

EXHIBIT D TO ORDINANCE NO. 18-1419

TITLE X

METRO PARKS, CEMETERIES AND NATURAL AREAS

- 10.01 Definitions
- 10.02 Permits, Enforcement and Appeals
- 10.03 Rules and Regulations
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CHAPTER 10.01

DEFINITIONS

10.01.010 Definitions

For the purposes of Title X Metro Parks, Cemeteries and Natural Areas, unless the context requires otherwise, the following terms have the meanings given to them in this Chapter:

Cemetery, Historic Cemeteries, and Cemeteries means the places identified in Section 10.05.040 that are designated, owned and operated by Metro for the disposition of Human Remains (as defined in Section 10.05.030).

Director means the person or persons designated by the Chief Operating Officer to serve as the Director of the Parks and Nature Department, or the Director's designee.

Employee means any paid employee of Metro performing tasks or functions at any Property at the request or direction of either the Chief Operating Officer or his or her designee, or the Metro Council.

Natural Area(s) means any Property managed for purposes of habitat conservation and restoration, including Properties used seasonally for agricultural use complementary to habitat conservation.

Noise disturbance means any sound which injures or endangers the safety or health of humans, annoys or disturbs a reasonable person of typical sensitivities, or harms wildlife.

Park(s) means any Property improved for purposes of recreation, including passive recreation, and open for public use, including regional recreation areas, regional nature parks, and motorized and non-motorized boat launches or ramps.

Parks and Nature Department means Metro's Parks and Nature Department, as the department may be renamed or reorganized from time to time.

Permit means any type of special event, use, camping, or reservation permit issued by Metro.

Person has the meaning set forth in Metro Code Section 1.01.040(h).

Property means land or interests in land owned by Metro and managed by the Parks and Nature Department, including Cemeteries, Parks, and Natural Areas.

Property Rules or Property-Specific Rules means a Rule established by the Director for a specific Property.

Public means any person other than a Metro elected official, officer, Employee, volunteer, contractor or other agent while on duty.

Regional Trail means a pedestrian off-street trail identified on Metro's Regional Trails and Greenways map and found on Metro's website as a Regional Trail.

Rule(s) means rules and regulations adopted by the Director pursuant to Metro Code Title X.

Title X refers to this Title X of the Metro Code (Metro Parks, Cemeteries and Natural Areas).

Vehicle means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled, including a bicycle, and includes any trailer in tow of any size, kind or description, but does not include (a) baby carriages or strollers, (b) vehicles in the service of the Parks and Nature Department, or (c) manually operated or power-driven devices used for locomotion by an individual with a mobility disability. [Ord. 96-659A, Sec. 1; Ord. 02-978, Sec. 1; Ord. 15-1366.]

CHAPTER 10.02

PERMITS, ENFORCEMENT AND APPEALS

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10.02.010 Purpose

The purpose of this Title X is to provide rules and regulations governing the use of Metro's Parks, Cemeteries and Natural Areas by members of the public, in order to protect lands, habitat, wildlife, plants, and improvements, to provide for the safety of employees and visitors, and to further the enjoyment of any person visiting these facilities. Additional rules and regulations governing Cemeteries are set forth in Chapter 10.05. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

10.02.020 Policy

The Metro Council has determined that it is necessary to adopt these Code provisions in order to further the safe and efficient operation, protection and maintenance of Metro's Parks, Cemeteries and Natural Areas and to protect the health, safety and welfare of the public and Metro's employees; therefore, Title X will be liberally construed to effectuate this purpose. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

10.02.030 Enforcement Authority

- (a) The Director has the authority to enforce all of the provisions of Title X, including but not limited to the authority to enforce any Rules adopted pursuant to this Section.
- (b) The Director has the authority to establish Rules that are not inconsistent with the provisions of Title X, including but not limited to, rules governing fees and penalties, Property-Specific Rules, and rules governing Interment and Inurnment, as defined in Chapter 10.05. Said rules must be in writing, posted on Metro's website and filed with the Metro Council.
- (c) No Person may violate any Rule established by the Director. [Ord. 96-659A, Sec. 1.]

10.02.040 Exceptions; Authorized Acts by Permit

Notwithstanding anything to the contrary in Title X, the following are not violations of Title X or of any Rules:

- (a) The acts of Metro elected officials and Employees constituting official duties.
- (b) The authorized acts of Metro-approved volunteers.
- (c) The acts of agents and contractors authorized by agreement with Metro.
- (d) Acts of third parties or the public officially authorized by agreement with Metro, or by Permit.

10.02.050 Permits Required

No person may, within the boundary of any Property, conduct or participate in any activity for which a Permit is required, unless Metro has issued a Permit for the activity. A Permit is required under the following circumstances and for the following activities:

- (a) Film or television filming, production, or commercial photography.
- (b) Any organized sporting event or competition, including but not limited to team sports, fishing, water-skiing, disc golf, wakeboarding, track and field, triathlon or duathlon.
- (c) Special educational events or festivals, except those specifically hosted by Metro.
- (d) Amplified sound, pony rides, dunk tanks, or carnival games.
- (e) Consumption of alcohol in designated locations.
- (f) Landing of helicopters, small planes, sea planes, float planes or similar.
- (g) Camping overnight or longer.
- (h) Any organized event or activity involving 25 persons or more, except for picnics where a reservation has been secured.
- (i) Any event where the person or persons engaged in the activity seek to exclude, or to have the right to exclude, any member of the public from the activity or from any area of any Property. For example, a reservation is required for a picnic shelter if the person making the reservation seeks to exclude other members of the public from the shelter during the period of the reservation.
- (j) Any activity which is otherwise prohibited by this Metro Code Chapter 10.02.
- (k) Any use of Historic Cemeteries other than as described in Metro Code Section 10.05.070. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

10.02.060 Permit Revocation

Any Permit granted hereunder may be revoked at the discretion of the Director or his/her designee, with a full refund. If the Director revokes a Permit under this Section upon a finding of violation of Title X, or any Rule, ordinance, statute, or conditions of the Permit, no refund may be given. [Ord. 96-659A, Sec. 1.]

10.02.070 Display of Permits Required

It is unlawful for any person to:

- (a) Fail to produce and display any required Metro Permit or receipt, upon request of any Employee or agent of Metro.

- (b) Fail to clearly display at all times, while within the boundaries of any Property, any required proof of parking fee payment or waiver on the dashboard of the person's vehicle so that such proof is plainly visible from the exterior of the vehicle. [Ord. 96-659A, Sec. 1.]

10.02.080 Interference with Permittees Prohibited

No person may disturb or interfere unreasonably with any person or party occupying or participating in any activity in a Property under the authority of a Permit. Unreasonable interference includes, but is not limited to, conduct that substantially prevents any person from viewing or hearing the permitted activity, or substantially preventing the free passage, ingress and egress of event participants or attendees. [Ord. 96-659A, Sec. 1.]

10.02.090 Posting of Rules

Rules and provisions for use and administration of Parks, Cemeteries and Natural Areas, must be in writing, and made reasonably available to the public by, for example and in the discretion of the Director, posting on Metro's website, keeping a copy at each Property office for inspection, posting signage, or by displaying as otherwise required by this Chapter. [Ord. 96-659A, Sec. 1.]

10.02.100 Enforcement Personnel

- (a) The Director and the Director's authorized representatives must, in connection with their duties imposed by law, diligently enforce the provisions of Title X and any Rules.
- (b) It is unlawful for any person to harass, obstruct, interfere with or disobey the direction of any authorized Metro Employee or agent carrying out the enforcement of Title X or any Rules. [Ord. 96-659A, Sec. 1.]

10.02.110 Citation, Ejection and Exclusion, Hearing

- (a) The Director and the Director's authorized enforcement personnel have the authority to: (i) cite, cite for civil penalties or eject from any Property any person acting in violation of Title X, any Rules, or the laws of the State of Oregon; and (ii) exclude from any Property any person acting in violation of Title X, any Rules, or the laws of the State of Oregon for not more than one (1) year.
- (b) Written notice must be given to any person excluded from Metro Property. The notice must specify the violation of Title X, the Rule violated, or the law of the State of Oregon that is the basis for the exclusion and must specify the dates covered by the exclusion. The notice must contain a statement of the person's right to request a hearing and to be represented by legal counsel. The notice must be signed by the issuing party. The consequences of failing to comply with the exclusion notice must be prominently displayed on the notice.

- (c) A person receiving an exclusion notice may request a hearing to appeal the exclusion by sending a written request for a hearing to the Director by registered or certified mail.
- (d) At any time during the period of the exclusion, a person receiving an exclusion notice may apply in writing to the Director for a temporary waiver from the exclusion. The Director may grant a temporary waiver of an exclusion based upon a showing of good cause for said waiver. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

10.02.120 Seizure of Property

The Director and any authorized enforcement personnel has the authority to seize and confiscate any property, thing or device held, kept or used in violation of Title X or any Rule. [Ord. 96-659A, Sec. 1.]

10.02.130 Hearing Regarding Seized Property

- (a) Persons who have had any personal property, thing or device confiscated under this Chapter may request a hearing to appeal the confiscation by sending a written request for hearing to the Director by registered or certified mail.
- (b) The hearing must be conducted in accord with the applicable contested case procedures set forth in Metro Code Chapter 2.05.
- (c) Any property, thing or device which was not wrongfully confiscated will become the property of Metro and may be disposed of in a manner to be determined by the Director. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

10.02.140 Other Laws Applicable

Title X and the Rules adopted under its authority are in no way a substitute for and do not eliminate the necessity of conforming with any and all state laws and rules and other ordinances which are now or may be in the future in effect which relate to the activities regulated in Title X, including but not limited to City or County ordinances containing regulations and prohibitions pertaining to firearms and dangerous or deadly weapons. [Ord. 96-659A, Sec. 1; Ord. 10-1230, Sec. 4.]

10.02.150 Severability

If any section, subsection, sentence, clause, phrase or portion of Title X is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion will be considered a separate, distinct and independent provision, and the holding will not affect the validity of the remaining portion of Title X. [Ord. 96-659A, Sec. 1.]

CHAPTER 10.03

RULES AND REGULATIONS

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10.03.010 Property Destruction and Other Property Prohibitions

Within the boundaries of any Property, it is unlawful to:

- (a) Willfully mark, deface, disfigure, damage, tamper with, displace or remove any property, improvements, fixtures, or equipment, including buildings, restrooms, bridges, tables, benches, grills, fireplaces, railings, fences, gates, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards (whether temporary or permanent), monuments, stakes, posts or other boundary markers, other structures or equipment, property or appurtenances whatsoever, either real or personal.
- (b) Dig or remove any soil, rock, gravel, stones, or artifacts, or make any excavation by tool, equipment, blasting or other means or agency, including on land or in streams.
- (c) Climb, scale, walk, stand, swing, or sit upon monuments, rock walls, planters, fountains, railings, fences or any other feature within a Property that is not designated or customarily used for such purposes.
- (d) Fail to stay on designated trails, paths or roads.
- (e) Construct, install, add to, remove, maintain, or alter any trail, path, track, fence, gate, course, route, bridge, overpass, culvert or crossing, or construct structures on a Property, such as tree forts or camps.
- (f) Use any metal or mineral locating or detecting devices of any kind. [Ord. 96-659A, Sec. 1.]

10.03.020 Tree and Plant Prohibitions

Within the boundaries of any Property, it is unlawful to:

- (a) Damage, cut, carve, trim, prune, transplant, remove or destroy any tree, shrub, plant, or seeds, or any part of any tree, shrub or plant, regardless of whether the tree, shrub or plant is dead or alive, including without limitation, damage such vegetation through use of a vehicle, whether the damage is intentional or not, or remove wood for firewood. Use of chain saws is prohibited.
- (b) Climb, scale, or swing upon any trees or shrubs not designated for such purposes.
- (c) Plant any tree or shrub or other plant on a Property. [Ord. 96-659A, Sec. 1.]

10.03.030 Animal, Bird and Fish Prohibitions

- (a) Within the boundaries of any Property, except as stated in Sections (e), (f), and (g) below, it is unlawful to hunt, harass, harm, poison, frighten, kill, trap, chase, shoot, project, or throw projectiles at, any bird, fish or other living creature, or remove or have in possession any wild animal, bird, fish, amphibian, invertebrate, or reptile or the eggs or nest of any reptile or bird, or obtain access to or cross any Property with

the intent to hunt or trap on adjacent lands. Possession of relevant equipment will be deemed sufficient evidence of such intent.

- (b) It is unlawful, within the boundaries of any Property, to feed or offer food items to any wildlife or fish.
- (c) It is unlawful, within the boundaries of any Property, to release any plant, fish, wildlife, aquarium contents, or other living organism.
- (d) It is unlawful, within the bounds of any Property, to place waterfowl decoys or use recorded birdsong, playback, calls, or other audio or mechanical method of attracting birds or other wildlife.
- (e) Acts of employees of federal and state agencies, including the United States Fish and Wildlife Service, United States Geologic Society, and Oregon Department of Fish and Wildlife, while performing their official duties will not be deemed a violation of this Section.
- (f) Fishing is permitted only where designated by a Property-Specific Rule, and in accordance with applicable rules and regulations promulgated by the Oregon Department of Fish and Wildlife (subject to prohibitions on dangerous weapons set forth in Section 10.03.170, below).
- (g) The Director may establish Property-Specific Rules that allow hunting on a limited basis in conformance with federal and state law if the Director finds that it is necessary and beneficial to conservation efforts to control animal populations. [Ord. 96-659A, Sec. 1.]

10.03.040 Pollution of Waters and Soils Prohibited

It is unlawful for any person to bury, release, discharge or otherwise place or cause to be placed in the soils or waters of any fountain, pond, lake, river, stream, bay or other body of water in or adjacent to any Property, any matter or thing, liquid, gas, or solid, which will or may result in the pollution of those waters or soils, including, without limitation, urination or defecation on any Property except in designated restrooms. [Ord. 96-659A, Sec. 1.]

10.03.050 Refuse and Trash Prohibitions

It is unlawful for any person to deposit, dump, place or leave any rubbish, bottles, cans, garbage or refuse of any type regardless of its source in a Property, except refuse, garbage or litter occasioned through lawful use of the Property which must be deposited in appropriate receptacles provided for that purpose. [Ord. 96-659A, Sec. 1.]

10.03.060 Traffic Prohibitions

Within the boundaries of any Property, it is unlawful to:

- (a) Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in Title X, any Rule, and other ordinances.
- (b) Fail to obey Employees and agents, which persons hereby are authorized and instructed to direct traffic whenever and wherever needed on any Property and on the highways, streets or roads immediately adjacent to any Property.
- (c) Fail to observe and obey all traffic signs indicating speed, direction, caution, stopping or parking, and all other signs posted for proper traffic control and to safeguard life and property.
- (d) Drive any motor vehicle, including all-terrain vehicles (ATVs), on any area except roads, parking areas, or such other areas as may be specifically designated by the Director. [Ord. 96-659A, Sec. 1.]

10.03.070 Parking Prohibitions

Within the boundaries of any Property, it is unlawful to:

- (a) Park a motor vehicle in a location other than an established or designated parking area or in violation of the posted signage or identified restrictions, or against instruction of an Employee or agent who may be present at an established or designated parking area.
- (b) Double park any motor vehicle on a road or parkway, or otherwise park any vehicle such that a vehicle prevents the egress of other vehicles, or park in front of or block a fire lane or Property entry or exit gate, unless directed by an Employee or agent of Metro.
- (c) Leave any vehicle parked in any Property after normal operation hours without first obtaining permission from an Employee or agent of Metro.
- (d) Leave any vehicle parked or stopped on a boat ramp except while loading or unloading a boat. Vehicles so parked are subject to citation and tow. [Ord. 96-659A, Sec. 1.]

10.03.080 Bicycle Restrictions

Within the boundaries of any Property, it is unlawful to:

- (a) Ride a bicycle on other than a vehicular road, trail or path specifically designated and signed for that purpose. A bicyclist is permitted to wheel or push a bicycle by hand in a Park over any mowed area or natural surface or on any paved area reserved for pedestrian use.
- (b) Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit. Bicycles must be in single file when two (2) or more are operating as a group. Bicyclists must at all times operate their bicycles with

reasonable regard to the safety of others, signal all turns, and pass to the right of any vehicle they are meeting or overtaking. [Ord. 96-659A, Sec. 1.]

10.03.090 Horseback Riding Restrictions

It is unlawful for any person, within the boundaries of any Property, to ride a horse (including ponies, mules or donkeys) except on trails or areas designated for such purpose. Horses may be loaded and unloaded at designated areas only, must be thoroughly well trained and properly restrained, must be ridden with due care, and may not be allowed to graze or go unattended. Horse droppings must be removed by the rider immediately and disposed of in an area designated for horse trailer parking. [Ord. 96-659A, Sec. 1.]

10.03.100 Domestic Animals Restricted

No person may bring a dog or other domestic animal onto a Property, including within a motor vehicle and on or off leash, except as follows:

- (a) The animal is a “Service Animal” or “Animal Trainee” (each as defined by the Americans with Disabilities Act), or the animal is an “Assistance Animal” or “Assistance Animal Trainee” (as defined by ORS Chapter 659A.103 et seq.).
- (b) Dogs are permitted on-leash on Regional Trails traversing Metro Property, and on-leash at the Chinook Landing Marine Park, the Farmington Paddle Launch, the M. James Gleason Memorial Boat Ramp, and the Sauvie Island Boat Ramp.
- (c) Horses are permitted, subject to Section 10.03.090, above. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

10.03.110 Bathing and Swimming Restrictions

Within the boundaries of any Property, it is unlawful to:

- (a) Swim, bathe or wade in any waters or waterways, except in such waters and at such times and places as are designated, and otherwise in compliance with Title X and all Rules.
- (b) Construct, install or use rope swings adjacent to waterways in any Property. [Ord. 96-659A, Sec. 1.]

10.03.120 Boats and Moorages

It is unlawful for any person to:

- (a) Disobey any applicable signage posted in boat launching, moorage and beach areas.
- (b) Moor a boat or other floating vessel longer than 30 minutes on boarding docks, or 12 hours on transient docks.

- (c) Improperly secure a boat or other floating vessel in such a manner as to cause personal injury or damage to property or resources.
- (d) Swim, fish, sunbathe, kiteboard, paddleboard, sailboard, wakeboard or water ski in the immediate vicinity of a boat launch or from boat moorage docks. [Ord. 96-659A, Sec. 1.]

10.03.130 Blue Lake Boating Restrictions

It is unlawful to bring into or launch any watercraft of any type from Blue Lake Park, except as provided in subsections (a) through (c), below. All boating activities must be in accordance with applicable rules of the State of Oregon.

- (a) Watercraft belonging to residents whose property adjoins Blue Lake. Such watercraft must be identified by the current decal and number of the Interlachen Homeowners Association, or its successor organization.
- (b) Watercraft for rent at Blue Lake Park.
- (c) Privately-owned watercraft between October 1st and April 30th of each year provided that they do not exceed 14 feet in length or 17 feet for canoes, and 3.0 horsepower in motor capability. [Ord. 96-659A, Sec. 1.]

10.03.140 Fireworks and Explosives Prohibited

Within the boundaries of any Property, it is unlawful to bring, or have in possession, or ignite or otherwise cause to explode or discharge or burn, any firecrackers, torpedoes, rockets or other fireworks or explosives or inflammable material, or discharge them or throw them into any Property from any adjacent land or highway. This prohibition includes any substance, compound, or mixture having properties of such a character that alone or in combination with other substances, compounds or mixtures, propels projectiles, explodes or decomposes to produce flames, combustion, noise, or noxious or dangerous odors. Nothing in this section shall be construed to prohibit firearms or the proper use of charcoal lighter fluid in proper containers in picnic grills where permissible. [Ord. 96-659A, Sec. 1.]

10.03.150 Fires Restricted

Within the boundaries of any Property, it is unlawful to:

- (a) Build or attempt to build a fire except in such areas and under such Rules as may be adopted by the Director. All fires must be completely extinguished after use.
- (b) Drop, throw or otherwise scatter lighted matches, cigarettes or cigars, tobacco paper or other inflammable material within any Property or on any highway, road or street abutting and contiguous to any Property. [Ord. 96-659A, Sec. 1.]

10.03.160 Firearms Restrictions

Federal, State, County and local ordinances restricting or prohibiting the possession of firearms apply on Metro Property.

10.03.170 Dangerous Weapon Prohibitions

It is unlawful for any person to possess in any Property any object specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another. Things prohibited under this Section do not include firearms (which are governed by Metro Code Section 10.03.160, above), but include and are not limited to: pellet guns, paintball guns, bow and arrow, spring-loaded weapons, stun guns or tasers, knives having a blade that projects or swings into position by force of a spring or by centrifugal force, any knife with a blade longer than 3-½ inches, any dirk, dagger, ice-pick, sling shot, metal knuckles, martial arts weapons, studded handcoverings, swords, straight razors, tear gas containers, hatchets, axes, or the items described in Section 10.03.180(a), below.

10.03.180 Prohibited Games

Within the boundaries of any Property, it is unlawful to:

- (a) Take a part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, sharp objects, darts, paintball, or javelins, except as may be permitted in designated areas.
- (b) Participate in or use emerging technologies that can harm vegetation or improvements, or involve off-trail activities, such as geocaching, letterboxing and similar activities, or augmented reality applications, except in accordance with applicable Rules. [Ord. 96-659A, Sec. 1.]

10.03.190 Scale Model Equipment, Drones Prohibited

As an owner of real property as described in ORS 837.380, Metro prohibits the use of unmanned aircraft systems (e.g. drones) on its Property. Within the boundaries of any Property, it is unlawful to:

- (a) Use or operate any power-propelled model rocket, drone aircraft, glider, wheeled or tracked vehicle or boat, except in areas specifically designated by Metro and posted for such use.
- (b) Launch drones from Metro Property or land drones on Metro Property.
- (c) Fly any drones at a height of less than 400 feet in the airspace above Metro Property land or water. Metro reserves its rights under ORS 837.380 to recover treble damages and attorneys fees for any trespass in violation of this Section, as permitted by law.

10.03.200 Smoking Prohibitions

It is unlawful to smoke on any Property. "Smoking" means inhaling, exhaling, burning or carrying any lighted pipe, cigar, cigarette, weed, plant, or other combustible organic or chemical substance, the smoke from which is intended to be inhaled or drawn into the nose or mouth. In addition "smoking" includes the use of any vapor device, of any product name or descriptor, which releases gases, particles, or vapors into the air as a result of combustion, electrical ignition, or vaporization intended to be drawn into the nose or mouth (excluding any United States Food and Drug Administration approved nebulized medication).

10.03.210 Consumption of Alcoholic Beverages, Controlled Substances

It is unlawful to bring onto, sell within, or consume alcoholic beverages or controlled substances (as defined by Oregon law) on any Property. [Ord. 96-659A, Sec. 1.]

10.03.220 Public Intoxication Prohibited

Within the boundaries of any Property it is unlawful to behave in any way that leads Metro enforcement personnel to conclude, in their sole discretion, that such person is intoxicated or under the influence of controlled substances.

10.03.230 Improper Exposure; Sexual Activity

Within the boundaries of any Property it is unlawful for any person to expose his or her genitalia while in a place visible to another person or to engage in sexual conduct as defined in ORS 167.060.

10.03.240 Violent and Excessively Loud Conduct Prohibited

Within the boundaries of any Property, it is unlawful to:

- (a) Engage in, promote, instigate, encourage, aid or abet fighting or similarly violent conduct which would threaten the physical well-being of any person or animal.
- (b) Make, continue, cause or permit to be made or continued any noise disturbance, as defined in 10.01.010.
- (c) Use or operate any device designed for sound production, amplification or reproduction in such a manner as to cause a noise disturbance. [Ord. 96-659A, Sec. 1.]

10.03.250 Signs Restricted

Within the boundaries of any Property, and except speech protected by the Oregon and the United States Constitution, it is unlawful to:

- (a) Solicit for any public or private purpose.

- (b) Distribute or otherwise place any non-authorized printed material on any vehicle parked in a Property.
- (c) Paste, glue, tack or otherwise post any sign, decal, placard, advertisement or inscription whatsoever, or cause to be erected any sign whatsoever, except upon permission of the Director or designee. [Ord. 96-659A, Sec. 1.]

10.03.260 Concessions, Vending and Peddling Restricted

- (a) Before a person may act as a concessionaire at a Property, the person must secure a Permit in compliance with Metro's standard procedures.
- (b) No person may, within the boundaries of any Property, expose, advertise or offer for sale or rent any article, service, or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing, unless the person is acting under the authority of a Permit. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

10.03.270 Posted Hours of Operation

Park hours of operation will be as posted, except for unusual or unforeseen circumstances and emergencies, as determined by the Director. The hours of operation for Parks not posted are legal sunrise to legal sunset. No person may enter or remain in a Park when it is closed. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

10.03.280 Camping Permits and Restrictions

Within the boundaries of any Property, it is unlawful to:

- (a) Camp overnight or longer in any Property without first obtaining a Permit, camp in any manner not specifically provided for in such Permit, or camp at any time or in any place not designated for camping.
- (b) Camp if he/she is under the age of 18, unless he/she is accompanied by an adult.
- (c) Camp in any Park for more than fourteen (14) days in any seventeen-day period or more than twenty-eight (28) days in any six-month period. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

10.03.290 Closed Areas

All or any section or part of any Property may be declared, posted, signed or otherwise designated closed to the public by the Director at any time and for any interval of time, either temporarily, indefinitely, or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the Director may find reasonably necessary. No person may enter any Property posted as "Closed to Public" or "No Public Access." [Ord. 96-659A, Sec. 1.]

CHAPTER 10.04

FEEES

10.04.010 Purpose and Authority

10.04.020 Fees

10.04.030 Fee Waivers or Suspensions

10.04.040 Use Without Required Fee Prohibited

10.04.010 Purpose and Authority

It is the purpose of this chapter to establish fees for certain uses at Metro Property pursuant to Metro Code Section 10.02.030. The Chief Operating Officer, or his or her designee, may set additional fees, or adjust any fees established herein. If the Chief Operating Officer elects to set additional fees or adjust any fees established pursuant to this Chapter 10.04, the Chief Operating Officer will provide the Metro Council with 45 business days notice prior to the effective date of the fee or fee adjustment. Upon notice of the additional fee or fee adjustment, the Metro Council may elect to affirm or modify the additional fee or fee adjustment by resolution of the Metro Council. The fee or adjusted fee may thereafter be adjusted as set forth in this Metro Code Section 10.04.010. [Ord. 96-659A, Sec. 1.]

10.04.020 Fees

Metro will charge and collect the following use and activity fees:

- (a) Parking fees at Blue Lake Park, Chinook Landing Marine Park, M. James Gleason Memorial Boat Ramp, and Oxbow Park, and fees for annual parking passes at these locations.
- (b) Reservation fees for shelters and reservable picnic areas at Blue Lake, Oxbow Park, Scouters Mountain, Graham Oaks, and Howell Territorial Parks.
- (c) Fees for overnight camping, including fees for nightly use of overnight group camps.
- (d) Rental fees, and security deposits for the Lake House at Blue Lake Park.
- (e) Permits for which the Chief Operating Officer, or his or her designee, has determined a fee is required. [Ord. 96-659A, Sec. 1; Ord. 98-722, Sec. 1; Ord. 01-894, Sec. 1; Ord. 02-978, Sec. 1; Ord. 03-1008; Ord. 04-1047, Sec. 1; Ord. 06-1109; Ord. 07-1166; Ord. 09-1211A; Ord. 15-1366.]

10.04.030 Fee Waivers or Suspensions

- (a) No parking fees will be charged for any on-duty police officer or off-duty Metro Employee who presents valid current identification at the Property entrance.
- (b) Parking fees and camping fees will be waived for any disabled veteran who presents valid current photo identification and an Oregon State Parks Special Access Pass for Veterans with Service Connected Disabilities ID Card, and places a green placard issued by Oregon State Parks in said veteran's vehicle in full view on the dashboard or hanging from the rear-view mirror. Free camping under this Section requires a reservation and is otherwise limited by Section 10.03.280.
- (c) Collection of any fee under this Chapter may be waived or suspended by order of the Director for such period of time as the order may provide. The Director will develop and implement a written policy to guide decisions related to the waiver or suspension of fees. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

10.04.040 Use Without Required Fee Prohibited

It is unlawful to engage in a use or activity on any Property for which there is a required fee without first paying the fee. Any person engaged in a use or activity on a Property for which there is a fee will be required to produce and exhibit the receipt or other satisfactory proof of payment upon request of any Employee or authorized enforcement personnel for the purpose of enforcing compliance with this Chapter or any Rules. [Ord. 96-659A, Sec. 1.]

CHAPTER 10.05

HISTORIC CEMETERIES

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10.05.010 Purpose

The purpose of this chapter is to provide regulations controlling the operation of Metro owned and operated Historic Cemeteries and governing the use of these Cemeteries by members of the public in order to protect and preserve the Historic Cemeteries, the Graves and the Remains of those interred therein. [Ord. 12-1286, Sec. 1.]

10.05.020 Policy

The Metro Council has determined that it is necessary to adopt this Chapter in order to ensure the long-term stability of Metro's cemetery operations, which will be achieved by Cemeteries being operated as follows:

- (a) In compliance with applicable state laws;
- (b) As community assets;
- (c) In a manner that will maximize public financial benefit and long-term stability; and
- (d) To protect and preserve their historically significant nature.

All four above objectives are to be considered equally important in the management of Metro's Historic Cemeteries. [Ord. 12-1286, Sec. 1.]

10.05.030 Definitions

For the purposes of this Chapter, unless the context requires otherwise, the following terms have the meanings given to them below:

Preneed means the sale and purchase of an Interment Right to a predetermined Grave in advance of use for any person to whom the owner designates for Burial in the predetermined Grave.

At-Need means at the time of death sale of Graves/plots, services, memorials and materials which are to be delivered immediately or upon delivery to the Cemetery for immediate Interment.

Burial means the placement of Human Remains in a Grave, in accord with state law and regulations.

Burial Services means the opening and closing of the Grave in accord with state law and regulations, including excavation and fill, the provision and placement of a concrete liner or vault and any overtime charges that apply.

Certificate of Interment Rights or **Certificate** is a perpetual right to use property for burial purposes. The fee title of the property is without possession of any estate or interest in the land and all rights of ownership therein remain with Metro.

Cremated Remains means the remains of a cremated human body after the completion of the cremation process.

Contract of Purchase or **Contract** is an agreement between Metro and the purchaser of Burial Services or an Interment Right to a Grave space, Niche, or Ossuary.

Disinterment is the removal of Human Remains from a Grave space as defined in ORS 97.220.

Family Plot means a group of contiguous Graves sold for the purpose of the Interment or Inurnment of related individuals as set forth and governed by ORS 97.560-650.

Grave means a space of ground in a Cemetery used or intended to be used for Interment or Inurnment.

Human Remains or **Remains** are the body of a deceased person in any stage of decomposition.

Interment is the disposition of Human Remains by entombment or Burial in a place used or intended to be used and dedicated for Cemetery purposes.

Inurnment is the placement of cremated Human Remains by entombment or Burial in a place used or intended to be used and dedicated for Cemetery purposes.

Marker means a flat Grave tablet or headstone placed flush to the ground, identifying a Grave or Graves.

Memorial means a nameplate or inscription identifying a crypt or Niche, or any other improvement or permanent structure intended to identify the location of a Grave or Graves, other than a Marker or a Monument.

Monument means an upright or vertical headstone or tombstone identifying a Grave or Graves.

Niche means a space in a structure to place cremated Human Remains of one or more persons.

Ossuary means is a communal below-ground depository for cremated Remains.

Outer Burial Container is a concrete or composite material container which is buried in the ground to provide outer protection and into which Human Remains or Cremated Remains are placed for Burial purposes.

Perpetual Care Fund is a special account set aside for holding of funds used for the required perpetual maintenance of the Cemetery grounds.

10.05.040 Description of Historic Cemeteries

The areas dedicated for Interment purposes by Metro consist of the following properties:

- (a) Brainard Cemetery located at NE 90th Ave. and NE Glisan St., Portland
- (b) Columbia Pioneer Cemetery located at NE Sandy Blvd. and NE 99th Ave., Portland
- (c) Douglass Pioneer Cemetery located at Hensley Road and SE 262nd Avenue, Troutdale
- (d) Escobar Cemetery located at SW Walters Road and Littlepage Road, Gresham
- (e) Gresham Pioneer Cemetery located at SW Walters Road, Gresham

- (f) Grand Army of the Republic Cemetery located at SW Boones Ferry Road and Palatine Road, Portland
- (g) Jones Cemetery located at SW Hewitt Blvd. and SW Humphrey Blvd., Portland
- (h) Lone Fir Cemetery located at SE 26th Ave. and SE Stark St., Portland
- (i) Mt. View-Corbett Cemetery located at Smith Road and Evans Road, Corbett
- (j) Mt. View-Stark Cemetery located at SE Stark Street and SE 257th Street, Gresham
- (k) Multnomah Park Cemetery located at SE 82nd Ave. and SE Holgate Blvd., Portland
- (l) Pleasant Home Cemetery located at Bluff Road and Pleasant Home Road, Gresham
- (m) Powell Grove Cemetery located at NE Sandy Blvd. and NE 122nd Ave., Portland
- (n) White Birch Cemetery located at SW Walters Road, Gresham

10.05.050 Operation and Administration

Metro will operate and maintain its Cemeteries in accordance with Title X and all other applicable laws.

10.05.060 Cemetery Hours of Operation

- (a) Metro's Cemeteries are open to the public from 7:00am to legal sunset. Hours of operation will be posted at each Cemetery.
- (b) Entering or remaining in a Cemetery outside of normal operating hours without obtaining prior authorization from Metro is a violation subject to Ejectment and Exclusion from the Cemetery as set forth in Metro Code Section 10.02.110.
- (c) Interments and Inurnments may take place between the hours of 8:00 am and 3:30 pm daily, with the exception of Saturdays, Sundays and legal holidays. Interments and Inurnments may be made outside of these hours at the discretion of the Director, for an additional fee.

10.05.070 Other Uses

Uses other than Interment, Grave visitation, passive recreation, and historical research are prohibited unless specifically provided by Special Use Permit issued pursuant to Chapter 10.02.

10.05.080 Sale of Interment Rights and Burial Services

- (a) Interment Rights to a Grave may be sold by Metro both in advance (Preneed) or At-Need, by Contract of Purchase. Purchasers must pay the full fee for Interment Rights on the date of sale. Upon payment, Metro will issue the purchaser a Certificate of Interment Rights.
- (b) Burial Services and goods may be sold At-Need through a Contract of Purchase.

- (c) Fees and charges for Burial Services and goods must be fully paid before Interment/Inurnment will be permitted. Exceptions may be made at the discretion of the Director.
- (d) Metro will retain ownership and control of all Graves or Niches sold, subject to the terms of the Certificate of Interment Rights.

10.05.090 Multi-Interment/Inurnment Right Sales Restricted

- (a) Except as set forth in this Section, below, the sale by Metro of a group of Interment Right Certificates is prohibited.
- (b) A group of contiguous Interment Right Certificates for contiguous Graves may be sold to one family or individual for the purposes of creating a Family Plot.
- (c) A group of Interment Right Certificates other than a Family Plot may be sold upon the adoption of a resolution by the Metro Council approving an agreement establishing terms, including the rates and terms of resale. A one-time administrative fee set at the discretion of the Chief Operating Officer or designee must be charged in addition to regular fees and rates.

10.05.100 Transfer of Certificate of Interment Rights

- (a) Interment/Inurnment Rights, whether conveyed by the Historic Cemeteries to the recipient by Deed, Certificate or other means, cannot be sold, transferred, bartered, exchanged or assigned (hereafter "Transfer(red)") to any other person or entity without the prior written consent of the Chief Operating Officer or designee, in accordance with Oregon Revised Statutes Chapter 97 and as set forth in section 10.04.070.
- (b) If an owner of an Interment Right seeks permission from Metro to Transfer an Interment Right, Metro will have the first right to buy back said Interment Right from the owner for the price paid when the Interment Right was originally sold.
- (c) No attempted Transfer of an Interment Right will be complete or effective unless it has been approved by Metro and recorded in the Metro Cemetery records.
- (d) A one-time administrative fee set at the discretion of the Chief Operating Officer or designee must be charged for all Transfers.
- (e) The above set forth notwithstanding, the Transfer Interment/Inurnment Rights within Family Plots to family members in accord with Oregon Revised Statute Chapter 97 is permitted without fee or other charge.
- (f) Except as set forth in written agreements entered into by Metro prior to the first effective date of this Section 10.05.100 (January 2, 2013), the sale of Interment Rights by purchasers to third parties for more than the rate charged by Metro on the date of such sale is prohibited.

10.05.110 Full Body Grave Dimensions – Burial Limits

A single Grave must measure 40 inches by 9 feet and may contain up to two (2) caskets and six (6) urns, unless otherwise authorized at the sole discretion of the Director or by Rule.

10.05.120 Outer Burial Containers Required

Metro approved Outer Burial Containers are required for all Interments/Inurnments in Metro Cemeteries with the exception of any niche.

10.05.130 Disinterment

- (a) Unless ordered by the State Medical Examiner or a court having jurisdiction over Metro Cemeteries, Remains interred in a Grave at any Metro Cemetery may be disinterred only upon the written consent of the Chief Operating Officer or designee and the person having the right to control the disposition of said Remains, and in accordance with applicable state law.
- (b) If Disinterment is needed by Metro and consent of the person having the right to control the disposition of said Remains cannot be obtained or such person cannot be located, the Chief Operating Officer or designee may apply to the Multnomah County Circuit Court for permission to disinter. Said application must be submitted only after notice of application to the Metro Council.

10.05.140 Flowers Funerary Decorations Restricted

- (a) All flowers, funerary decorations and plants on Graves in violation of this section, and/or that conflict with normal grounds maintenance, will be forfeited, removed and disposed without notice.
- (b) All flowers, funerary easels and decorations placed on a Grave at the time of a funeral and not removed within three (3) weeks after the Interment are subject to removal and disposal by Metro.
- (c) All flags, flowers and plants placed on Graves on Memorial Day and not removed within three (3) weeks after Memorial Day are subject to removal and disposal by Metro.
- (d) Artificial flowers and plants are prohibited between March 1st and November 15th of each year, except for a period of three weeks after Memorial Day observance.
- (e) All flowers, funerary easels and decorations will be subject to removal and disposal by Metro when they become withered, faded or otherwise unsightly, in Metro's sole discretion.

10.05.150 Personal Effects and Mementos Prohibited

Personal property, including but not limited to, sacred objects, photographs, toys, clothing, glassware, banners, pin-wheels, chimes, balloons or staked items, left in the Cemetery or placed on or near a Grave is prohibited, except as otherwise permitted in writing by Metro

at the discretion of the Director. Said personal property will be forfeited, removed by Metro and disposed without notice or other process.

10.05.160 Planting On or Around Graves Prohibited

Planting of trees, shrubs or any other plant material, except turf grass, on Graves or their borders is prohibited, unless approved in writing by the Director.

10.05.170 Grave Improvements Prohibited

Grave improvements other than Metro approved Markers, Monuments and Memorials are prohibited. The placement or installation by any person of temporary or permanent improvements covering, bordering or indicating the boundaries of Graves, including but not limited to posts and fences of any kind, walls, coping or curbs of concrete brick, stone or marble, is prohibited. Memorials and improvements so placed or installed will be deemed forfeited and will be removed by Metro and disposed without notice.

10.05.180 Markers

- (a) Grave Markers will be limited to no more than two (2) per Grave, and installed within three feet of the head of the Grave. Persons installing a Grave Marker must submit an Installation Authorization Form to Metro depicting and describing the Marker and providing proof that said person is authorized to perform installation by the owner(s) of the Interment Right described on the Certificate of Interment and the person with legal right of disposition of the Remains. Exceptions may be approved by the Director or by Rule.
- (b) No person may place any permanent Marker made of a material other than natural stone or bronze metal in a Metro Cemetery.
- (c) No person may place any permanent Marker in a Metro Cemetery unless properly supported with a foundation/collar made of concrete three (3) inches in width, flush with the ground, having no beveled edges. Each foundation/collar must be marked with the Grave, lot and block number of the Cemetery in which it is placed.
- (d) Markers and Marker bases may not exceed the width of the Grave and may be no larger than the following dimensions:
 - i. Single Grave 18" x 30"
 - ii. Companion Graves 18" x 60"
 - iii. Memorial or vase block 12" x 12"
- (e) The installation of any improvement to a Grave other than a Marker is prohibited, unless otherwise approved by the Director.

10.05.190 Monuments and Memorials Restricted

- (a) Monuments and Memorials are generally prohibited, but may be allowed at the discretion of the Director, or as permitted by any Rule.

- (b) Monuments and Memorials permitted under this section must comply with the requirements for Markers set forth in Section 10.05.180, above, and are subject to an additional fee. The owner(s) of the Interment/Inurnment Right and/or the person with legal right of disposition must enter into an Agreement with Metro providing permission to install the Monument or Memorial and releasing Metro from liability for any and all damage or destruction of the Monument or Memorial that may occur.

10.05.200 Marker, Monument, Memorial Repair Restricted

No repairs, restoration or improvements to any Marker, Monument or Memorial is permitted unless performed strictly under the written terms of approval issued by the Director.

10.05.210 Removal of Marker, Monument, Memorials Prohibited

The removal of any Marker, Monument, Memorial or improvement is prohibited unless approved in writing by the Director. It is unlawful to intentionally damage, alter, or deface any such property.

10.05.220 Cemetery Errors and Irregularities

- (a) The Director may preclude an Interment/Inurnment in a Cemetery based on a determination that the ownership of the right of Interment/Inurnment, the location of the Grave, or the ability to open said Grave without intruding upon nearby occupied Graves is in doubt.
- (b) When an Interment/Inurnment is precluded by the Director under subsection (a), or if for any other reason an Interment/Inurnment space cannot be opened, Metro may elect to direct Interment/Inurnment of Remains in an available Grave in such location in the Cemetery as is deemed reasonably appropriate and reasonably equivalent in value at the sole discretion of the Director.
- (c) The Chief Operating Officer or designee may correct any errors made by Metro in the description or transfer of Interment/Inurnment Rights, or by its agents in performing Interments/Inurnments, Disinterment or removals, when determined to be necessary in his/her sole discretion. The Chief Operating Officer or designee may void the erroneous grant of any Interment/Inurnment Certificate and provide a refund of the purchase price, or substitute in lieu thereof an Interment/Inurnment Certificate for a Grave selected by Metro within the same Cemetery of equal value and reasonably similar location if possible. In the event such error involves the Interment/Inurnment of the remains of any person, the Chief Operating Officer or designee may, at his/her sole discretion, elect to disinter said remains in accord with state law and reinter them in another available Grave within the same Cemetery, of equal value and reasonably similar location as may be substituted and conveyed as set forth the above.

10.05.230 Rates and Fees for Interment and Inurnment Rights, Burial Services and Perpetual Care Fund

- (a) The Director will establish rates for the Perpetual Care Fund, sale of Interment/Inurnment Rights for Graves and Niches and set fees and charges for Historic Cemetery goods and services, including Burial and other required or optional services. Said rates, fees and charges will be designed to recover all costs of operating the Cemeteries and may be adjusted from time to time by the Director without notice, to reflect market rates and to ensure the solvency and financial stability of the Cemeteries.
- (b) Interment/Inurnment Right purchasers must pay the rate, fees and charges on the date of purchase. Except as otherwise set forth in this chapter, no option to purchase rights or other prospective rights to Interment in the Historic Cemeteries may be granted unless approved by resolution of the Metro Council setting forth the terms and conditions of said option or prospective right. Prices, fees and charges for services may vary among Cemeteries, as determined by the Director.
- (c) The Director may reduce rates, fees and charges for Grave sales and Burial Services in situations of extreme financial hardship or in cases of Wards of the State. All reductions or waivers must be applied by written order setting forth the facts justifying the waiver or exemption.

10.05.240 Historical Research Requests

Due to the confidentiality and sensitive nature of Cemetery records, Metro will not distribute personal or contact information regarding any Interment/Inurnment Rights performed within the last 50 years from date of inquiry without proof of lineage, except as required by Oregon public records laws.