



## TUALATIN LIBRARY ADVISORY COMMITTEE MINUTES

October 6, 2015

Present: Sonya Ambuehl, Jan Westfall, Thea Wood, Marcus Young

Absent: Alan Feinstein, Victoria King, Angel Ramirez

Public:

Staff: Jerianne Thompson, Library Manager  
Paul Hennon, Community Services Director

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**A. CALL TO ORDER**

Sonya Ambuehl called the meeting to order at 6:30 PM.

**B. APPROVAL OF MINUTES**

Thea Wood moved and Jan Westfall seconded that the minutes be approved as written.

**C. COMMUNICATIONS**

**1. Chair:** None.

**2. Staff:** Jerianne Thompson shared about recent and upcoming Library activities. She reported that slat walls had been installed to close the café opening in the Library lobby, which has been used for storage since the café closed. The slat walls will provide display space for public notices and other information. She also reported August and September statistics and shared recent comment cards.

**3. Teen Library Committee:** Jerianne Thompson reported that TLC is preparing for a werewolf-themed role playing program and Dia de los Muertos.

**4. Public:** None.

**D. OLD BUSINESS**

**1. WCCLS Levy:** Jerianne Thompson gave an update on the Library's public outreach efforts and voter information program. Thompson has delivered presentations to multiple advisory committees and other groups. The City will mail postcards to each Tualatin household mid-October; there will also be an insert in the November *Tualatin Today* newsletter, which will mail in late October. Both have been designed with content reviewed by the Secretary of State's office.

**2. Facility Study:** Jerianne Thompson provided an update on the City Facility Study, which was discussed at the September 14 City Council meeting. The City is proceeding with a traffic study for sites under consideration for a potential City Hall. For the Library, the City will hire a consultant to examine space needs versus space constraints and to complete a conceptual blocking exercise. Sonya Ambuehl asked if the option to add a two-story extension to the Library was still under consideration.

**3. Tualatin River Greenway Trail Gap Completion Project:** Paul Hennon gave an update on the trail construction progress, which is on schedule and in budget. This 3/4-mile trail fills a gap in a 4.6-mile regional trail system. The trail will cross under I-5; multiple safety features will be installed there, including railing, lighting, and surveillance cameras. The trail will incorporate a geologic timeline, with many interpretive elements addressing Ice Age flooding and megafauna. New wayfinding signage will be added throughout the regional trail system.

**E. NEW BUSINESS**

**1. Tualatin Ice Age Discovery Trail Plan:** Paul Hennon reported that the City, in conjunction with the Tualatin Historical Society and the Tualatin Chamber of Commerce, developed this interpretive master plan. The National Park Service is in planning stages for an Ice Age Floods National Geologic Trail. Although the route is not finalized, Tualatin hopes to be included as a gateway community on the national trail. Many City facilities and parks incorporate elements of Ice Age history.

**2. Strategic Planning:** This agenda item was postponed until a future meeting.

**3. TLAC Officer Election:** Marcus Young moved and Thea Wood seconded to re-elect Sonya Ambuehl as chairperson; Ambuehl was elected by unanimous vote. The committee agreed to postpone the election for vice-chairperson until the November meeting.

**F. FUTURE AGENDA ITEMS**

1. America's Best Communities Competition
2. Basalt Creek Concept Plan

**G. COMMUNICATIONS FROM COMMITTEE MEMBERS**

**1. Members:** None.

**H. ADJOURNMENT**

Meeting was adjourned at 8:00 p.m.

\_\_\_\_\_, Jerianne Thompson, Recording Secretary



# STAFF REPORT CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Paul Hennon, Community Services Director  
Rich Mueller, Parks and Recreation Manager

**DATE:** October 12, 2015

**SUBJECT:** Consideration of Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City

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## **ISSUE BEFORE THE COUNCIL:**

Council consideration of adopting an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City.

## **RECOMMENDATION:**

Staff recommends Council review and consider aspects to include or not include in an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City, and provide direction for next steps.

## **EXECUTIVE SUMMARY:**

This initiative is to consider Council adopting an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City. At the Council work session on July 28, 2014, Tualatin Together presented information to Council with a proposal to restrict smoking and tobacco in parks and other properties owned and/or managed by the City. The Council requested additional information be brought back at a future work session for further review and discussion.

There is an established trend among federal, state, and municipal agencies and jurisdictions, as well as private business and nonprofit organizations, to regulate smoking and tobacco use in outdoor spaces to promote public health and wellness, reduce operating costs, and for other reasons.

Support for this kind of policy can be found in the City Council 2020 Vision, Community Services Department mission and goals, Tualatin Tomorrow goals, Public Health vision, mission and goals, and health care provider initiatives. The Tualatin Library Advisory

Staff Report: Consideration of Outdoor Smoke and Tobacco Free City Spaces Policy for property owned or managed by the City

October 12, 2015

Page 2 of 3

Committee and Tualatin Park Advisory Committee have recommended the Council consider smoke and tobacco free outdoor City areas.

Currently, the Tualatin Municipal Code, Chapter 06-07: Tobacco Use in Public Places, does not address outdoor smoking in parks or City owned or managed property, except as it relates to near the entrance of an enclosed area (near the doors of a building).

Key policy questions for Council consideration include:

- Should smoke free policy include all tobacco and inhalant delivery systems (vapor)?
- Should tobacco free policy include all smoking and chewing items, methods, products and devices?
- Should regulation focus on consumption or use and not possession?

Not included in the scope or consideration:

- Retail sales and/or advertising or display of smoking and tobacco products
- Marijuana - including edible packaged products
- Hookah establishments
- Smoking or tobacco use inside buildings

Where should smoke and tobacco products be regulated?

- Option: All Outdoor property owned or managed by City

Includes all parklands, Library plaza, City offices, Tualatin Commons, property surrounding the Police Department, Operations building, and core area parking lots.

- Option: Selected Locations, but not all sites

Could include any mix of parklands (parks, natural areas, trails, greenways), Tualatin Commons, Library Plaza, Police Department, Operations Department, City Parking Lots (core area)

Purpose and Reasons for Policy

The purpose and reasons for implementing a smoke and tobacco free outdoor city space policy include:

- Reduction of maintenance (litter)
- Fire safety
- Public health and wellness (second hand smoke)
- Community image and perception (social norms for youth)
- Environmental harm (wildlife)
- Consistency in policy from the federal, state, county, and municipal levels of government



### Key Considerations

Key considerations for Council review and policy direction regarding an Outdoor Smoke and Tobacco Free City Spaces Policy include:

- Reason and Purpose
- Scope
- Locations Included
- Implementation Schedule
- Public Involvement
- Constraints and Opposition
- Opportunities and Support
- Penalties and Enforcement

### Next Steps

The next steps to implement such a policy are: 1) public information and public involvement, followed by 2) preparation of a draft ordinance for Council consideration and direction. Then, 3) Council adoption of an ordinance, and 4) implementation over a designated period of time.

### **FINANCIAL IMPLICATIONS:**

Financial implications would include the cost of refreshing signage for parklands and other property owned or managed by the City and public information materials. An estimate of these costs will be completed, if Council chooses to move forward with a Outdoor Smoke and Tobacco Free City Spaces Policy.

Attachment A: Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Attachment B: Power Point Presentation

Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Organization	Scope / Materials Affected	Outdoor Policy?	Locations	Purpose	Schedule	Public Involvement	Constraints/Opposition	Opportunities/Support	Public Information Plan/Process	Penalty
Beaverton	Includes all tobacco products and e-cigarettes.	Yes.	In all interior spaces owned, rented or leased by the City; all outside property or grounds owned or wholly leased by the city (including parking areas); and in all City vehicles at all times and locations.	Public/staff health and wellness. Grant stipulations.	Worked closely with med insurance vendors to determine timeline. In total, 9 months of preparation.	None.	Some staff opposition.	Suggested reaching out to medical insurance vendors, American Heart Association, Wellness Committee and stakeholders to craft communication.	Worked with Public Information Manager to develop strategic plan so they could inform public.	No penalty.
Corvallis	Includes all tobacco products (lighted or otherwise), vapor, smoking devices. Does not include tobacco cessation products.	Yes.	All City property and the County Public Library (including PROW and area within 50 ft). Does not include designated parking areas, private property, and private vehicles. Added Parks, trails, and natural areas in 2005.	Not available.	Not available.	For 2005 addition: Advisory Board had public testimony opportunity.	Not available.	For 2005 addition: Benton County Tobacco-Free Coalition; Parks, Natural Areas, and Recreation Advisory Board.	Not available.	\$50-100 for 1st offense; subsequent fines increase up to \$500. Fine up to \$500/day for each offense (\$4,000/mo max) for any person who owns, manages, operates premise.
Eugene	Includes all tobacco products (lighted or otherwise) and smoking devices. Vaping added last year.	Yes.	All public spaces, PROW, places of employment, and exterior of buildings serving children. Includes city pools and Rec Centers, but not Senior Centers.	Health, wellness, and litter.	Not available.	Not available.	Not available.	Not available.	Not available.	\$50-\$100 fine for first offense. Subsequent fines increase up to \$500, or an administrative civil penalty up to \$2000/day, or both.
Forest Grove	Includes all tobacco products, smoking products, and e-cigarettes	Yes.	Designated parks, city-owned or leased property and city-sponsored events. Does not include City streets and sidewalks.	Public health, litter reduction, allows law enforcement to contact suspects who may be persons of interest in other cases.	Effective 30 days for "education period" where warning citations issued	3 public comment opportunities during Parks and Rec Commission meetings; City Council held two duly-noticed public hearing	Fiscal impact estimated (signage costs of \$250-\$600). Perception that City-wide policy would be too difficult to implement or litigious. Minimal opposition.	Supported by public health organizations, advisory committees and City Council Goals.	Handed out policy cards to those smoking as education period. Media was used as positive education piece (5-6 articles).	\$100 to \$250 fine. Enforcement officer may cite into Municipal Court.
Hillsboro	All tobacco products (lit or otherwise), vaping, and electronic products/devices. Tobacco product definition includes anything intended to be put in human body. Does not include tobacco cessation products.	Yes.	Includes any public lands, city-sponsored event, and city owned or controlled personal property, including, but not limited to, vehicles. Does not include sidewalk ROW.	Consistency in policies, public health, wellness, and public safety.	Effective 30 days after adoption.	No major outreach. Coordinators did informal survey of Adult Softball Teams who were biggest tobacco users.	Minimal opposition.	Handful of supporters for banning vaping. Anecdotal comments from public about better experiences with smoke ban.	Signage in all of the parks, news releases, TV spots, notice given of new rule, treated as educational tool not punitive.	Warning issued first, then exclusion for up to 90 days. A violation of an exclusion notice constitutes criminal trespass.
Lake Oswego	Includes all tobacco products and smoking. Does not mention e-cigarettes or vaping.	No.	Includes all places of employment. Does not include: smoking-designated hotel or motel rooms and retail tobacco stores; makes exception for bars and taverns that prohibit minors.	Public health and safety.	Not available.	At least two Council meetings with public testimony	Some opposition from public, one Councilor voted against policy.	Larger support from public.	Not available.	Warning for first offense with educational materials & tobacco program referral; fine suspended if violator cooperates with remedial activity. Fine increases with subsequent violations up to \$500.

Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Organization	Scope / Materials Affected	Outdoor Policy?	Locations	Reason / Purpose	Schedule	Public Involvement	Constraints/Opposition	Opportunities/Support	Public Information Plan/Process	Penalty
Portland	Includes all tobacco products (lit or otherwise), vapor, smoking devices, and marijuana.	Yes.	All park grounds and facilities. Also includes Portland International Raceway, golf courses, and leased properties. Does not include public ROW.	Public health and safety, environmental health, consistency in policies and goals.	Effective 5 months after adoption to educate, post signage.	Parks Board and community members recommended policy to Council. City sent out online survey for feedback, no public hearings.	Internal concerns from staff (smokers) about how it would impact work. Minimal opposition.	Overwhelming community support, in addition to County support. City created designated smoking areas, which staff could request.	Created policy handouts (Spanish and English), FAQ webpage, posters/ads, email blast to partners, newsletter articles and posted signage.	Exclusion for remainder of the day.
Sherwood	Includes all tobacco products (lit or otherwise). Does not mention e-cigarettes or vaping.	Yes.	Includes any city-owned, controlled or managed property, including, but not limited to, buildings, parks, vehicles, and other real and personal property. Does not include public ROW.	Not available.	Not available.	Not available.	Not available.	Not available.	Not available.	Fine of \$50-\$500
Tigard	Smoking	No.	City facilities, including City-owned buildings, vehicles, individual employee offices, and offices or other facilities rented or leased by the City.	Not available.	Not available.	Not available.	Not available.	Not available.	Not available.	Not available.
Tualatin Hills Park & Recreation District	Includes all lit tobacco and non-tobacco substances, marijuana, and e-cigarettes. Does not include chewing tobacco.	Yes.	District grounds, facilities or buildings including parks, trails, parking lots, and athletic fields.	Public health and safety, litter reduction, consistency in mission.	Effective 2 months after board approval to allow preparation and public notification.	Public meetings (at least 2), survey of residents and other organizations, other communications over several months.	Minimal opposition.	Parks Advisory Committee and Washington County Public Health Division.	Publications, social media outreach, added to parks rules sign, notification on website, and ongoing education.	Exclusion (30-180 days/occurrence) or misdemeanor. Arrest and criminal trespass in 2nd degree if violates exclusion.
Washington County	Includes all lit tobacco products, vapor, smoking devices. Does not include chewing tobacco.	Yes.	Most County property, except in parks- areas where people congregate.	Public health.	Effective 90+ days after adoption (2014).	Public information	Minimal opposition.	Community support for health and wellness.	On effective date, flooded grounds with notices; designated employees to hand out print material as policy guide	Reminders. Not many repeat offenders.
Wilsonville	Includes all tobacco products and smoking. Does not mention e-cigarettes or vaping.	Yes.	City park property, park facilities and buildings.	Received CDC Grant; health and wellness; litter reduction; economic impacts.	Effective 30 days after second reading/adoption	Goals presented to Parks and Rec Board. Involved various organizations- students, businesses, etc. Data collected on citizen attitudes.	2% of respondents to poll indicated there should be no policy on tobacco in parks.	98% of poll respondents voted for either: Wilsonville Parks should be tobacco free, or children's play areas in parks should be tobacco free.	Not available.	Class C misdemeanor



# Should Tualatin's parks, trails, & plazas be smoke-free?



Tualatin City Council is considering a policy for smoke-free and tobacco-free outdoor City spaces. The City of Tualatin wants your input:

What should be restricted?

- tobacco (smoke and chew)
- inhalant delivery systems (vaping)

Which locations should be included?

- Tualatin Commons
- Library plaza
- all parks and trails
- parking lots
- all City-owned or managed properties

Join the discussion at [TualatinTownHall.com](http://TualatinTownHall.com).

Comments accepted through November.

Questions? Contact Rich Mueller, Parks & Recreation Manager, at [rmueller@ci.tualatin.or.us](mailto:rmueller@ci.tualatin.or.us) or 503.691.3064.



City of Tualatin

**DRAFT CIVIL EXCLUSION ORDINANCE**

ORDINANCE NO. \_\_\_\_

AN ORDINANCE RELATING TO CIVIL EXCLUSIONS; ADDING TUALATIN MUNICIPAL CODE CHAPTER 5-10; AMENDING TUALATIN MUNICIPAL CODE CHAPTERS 5-1 AND 5-2; AND ADDING NEW PROVISIONS.

WHEREAS,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** Tualatin Municipal Code Chapter 5-10 (Civil Exclusion) is created as follows:

**5-10-010. Definitions.** As used in this Chapter, the following terms have the following meanings, unless the context otherwise requires:

(1) "Arrest" means to place a person under actual or constructive restraint, or to take a person into custody, for the purpose of charging that person with the commission of any enumerated offense which is a misdemeanor or felony.

(2) "Cite" means to issue a citation to appear in court to a person for commission of an enumerated offense.

(3) "City Property" means any property or physical structure owned or managed by the City, including but not limited to buildings, greenways, libraries, parks, and parking lots.

(4) "Enumerated offense" means any of the following:

(a) Felony: any crime under Oregon law classified as a Class A, Class B, or Class C felony;

(b) Misdemeanor:

(i) any crime under Oregon law classified as a Class A, Class B, or Class C misdemeanor; or

(ii) any violation of the Tualatin Municipal Code that classifies the offense as a misdemeanor.

(c) Violation or Infraction:

(i) any violation of Oregon law that classifies the offense as a violation;

(ii) any violation of the Tualatin Municipal Code that classifies the offense as a violation or infraction; or

(iii) any violation of the Library Rules of Conduct, Park Rules, Commons Regulations, or any other administrative rule adopted by the City.

(5) "Enforcement officer" means a peace officer as defined by ORS 133.005, or any other person with authority to enforce the City of Tualatin code.

(6) "Essential needs" means food, physical care, and medical attention.

(7) "Reside" means to occupy one's principal dwelling; including transient occupancy in a hotel or motel.

(8) "Travel" means the movement on foot or within or upon a vehicle from one point to another without delay other than to obey traffic control devices.

**5-10-020 Civil Exclusion for Committing Enumerated Offense on City Property.**

(1) Any person arrested or cited, based upon probable cause to believe that the person has committed an enumerated offense on City Property, will be prohibited from being present at the City Property where the conduct occurred, except to travel to or from and be present for:

(a) Attendance at a City Council meeting, or other meeting of a city committee or board;

(b) Compliance with obligations ordered by a court or corrections department;

(c) Contact with criminal justice personnel at a criminal justice facility;

(d) Attendance at Municipal Court hearing relating to:

(i) An appeal of that person's Notice of Exclusion;

(ii) The denial, revocation, or amendment of that person's variance;

(iii) a violation proceeding against that person; or

(iv) pursuant to a validly issued subpoena.

(e) Obtaining, or attempt to obtain, an essential need by accessing the public building that provides an essential need or service when the essential need cannot reasonably be satisfied by the excluded person without entering the public building;

(f) Performance of work directly related to lawful employment;



(g) An activity, place, or event as specified by a variance issued by the Municipal Court pursuant to 5-1-180.

(2) The issuance of a civil exclusion is in addition to any other remedy provided by law.

(3) This section is to be enforced so as to emphasize voluntary compliance with laws and City rules, and so that inadvertent minor violations that would fall under this Chapter can be corrected without resort to an Exclusion Notice.

**5-10-040. Exclusion Notice.** (1) The Exclusion Notice must be issued by the enforcement officer at the time the person is arrested or cited for the commission of the enumerated offense.

(2) The Exclusion Notice must be in writing and must specify the following:

(a) the enumerated offense;

(b) the City building or facility excluded from or geographical extent of exclusion;

(c) the date exclusion takes effect and the date it ends;

(d) the procedure for filing an appeal; and

(e) a statement indicating the availability of a variance.

(3) If the Exclusion Notice is related to the conduct of a minor, the Exclusion Notice must be:

(a) issued to the parent, guardian, or custodian of the minor; or

(b) issued to the minor with a copy of the Exclusion Notice provided to the minor's parent, guardian, or custodian in person or by first class mail.

**5-10-050 Period of Exclusion.** (1) The period of exclusion for a person issued an Exclusion Notice is:

(a) 30 days if the enumerated offense is a violation or infraction.

(b) 90 days if the enumerated offense is a misdemeanor.

(c) One year if the enumerated offense is a felony.

(2) The period of exclusion established in subsection (1)(a) and (b) is doubled if the person previously received an Exclusion Notice within one year from the date of receipt of the Exclusion Notice related to the current violation.

(3) The period of exclusion established in subsection (1)(a) and (b) is tripled if the person previously received two or more Exclusion Notices within one year from the date of receipt of the Exclusion Notice related to the current violation.

**5-10-060. Commencement of Exclusion.** The period of exclusion will commence upon the issuance of the Exclusion Notice, but will be stayed if the person excluded files a Notice of Appeal under 5-10-070, which stay will remain in place until the Municipal Court issues a decision on the appeal.

**5-10-070 Notice of Appeal; Appeal to Municipal Court.**

(1) A person may appeal the issuance of a Exclusion Notice by filing a Notice of Appeal with the Municipal Court. Failure to file a Notice of Appeal waives the right appeal the exclusion.

(2) A Notice of Appeal must be filed within 10 business days of receipt of the Exclusion Notice. The Notice of Appeal must contain a copy of the exclusion notice, a request for a hearing or request for written review without a hearing, and a statement setting forth the reason or reasons that the Exclusion Notice is invalid, otherwise improper, or why it should be modified.

(3) If, as part of the written appeal, the person requests a hearing, a hearing will be conducted by the Municipal Court, within 10 business days after the Notice of Appeal is filed with the Municipal Court, unless otherwise ordered by the Municipal Court. The Municipal Court will render a decision within 10 business days after the hearing, unless otherwise ordered by the Municipal Court.

(4) The City must prove by a preponderance of evidence standard that the enumerated offense occurred as alleged in the Exclusion Notice. If the City fails to so prove, the Exclusion Notice must be dismissed.

(5) The determination of facts made by the Municipal Court under this section does not have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and does not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.

**5-10-080. Variance from Exclusion.**

(1) The Municipal Court may grant a variance to an excluded person at any time during the period of exclusion, upon a showing by the excluded person of a plausible need to grant the variance, which may include but is not limited to the following:

(a) To conduct valid city business.

(b) To obtain goods or services not otherwise reasonably available;



- (c) To obtain social services needed for the health or well-being of the person;
  - (e) To obtain educational services or to attend classes;
  - (f) To take the person's immediate family to a location for the benefit of the person's immediate family as provided in subsection (a) through (e). For the purposes of this paragraph, the term "immediate family" means the person's spouse or domestic partner, parents, in-laws, stepparents, siblings, grandparents, children, or grandchildren.
- (2) A request for a variance must be in writing, must state the purpose for which the variance is sought, and the period of time during which the variance is requested to be effective.
- (3) The municipal court will either grant or deny the variance request. If granted, variance decision must be in writing and clearly state the terms of the variance. The variance decision allows relief from exclusion only to the extent provided in the variance decision.
- (4) A copy of the variance decision must be carried by the excluded person while within the area of exclusion, and be presented to any enforcement officer upon request.
- (5) A person excluded who is present within the area of exclusions has the burden to demonstrate, by clear and convincing evidence, that the person is present consistent with the purposes specified in the variance decision.
- (6) A variance is effective upon issuance; a revocation of a variance is effective upon the fifth business day after the date of the mailing of notice of revocation to the excluded person.
- (7) A person may request a variance regardless of whether the person previously filed a Notice of Appeal.

**5-10-90 Revocation of Variance.** The Municipal Court may revoke a variance upon finding that:

- (1) The request for the variance contained false information;
- (2) There is probable cause to believe the excluded person has committed another enumerated offense; or
- (3) Circumstances upon which the variance was granted no longer exist.

**5-10-100. Hearing Procedures.** Except as otherwise provided in this Chapter, the civil infraction procedures in TMC 7-1 apply to hearings on appeals and variances conducted under this Chapter.

## **5-10-110 Violation of Exclusion Notice.**

(1) No person may enter or remain on City Property in violation of an Exclusion Notice issued to the person.

(2) If a person enters or remains on City Property in violation of the Exclusion Notice, the person may be arrested on criminal trespass charges.

(3) In addition to criminal trespass, the person violating an Exclusion Notice may be liable for civil trespass and other civil liability under City or state law.

**Section 2.** Tualatin Municipal Code Section 5-1-050 is amended to read as follows:

### 5-1-050 Specific Library Rules.

(1) Whenever there is reasonable cause to believe that an individual has committed any of the following acts in or upon Library premises, such individual may be directed to leave the Library. A warning need not be given in advance. Such conduct may be reported to the police. Violation of any of the prohibitions of this subsection may result in exclusion from the library for period not to exceed one year as provided in TMC Chapter 5-10.

It is unlawful to:

- (a) Commit or attempt to commit an assault;
- (b) Commit or attempt to commit a theft;
- (c) Commit or attempt to commit mischief;
- (d) Destroy, damage or deface library property;
- (e) Engage in sexual activity including solicitation of prostitution, harassment or indecent exposure;
- (f) Use, give away, sell or be under the influence of:
  - (i) a controlled substance: or
  - (ii) intoxicating liquor except at City-sponsored events: or
- (g) Commit or attempt to commit disorderly conduct or harassment.

(2) Whenever there is reasonable cause to believe that an individual has committed any of the following acts, such individual shall be given one warning and if the conduct which led to the warning reoccurs, even on a different day, then such individual may be

directed to leave the Library for the remainder of the day. ~~Violation of two or more of the prohibitions of this subsection, each of which results in a directive to leave the Library, within any six month period may also result in exclusion from the Library for a period not to exceed six months.~~

It is unlawful to:

- (a) Use abusive language or behavior which disturbs the quiet atmosphere of the library;
- (b) Solicit, petition, distribute written materials or canvass for political, charitable or religious purposes in the Library;
- (c) Interfere with free passage on Library Premises, which includes restricting passage with or use of a bicycle, skateboard, rollerblades, cart or large backpack, or anything that creates an obstacle or takes up seating, except an assistive device, such as a wheelchair or walker, being used by a person with a disability;
- (d) Smoke, or use tobacco products inside the Library, except as expressly allowed by the Library Manager in the course of a Library-approved event;
- (e) Bring an animal into the Library, except a seeing eye or service animal, or any other animal specifically trained to assist such person with a disability as allowed by state or federal disability laws, or as part of a Library-sponsored event.
- (f) Sleep in the library in a manner that occupies additional seating or creates an audible disturbance, or block access;
- (g) Improperly use a restroom, including but not limited to bathing, shaving or washing hair;
- (h) Play audio equipment at a volume which is plainly audible by others in the Library;
- (i) Allow a child age five or under to be unattended in the Library, unless the child is attending a Library-sanctioned activity;
- (j) Allow a child under age eight to be unsupervised in the Library, unless the child is attending a Library-sanctioned activity; or
- (k) Fail to leave the Library at closing time.
- (l) Violate library policies; or
- (m) To follow the reasonable direction of a library employee.

(3) When there is reasonable cause to believe that an individual has committed any of the following acts, such individual may be directed to leave the Library until the problem is corrected:

~~(a) It is unlawful to enter Enter or remain on library premises in the Library without wearing shoes or sandals and a shirt or other similar clothing, except for children three years or younger.~~

~~(4) When a person is excluded from another Library which is a member of the WCCLS program due to conduct which would be sufficient reason to result in exclusion from the Tualatin Library, upon receiving notice from the City of Tualatin as provided in TMC 5-1-080, such person shall be excluded from the Tualatin Library for the period of time specified in TMC 5-1-050, but not exceeding the period for which such person was excluded from the other library.~~

**Section 3.** The following provisions of the Tualatin Municipal Code Chapter 5-1 (Library Rules of Conduct) are deleted in their entirety: 5-1-080 and 5-1-090.

**Section 4.** Tualatin Municipal Code Section 5-1-100 is amended to read as follows:

5-1-100 Remedies.

(1) Except as otherwise provided, a violation of this ordinance ~~Chapter~~ is a civil infraction and shall be punishable by a fine not to exceed \$500. Each violation of this ordinance constitutes a separate offense, and each day that a violation of this ordinance ~~Chapter~~ is committed or permitted to continue constitutes a separate offense. ~~In addition to any other forfeiture, remedy, order or penalty provided by law or city ordinance, the court, upon a determination of a violation, may order the exclusion of a person from the Library for such period as may be specified for such violation under TMC 5-1-050, but not to exceed one year.~~

(2) The remedies provided by this ordinance ~~Chapter~~ for violations are cumulative and the pursuit of one remedy shall not preclude the use of another. In addition, where an offense defined under this ordinance ~~Chapter~~ is also punishable under State law or TMC Chapter 6-4, the use of a remedy or remedies provided by this ordinance ~~Chapter~~ shall not be construed as an election of remedies or otherwise preclude the use of additional or alternative remedies or penalties provided by law.

(3) Where a person has been refused Library privileges by order of the Library Manager, and such refusal is not in connection with an order otherwise appealable to the Municipal Court ~~a Civil Exclusion~~ under TMC 5-1-080 ~~TMC Chapter 5-10~~, an

aggrieved person may petition in writing to the City Manager or designee for reconsideration of such refusal.

**Section 5.** The following provisions of the Tualatin Municipal Code Chapter 5-2 (Use of City Parks) are deleted in their entirety: 5-2-070 and 5-2-080.

**Section 6.** Tualatin Municipal Code Section 5-2-090 is amended to read as follows:

5-2-090 Remedies.

(1) Except as otherwise provided, a violation of this ordinance Chapter is a civil infraction and shall be punishable by a fine not to exceed five hundred dollars (\$500). Each violation of a provision of this ordinance Chapter shall constitute a separate offense, and each day that a violation of this ordinance Chapter is committed or permitted to continue, shall constitute a separate offense. ~~In addition to any other forfeiture, remedy, order or penalty provided by law or City ordinance, the court, upon a determination of a violation, may order the exclusion of a person from a park or any portion thereof for a period of up to one (1) year.~~

(2) In addition to other remedies provided by this ordinance Chapter or other law, the Parks and Recreation Director is authorized to revoke the permit or approval given or issued to a person who violates any rule or regulation set forth in this ordinance Chapter or any condition under which the permit was issued. Such determination shall be in writing and delivered to the person to whom the permit was issued. Any person aggrieved by the revocation of such permit may appeal such determination ~~in accordance with the procedures provided in Section 8~~ to the City Manager, or designee.

(3) The remedies provided by this ordinance Chapter for violations thereof are cumulative and the pursuit of one remedy shall not preclude the use of another. In addition, where an offense defined under this ordinance Chapter is also punishable under State law or other provisions of the Tualatin Municipal Code Ordinance 706-86, the use of a remedy or remedies provided by this ordinance Chapter shall not be construed as an election of remedies or otherwise preclude the use of additional or alternative remedies or penalties provided by law.

(4) Where a person has been refused a permit or authorization for use of a park by order of the Parks and Recreation Director and such refusal is not in connection with an ~~order otherwise appealable to the Municipal Court under Section 8~~ a Civil Exclusion under TMC Chapter 5-10, an aggrieved person may petition in writing to the City Manager, or designee, for reconsideration of such refusal.

**Section 7. Severability.** Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Adopted by the City Council this \_\_\_\_ Day of \_\_\_\_\_, 2015.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder

DRAFT