

ORDINANCE NO. NS-2144

AN ORDINANCE AMENDING BEND CODE TITLE V, SECTION 5.10.040 THROUGH 5.40.010 THROUGH 5.40.015 RELATED TO CIVIL EXCLUSIONS

Findings:

- A. Title V was adopted on May 19, 2010 to update the former Chapter Five of the Bend Code.
- B. Upon further review, it has been determined by City Staff that some minor modifications were not incorporated into the final version presented to Council.
- C. City staff have prepared this ordinance to amend NS-2142 to assure Title V reflect the final recommendation by staff.

Section 1. Bend Code Title V is amended to read as shown in the attached Exhibit A.

Section 2. The code amendments made by this ordinance supersede any inconsistent material in any previous ordinance or other enactment of the City.

Read for the first time the 2nd day of June, 2010.

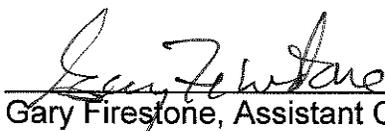
Read for the second time the 16<sup>th</sup> day of June , 2010.

Placed upon its passage the 16<sup>th</sup> day of June, 2010.

YES: 6                      NO: 1

Authenticated by the Mayor the 16<sup>th</sup> day of June, 2010.

Approved as to form:

  
Gary Firestone, Assistant City Attorney

  
Kathie Eckman, Mayor

ATTEST:  
  
Patricia Stell, City of Bend Recorder

**Exhibit A**

**5.40.010** Civil Exclusion Zones Civil exclusion zones are designated to protect the public from those whose illegal conduct poses a threat to safety and welfare.

(1) Civil exclusion zones include, but are not limited to the following places:

(A) Public Places: The Breezeway between the western terminus of Minnesota Street to and through the Riverfront

Plaza; and all publicly owned property from the eastern side of Brooks Alley to Drake Park between Franklin Avenue and Oregon Avenues.

- (B) Public Parks: All public parks, including parks owned and/or managed by the Bend Metro Park and Recreation District or ~~Oregon State Park and Recreation Department.~~

**5.40.015 Civil Exclusion** A person is subject to exclusion for a period of 90 days from entering or remaining in the area within 500 feet of a civil exclusion zone if that person has been cited to appear, arrested or otherwise taken into custody within a civil exclusion zone for:

- (1) Any Assault, as defined by ORS 163.160 - 185 and 163.208,
- (2) **Strangulation as defined by ORS 163.187**
- ~~(2)(3)~~ Menacing, as defined by ORS 163.190,
- ~~(3)(4)~~ Harassment, as defined by ORS 166.025,
- ~~(4)(5)~~ Disorderly Conduct, as defined by ORS 166.025,
- ~~(5)(6)~~ Recklessly endangering, as defined by ORS 163.195,
- ~~(6)(7)~~ Coercion, as defined by ORS 163.275,
- ~~(7)(8)~~ Any sexual offense, as defined by ORS 163.355 - 465,
- ~~(8)(9)~~ Endangering the Welfare of a Minor, as defined by ORS 163.575,
- ~~(9)(10)~~ Any offense under State law governing the possession, distribution, sale or manufacture of a controlled substances,
- ~~(10)(11)~~ Any offense under State law governing the possession, use, distribution or sale of alcoholic beverages,
- ~~(11)(12)~~ Possession or using a weapon in violation of ORS 166.180, 166.190, 166.220, 166,240, 166.250 or 166.272 or Bend Code Chapter 5.35.005,
- ~~(12)~~ ~~Being under the influence of intoxicating liquor or controlled substances, as defined by ORS 426.460.~~
- (13) Any degree of criminal mischief, as defined by ORS 164.305 through 164.365.
- (14) **Graffiti as defined in ORS 164.381-386**
- (15) **Arson or Reckless Burning as defined in ORS 164.350-335**
- (16) **Theft as defined in ORS 164.015-095**
- (17) **Littering as defined in ORS 164.775-805**
- ~~(14)(18)~~ Possession of tobacco by a minor in violation of ORS 167.400
- ~~(15)(19)~~ Two or more citations for drinking at an unlicensed premise.