



**EXCLUSION PROGRAM**  
**Trespass Enforcement Agreement**  
**ORS 164.245 and 164.255**

THE EXCLUSION PROGRAM IS A RESOURCE THAT PROPERTY OWNERS OR PERSONS IN CHARGE (I.E.: MANAGERS, SUPERVISORS) CAN USE TO AUTHORIZE MILWAUKIE POLICE DEPARTMENT OFFICERS TO ACT ON THEIR BEHALF TO ENFORCE OREGON TRESPASS LAWS. TO INITIATE THE PROGRAM, THE PROPERTY OWNER OR PERSON IN CHARGE MUST COMPLETE THIS FORM AND RETURN IT TO THE MILWAUKIE POLICE DEPARTMENT FOR APPROVAL. **THIS FORM WILL EXPIRE 2 YEARS FROM THE DATE OF APPROVAL.**

**This property is:**     A Residence     Publicly Owned     A Business / Name

**Physical Address of Exclusion Location**

**CONTACT INFORMATION**

NAME OF PERSON ENTERING INTO AGREEMENT (PLEASE PRINT)			I AM THE:	
LAST NAME		FIRST NAME		<input type="checkbox"/> OWNER <input type="checkbox"/> MANAGER
<input type="checkbox"/> OTHER _____ OF THIS LOCATION.				
PRIMARY PHONE	SECONDARY PHONE	FAX	EMAIL	
PRIMARY CONTACT MAILING ADDRESS, IF DIFFERENT THAN ABOVE			CITY	STATE    ZIP

ALTERNATE CONTACT (PLEASE PRINT)		PRIMARY PHONE	SECONDARY PHONE
LAST NAME		FIRST NAME	
ALTERNATE CONTACT MAILING ADDRESS, IF DIFFERENT THAN ABOVE		CITY	STATE    ZIP

I HAVE READ AND AGREE TO THE TERMS OF THE EXCLUSION PROGRAM. I HEREBY DESIGNATE EACH AND EVERY MILWAUKIE POLICE DEPARTMENT OFFICER AS MY AGENT AND REPRESENTATIVE FOR THE PURPOSE OF ENFORCING OREGON CRIMINAL TRESPASS LAWS. I UNDERSTAND THAT ANY ENFORCEMENT WILL BE CARRIED OUT AT THE OFFICER'S DISCRETION AND SUBJECT TO AVAILABLE PERSONNEL RESOURCES. **THIS FORM MAY ALSO REQUIRE THE SIGNER TO RESPOND TO THE DISTRICT ATTORNEY'S OFFICE SHOULD A SUBJECT BE ARRESTED AND CHARGED WITH TRESPASS.** THIS AUTHORIZATION SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL SUCH TIME AS IT EXPIRES, TWO YEARS FROM THE DATE OF APPROVAL OR UNTIL IT IS REVOKED OR TERMINATED IN WRITING. ANY DISSOLUTION OF THE AGREEMENT MUST BE AN ORIGINAL SIGNED DOCUMENT.

PRINTED NAME	SIGNATURE	DATE
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**MILWAUKIE POLICE DEPARTMENT ACKNOWLEDGEMENT**

DATE OF APPROVAL/MPD	DATE OF EXPIRATION	MPD REPRESENTATIVE
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MILWAUKIE POLICE DEPARTMENT  
3200 SE HARRISON ST., MILWAUKIE, OR 97222  
503-786-7400 OPTION 2  
POLICE@MILWAUKIEOREGON.GOV



## EXCLUSION PROGRAM

### Trespass Enforcement Agreement

### ORS 164.245 and 164.255

#### DEFINITIONS FOR ORS 164.205 TO 164.270

AS USED IN ORS 164.205 (DEFINITIONS FOR ORS 164.205 TO 164.270) TO 164.270 (CLOSURE OF PREMISES TO MOTOR-PROPELLED VEHICLES), EXCEPT AS THE CONTEXT REQUIRES OTHERWISE: "BUILDING," IN ADDITION TO ITS ORDINARY MEANING, INCLUDES ANY BOOTH, VEHICLE, BOAT, AIRCRAFT OR OTHER STRUCTURE ADAPTED FOR OVERNIGHT ACCOMMODATION OF PERSONS OR FOR CARRYING ON BUSINESS THEREIN. WHERE A BUILDING CONSISTS OF SEPARATE UNITS, INCLUDING, BUT NOT LIMITED TO, SEPARATE APARTMENTS, OFFICES OR RENTED ROOMS, EACH UNIT IS, IN ADDITION TO BEING A PART OF SUCH BUILDING, A SEPARATE BUILDING. "DWELLING" MEANS A BUILDING WHICH REGULARLY OR INTERMITTENTLY IS OCCUPIED BY A PERSON LODGING THEREIN AT NIGHT, WHETHER OR NOT A PERSON IS ACTUALLY PRESENT. "ENTER OR REMAIN UNLAWFULLY" MEANS: TO ENTER OR REMAIN IN OR UPON PREMISES WHEN THE PREMISES, AT THE TIME OF SUCH ENTRY OR REMAINING, ARE NOT OPEN TO THE PUBLIC AND WHEN THE ENTRANT IS NOT OTHERWISE LICENSED OR PRIVILEGED TO DO SO; TO FAIL TO LEAVE PREMISES THAT ARE OPEN TO THE PUBLIC AFTER BEING LAWFULLY DIRECTED TO DO SO BY THE PERSON IN CHARGE; TO ENTER PREMISES THAT ARE OPEN TO THE PUBLIC AFTER BEING LAWFULLY DIRECTED NOT TO ENTER THE PREMISES; OR TO ENTER OR REMAIN IN A MOTOR VEHICLE WHEN THE ENTRANT IS NOT AUTHORIZED TO DO SO. "OPEN TO THE PUBLIC" MEANS PREMISES WHICH BY THEIR PHYSICAL NATURE, FUNCTION, CUSTOM, USAGE, NOTICE OR LACK THEREOF OR OTHER CIRCUMSTANCES AT THE TIME WOULD CAUSE A REASONABLE PERSON TO BELIEVE THAT NO PERMISSION TO ENTER OR REMAIN IS REQUIRED. "PERSON IN CHARGE" MEANS A PERSON, A REPRESENTATIVE OR EMPLOYEE OF THE PERSON WHO HAS LAWFUL CONTROL OF PREMISES BY OWNERSHIP, TENANCY, OFFICIAL POSITION OR OTHER LEGAL RELATIONSHIP. "PERSON IN CHARGE" INCLUDES, BUT IS NOT LIMITED TO THE PERSON, OR HOLDER OF A POSITION, DESIGNATED AS THE PERSON OR POSITION-HOLDER IN CHARGE BY THE GOVERNOR, BOARD, COMMISSION OR GOVERNING BODY OF ANY POLITICAL SUBDIVISION OF THIS STATE. "PREMISES" INCLUDES ANY BUILDING AND ANY REAL PROPERTY, WHETHER PRIVATELY OR PUBLICLY OWNED. [1971 C.743 §135; 1983 C.740 §33; 1999 C.1040 §10; 2003 C.444 §1; 2015 C.10 §1]

#### CRIMINAL TRESPASS IN THE FIRST DEGREE: ORS 164.255

A PERSON COMMITS THE CRIME OF CRIMINAL TRESPASS IN THE FIRST DEGREE IF THE PERSON: ENTERS OR REMAINS UNLAWFULLY IN A DWELLING; HAVING BEEN DENIED FUTURE ENTRY TO A BUILDING PURSUANT TO A MERCHANT'S NOTICE OF TRESPASS, REENTERS THE BUILDING DURING HOURS WHEN THE BUILDING IS OPEN TO THE PUBLIC WITH THE INTENT TO COMMIT THEFT THEREIN; ENTERS OR REMAINS UNLAWFULLY UPON RAILROAD YARDS, TRACKS, BRIDGES, OR RIGHTS OF WAY; OR ENTERS OR REMAINS UNLAWFULLY IN OR UPON PREMISES THAT HAVE BEEN DETERMINED TO BE NOT FIT FOR USE UNDER ORS 453.855 (PURPOSE) TO 453.912 (GOVERNMENTAL IMMUNITY FROM LIABILITY). SUBSECTION (1)(D) OF THIS SECTION DOES NOT APPLY TO THE OWNER OF RECORD OF THE PREMISES IF: THE OWNER NOTIFIES THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION OVER THE PREMISES THAT THE OWNER INTENDS TO ENTER THE PREMISES; THE OWNER ENTERS OR REMAINS ON THE PREMISES FOR THE PURPOSE OF INSPECTING OR DECONTAMINATING THE PREMISES OR LAWFULLY REMOVING ITEMS FROM THE PREMISES; AND THE OWNER HAS NOT BEEN ARRESTED FOR, CHARGED WITH OR CONVICTED OF A CRIMINAL OFFENSE THAT CONTRIBUTED TO THE DETERMINATION THAT THE PREMISES ARE NOT FIT FOR USE. CRIMINAL TRESPASS IN THE FIRST DEGREE IS A CLASS A MISDEMEANOR. [1971 C.743 §140; 1993 C.680 §23; 1999 C.837 §1; 2001 C.386 §1; 2003 C.527 §1]

#### CRIMINAL TRESPASS IN THE SECOND DEGREE: ORS 164.245

A PERSONAL COMMITS THE CRIME OF CRIMINAL TRESPASS IN THE SECOND DEGREE IF THE PERSON ENTERS OR REMAINS UNLAWFULLY IN A MOTOR VEHICLE OR IN OR UPON PREMISES. CRIMINAL TRESPASS IN THE SECOND DEGREE IS A CLASS C MISDEMEANOR. [1971 C.743 §139; 1999 C.1040 §9]

**([WWW.OREGONLEGISLATURE.GOV/BILLS\\_LAWS/ODS/ORS164](http://WWW.OREGONLEGISLATURE.GOV/BILLS_LAWS/ODS/ORS164))**

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