

## ORDINANCE NO. 23-1002

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### AN ORDINANCE OF THE CITY OF OREGON CITY ESTABLISHING MISUSE OF A PUBLIC RESTROOM AS AN OFFENSE AGAINST PUBLIC PEACE AND DECENCY

**WHEREAS**, The City of Oregon City owns and may own and maintain public restrooms within City facilities including buildings, rights-of-ways, and easements; and

**WHEREAS**, The City of Oregon City puts a priority on neighborhood livability and health and misuse of a public restroom could have a negative effect on livability and health; and

**WHEREAS**, Establishing what conduct is improper within public restrooms allow the City of Oregon City to ensure that public restrooms are used only for their intended purposes and will contribute to the livability that is a priority for the City.

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

**Section 1.** Adoption. The City hereby amends the existing Oregon City Municipal Code Title 9 Public Peace, Morals and Welfare, Chapter 9.12 Offenses Against Public Peace and Decency, to include a new section, entitled:

Section 9.12.035 MISUSE OF A PUBLIC RESTROOM.

The newly adopted section is attached as "Exhibit A" to this ordinance.

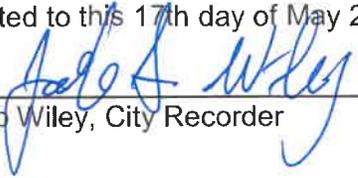
**Section 2.** Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

**Section 3.** Effectiveness. This Ordinance shall take effect 30 days from the date of adoption.

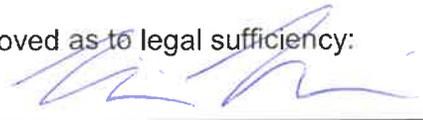
Read for the first time at a regular meeting of the City Commission held on the 3<sup>rd</sup> day of May, 2023, and the City Commission finally enacted the foregoing ordinance this 17<sup>th</sup> day of May, 2023.

  
\_\_\_\_\_  
DENYSE C. MCGRIFF  
Mayor

Attested to this 17<sup>th</sup> day of May 2023,

  
\_\_\_\_\_  
Jakob Wiley, City Recorder

Approved as to legal sufficiency:

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

## **Title 9 Public Peace, Morals and Welfare**

### **Chapter 9.12 Offenses Against Public Peace and Decency**

#### **9.12.035 Misuse of a Public Restroom**

- A.** This Section applies to permanent and temporary structures erected or placed for use as a public restroom.
- B.** It is unlawful to stand, climb, sit upon, or lay down on any fixture or floor located inside of or at the entrance of any restroom located in a public building or on public property or easement, unless that fixture or floor is intended to be used for standing, climbing, sitting, or lying upon.
- C.** It is unlawful for two or more persons to occupy any restroom that is specifically designed for use by only one person and that is located in a public building or on public property or easement, unless one of those persons is assisting a handicapped person or persons, a child or children under 12 years of age, or an elderly person, or persons in need of assistance.
- D.** It is unlawful to interfere with any attendant or public employee in the discharge of his or her duties within any restroom located in a public building or on public property or easement.
- E.** It is unlawful for any male person to enter a restroom marked "Women." This Section does not apply to a male child under 12 years of age with his mother or female guardian, or an authorized person assisting a female handicapped person or persons, or a female elderly person, or female person in need of assistance.
- F.** It is unlawful for any female person to enter a restroom marked "Men." This Section does not apply to a female child under 12 years of age with her father or male guardian, or an authorized person assisting a male handicapped person or persons, or a male elderly person, or male person in need of assistance.
- G.** It is unlawful for any person of the opposite biological gender to enter a restroom marked "All Gender" if someone of the opposite biological gender is inside. This Section does not apply to an opposite biological gender child with his/her father/mother or male/female guardian, or an authorized person in the discharge of his/her regular duties.
- H.** It is unlawful for any person to engage in disorderly or disruptive conduct inside of or at the entrance to any restroom located in a public building or on public property or easement.
- I.** The above requirements do not excuse a failure to provide reasonable and appropriate accommodations permitting all persons access to restrooms consistent with their expressed gender.