

## ORDINANCE NO. 25-1016

---

### **AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING THE OREGON CITY MUNICIPAL CODE CREATING SECTION 9.36 CIVIL EXCLUSION ZONE APPLICABLE WITHIN THE DOWNTOWN CORE AREA, ESTABLISHING PROCEDURES AND PENALTIES.**

WHEREAS, the City of Oregon City Downtown Core Area, extending from approximately 5<sup>th</sup> Street to 18<sup>th</sup> Street between Washington Street and the Willamette River, represents a unique and vibrant mixed-use area within the City;

WHEREAS, the Downtown Core Area has been the focus of intensive efforts by the City to improve the character of the area, promote economic development and attract tourists;

WHEREAS, as a pedestrian focused area, the Downtown Core Area serves as host to events, restaurants with outdoor seating and retail shops with outdoor displays and other activities designed to attract visitors and enhance livability within the City;

WHEREAS, creating a Civil Exclusion Zone within the Downtown Core Area will benefit the community by keeping the area welcoming to businesses, residents and tourists; and

WHEREAS, the Civil Exclusion Zone will be an effective enforcement tool for the Oregon City Police Department to protect the Downtown Core Area from persons whose unlawful activities and/or criminal conduct poses a threat to the public's peace, dignity, safety and welfare of the public at large by providing the ability to temporarily exclude certain repeat offenders from the Zone.

#### **NOW, THEREFORE, THE CITY OF OREGON CITY ORDAINS AS FOLLOWS:**

Section 1. The City hereby amends Oregon City Municipal Code, Title 9: Public Peace, Morals and Welfare to include Chapter 9.36 Civil Exclusion Zone, which is attached hereto as Exhibit 'A'.

Section 2. In addition and for reference, the Commission adopts the Downtown Exclusion Zone map, providing a graphic representation of the Downtown Exclusion Zone boundaries, attached hereto as Exhibit 'B.'

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 4. Effectiveness. This Ordinance shall take effect 30 days from the date of adoption.

**ORDINANCE NO. 25-1016**

Read for the first time at a regular meeting of the City Commission held on the 19<sup>th</sup> day of November 2025 and the City Commission finally enacted the foregoing Ordinance this 3<sup>rd</sup> day of December 2025.

  
Mayor Denyse C. McGriff

Attested to this 3<sup>rd</sup> day of December 2025:

  
Jakob Wiley, City Recorder

Approved as to legal sufficiency:

  
City Attorney

Exhibits:

Exhibit A – Amended Sections of the Oregon City Municipal Code

Exhibit B – Downtown Exclusion Zone Map

## **ORDINANCE NO. 25-1016**

### **Exhibit A**

## **Chapter 9.36 Civil Exclusion Zone**

### **9.36.010 Purpose**

In addition to other remedies provided for violation of this code, or any of the laws of Oregon, the City has created a civil exclusion zone to protect the public for those whose illegal conduct poses a threat to the public health, safety, and welfare. In accordance with the provisions of this section, the Chief of Police or designee may exclude any person who is cited to appear, arrested, or otherwise taken into custody for any offense listed in subsection 9.36.030 of this section within a civil exclusion zone. Nothing in this section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the Oregon or federal constitution. However, a person engaged in such protected activity who commits acts that are not protected shall be subject to exclusion as provided by this section.

### **9.36.020 Oregon City Downtown Core Area Boundaries**

As used in this chapter, the “Oregon City Downtown Core Area,” comprises all areas described as follows: Beginning at the westernmost point of the north side of the tunnel on Oregon State Highway 99E, then north and west along the southern side of Oregon State Highway 99E to the southwestern corner of the intersection of Oregon State Highway 99E and Main St, then continuing along an imaginary line of the same bearing to the Willamette River, then north along the eastern shore of the Willamette River to the southern boundary of Sportcraft Landing, then east and north along the eastern edge of the Sportcraft Landing parking lot until a point level with the southern side of the intersection of Oregon State Hwy 99E and the Interstate 205 northbound ramp, then east across Oregon State Highway 99E, then east and north along the southern side of the Interstate 205 northbound ramp to a point level with 18th St, then east along the northern side of 18th St to the UP Railroad tracks, then south along the eastern side of the UP Railroad tracks to 17th St, then east along the northern side of 17th St to Washington St including the intersection, then south along the eastern side of Washington St to 7th St including the intersection, then west along the southern sidewalk of 7th St continuing across High St to the footpath at the northern entrance to the McLoughlin Promenade, then south along the McLoughlin Promenade footpath to the Oregon City Municipal Elevator, then descending the elevator, then west along the southern side of Railroad Ave to Oregon State Highway 99E and the point of beginning.

### **9.36.030 Exclusion from Oregon City Downtown Core Area**

## **ORDINANCE NO. 25-1016**

### **Exhibit A**

- A. An exclusion issued under the provisions of this section shall be for thirty (30) days. If the person to be excluded has been excluded from the Oregon City Downtown Core Area at any time within two years before the date of the present exclusion, the exclusion shall be for ninety (90) days.
- B. A person is subject to civil exclusion from entering or remaining within a civil exclusion zone if that person is engaged in any of the following behavior or has been cited to appear, arrested or otherwise taken into custody within the Oregon City Downtown Core Area for any of the following offenses:
  - 1. A crime classified as a felony or as a misdemeanor under the following chapters of the Oregon Revised Statutes (ORS), or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:
    - a. Chapter 162—Offenses Against the State and Public Justice;
    - b. Chapter 163—Offenses Against Persons;
    - c. Chapter 164—Offenses Against Property;
    - d. Chapter 165—Offenses Involving Fraud or Deception;
    - e. Chapter 166—Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
    - f. Chapter 167—Offenses Against General Welfare and Animals;
    - g. Chapter 475—Controlled Substances; Illegal Drug Cleanup; Miscellaneous
  - 2. Otherwise involves a controlled substance including alcoholic liquor violations as provided in the Oregon Liquor Control Act or marijuana-related offenses as provided in the Control and Regulation of Marijuana Act or the Medical Marijuana Act; or
  - 3. Has resulted in injury to any person or damage to any property; or
  - 4. Constitutes a violation of any of the following provisions of this code:
    - a. Section 9.12.010—Drinking in Public Places;
    - b. Section 9.12.020—Disturbing the Peace;
    - c. Section 9.12.030—Obscene Conduct;
    - d. Section 9.12.035 – Misuse of a Public Restroom;
    - e. Section 9.24.020—Carrying or Discharge of Weapons.
- C. A person shall not be issued an exclusion notice for prohibited camping or for otherwise sleeping within an exclusion zone. The act of camping does

## **ORDINANCE NO. 25-1016**

### **Exhibit A**

not excuse any person from civil exclusion for otherwise engaging in the listed offenses.

#### **9.36.040 Persons Authorized to Issue Exclusion or Warning Notices**

The Chief of Police is designated as the person in charge of civil exclusion zones and is authorized to issue exclusion notices to individuals for the conduct identified in Section 9.36.030. The Chief of Police may authorize employees of the police department to issue exclusion notices consistent with this chapter. In emergency situations, the Chief of Police shall have the ability to authorize law enforcement personnel other than that employed by the City to enforce the terms of this chapter.

#### **9.36.050 Issuance of Exclusion Notices or Warning Notices**

At the time an individual is cited to appear, arrested, or otherwise taken into custody for any of the conduct identified in Section 9.36.030 or within 30 calendar days thereafter, the arresting officer or other person authorized by the Chief of Police may issue a written exclusion notice excluding the person from the Oregon City Downtown Core Area. The notice shall specify that the person is excluded from the Oregon City Downtown Core Area, shall specify the date and length of the exclusion, shall identify the provision of law the person has violated and shall contain a brief description of the offending conduct. The notice shall inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal. It shall be signed by the issuing party. Warnings of consequences for failure to comply shall be prominently displayed on the notice. Unless otherwise provided in the exclusion notice, the term of exclusion shall take effect upon issuance.

#### **9.36.060 Right to Appeal**

A person receiving such notice of exclusion may appeal in writing to the city manager for good reason to have the exclusion rescinded, the period of exclusion reduced, or to request a variance.

- A. An appeal of the exclusion must be filed, in writing, within ten days of the notice's issuance to the city manager.
- B. The city manager shall uphold the exclusion if the preponderance of evidence indicates that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law. In exercising discretion for this review, the city manager shall consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be within the Downtown Core Area, and any

## **ORDINANCE NO. 25-1016**

### **Exhibit A**

other criterion the city manager determines to be relevant to the determination of whether or not to rescind, reduce or vary the exclusion.

- C. If an appeal is timely filed, the period of exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion shall be effective immediately upon issuance of the city manager's decision.
- D. If the city manager rescinds the exclusion, reduces its length or grants a variance, the city manager shall promptly notify the policy department of such action.
- E. The decision of the city manager to grant or deny, in whole or in part, a waiver under this section is committed to the sole discretion of the city manager, and is not subject to appeal or review.

#### **9.36.070 Violation**

- A. In the event no appeal is properly and timely filed, then the exclusion shall continue for the period set out in the notice, but shall not exceed 90 days. In the event a person found in the Oregon City Downtown Core Area is the subject of a valid notice of exclusion, that person shall be subject to arrest for criminal trespass.
- B. A person is not considered to be within a civil exclusion zone if the person is within an exclusion zone and the person is:
  - 1. Passing through the exclusion area;
  - 2. In the act of obtaining social, medical, or like services;
  - 3. In the act of seeking employment or performing work directly related to lawful employment;
  - 4. Attending a public meeting;
  - 5. Attending a court hearing, meeting with an attorney or criminal justice personnel, or engaged in any activity ordered by a court;
  - 6. In the act of filing an appeal to an exclusion notice issued under this section;
  - 7. Attending religious services or otherwise exercising a constitutional right.

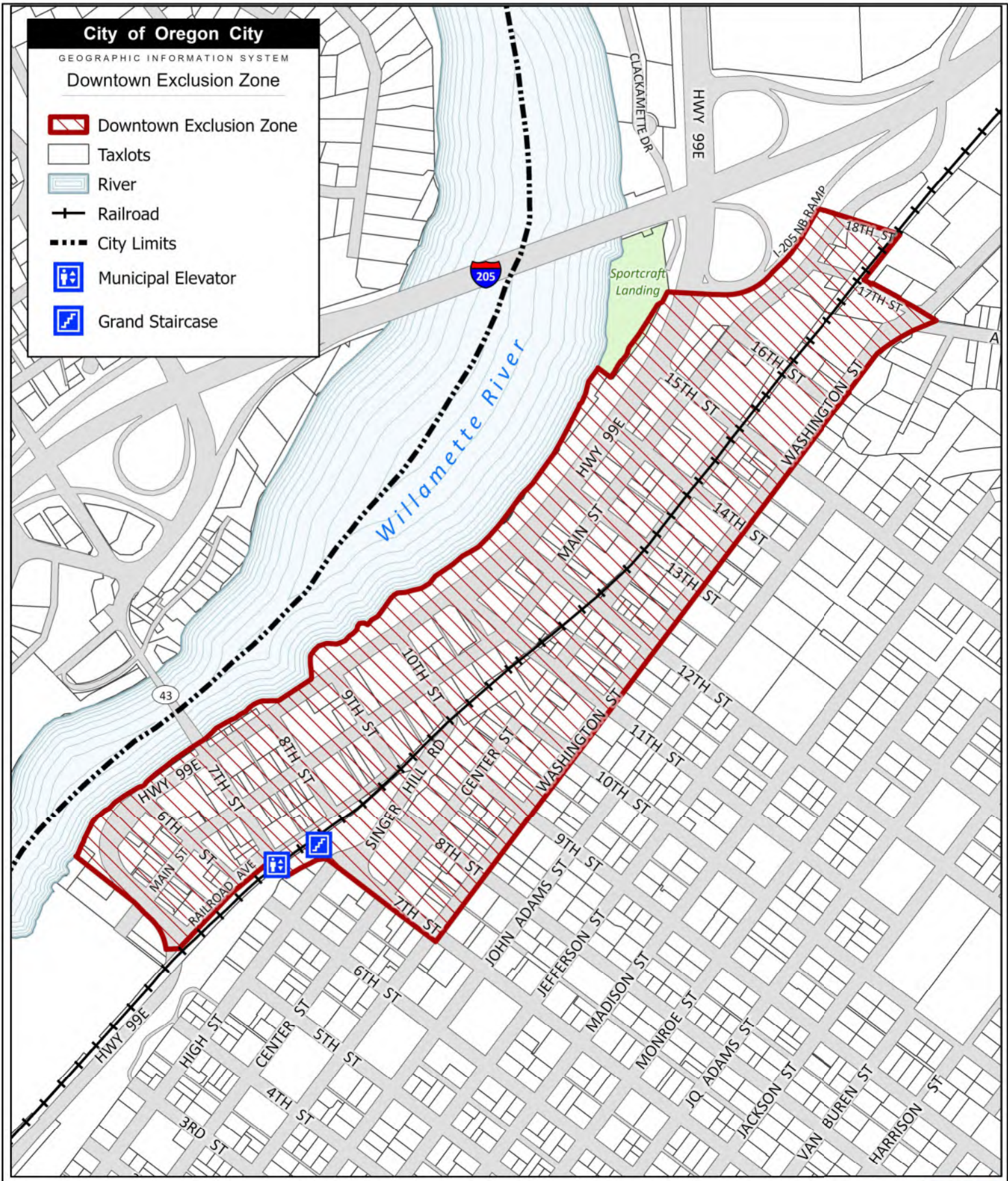
## **ORDINANCE NO. 25-1016**

### **Exhibit A**

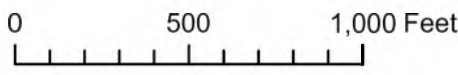
#### **9.36.080 Variance**

- A. The city manager may, in its discretion, grant a variance to an excluded person at any time during the period of exclusion if the person:
  - 1. Presents a plausible need to engage in any non-criminal activity that is not associated with the behavior supporting the person's exclusion;
  - 2. Establishes that he or she resides within an exclusion zone;
  - 3. Establishes that he or she is employed by (or is a principal of) a business located in the Oregon City Downtown Core Area;
  - 4. Presents a plausible need to obtain goods and services not otherwise available outside the exclusion zone to satisfy the person's essential needs.
- B. The variance shall be in writing, for a specific period of time, may limit ingress to and egress from the Oregon City Downtown Core Area, and only to accommodate a specific purpose, all of which shall be stated on the variance.





The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes.



City of Oregon City  
P.O. Box 3040  
625 Center St  
Oregon City, OR 97045  
503-657-0891 phone  
503-657-6629 fax  
[www.oregoncity.org](http://www.oregoncity.org)

