler

Prepared by:

Date Prepared:

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy