

ORDINANCE No. 184596

Allow consumption of alcohol in the Public Right of Way provided a permit for a Community Event Street Closure – Alcohol Allowed is issued under Chapter 17.44. (Ordinance; amend Code Section 14A.50.010 and 17.44.020)

The City of Portland ordains:

Section 1. The Council finds:

1. Chapter 17.44 authorizes the City Engineer to grant permits to close a street to provide for special events such as block parties and neighborhood fairs.
2. For each closure application that involves alcohol, The Bureau of Transportation submits an ordinance that waives PCC 14A.50.010 for the dates, times and location of the street closure permit. PCC 14A.50.010 states that it is unlawful for any person to drink alcohol upon any street, sidewalk, or other public right of way except as provided in PCC 14A.50.010 C.
3. The Bureau of Transportation proposes to add similar language as PCC 14A.50.010 C to PCC 14A.50.010 to authorize the bureau with the support of other bureaus to make the authorization of a community event permit with alcohol an administrative permit process.

NOW, THEREFORE, the Council directs:

- a. Amend Chapter 14 Public Order and Police to allow consumption of alcohol in the Public Right of Way if a permit authorizing a Community Event Street Closure – Alcohol Allowed has been issued under Chapter 17.44.020, as set forth in this Ordinance.
- b. Add Subsection 14A.50.010 D. as follows:
This section does not prohibit the use of alcohol in the street area where a Community Event Street Closure–Alcohol Allowed permit has been issued by the Bureau of Transportation under PCC Chapter 17.44 provided the Permittee is in compliance with all applicable Oregon Liquor Control Commission requirements.
- c. Amend Chapter 17 Public Improvements to grant authority for the Bureau of Transportation to issue community event street closure permits with alcohol allowed or alcohol prohibited and to establish an appeal process if a permit is denied.
- d. Amend 17.44.020 follows:

17.44.020 Temporary Street Closure.

~~City Engineer~~ The Director of the Bureau of Transportation may close or allow to be closed temporarily any street or portion thereof for the following reasons:

- A. To facilitate construction, demolition or installation of facilities on public or private property.
- B. To restrict vehicular use of an unimproved street for the protection of the public or to eliminate a neighborhood nuisance.
- C. To provide for ~~special events, such as~~ block parties or neighborhood fairs.
- D. To provide for community events alcohol prohibited or community events alcohol allowed.

Such closures shall include the requirements of the City Traffic Engineer and provide for appropriate insurance as required by the Director of the Bureau of Transportation City Engineer, protecting the public and the City.

A person will be denied a permit under PCC Section 17.44.020 C. & D. if more than 50 percent of the property owners abutting the street to be closed object to the closure or if another City Bureau objects to the closure based on concerns for neighborhood livability such as noise, disorderly conduct, litter, or public safety.

A person who is denied a permit under PCC Section 17.44.020 C. & D. may appeal the matter to City Council. The applicant shall file with the City Auditor within five days after denial a written notice of appeal. The notice shall identify the decision that is being appealed, and include the appellant's name, address, phone number, signature, and a clear statement of the specific reason(s) for the appeal. Upon receipt of such appeal, the Auditor shall then place the matter upon the Calendar of the City Council. At the hearing, the Council may affirm or modify the decision of the Director of the Bureau of Transportation as the Council may deem necessary.

Passed by the Council,

MAY 18 2011

Mayor Sam Adams
Prepared by: Jeri Jenkins: slg
Date Prepared: March 31, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By

Deputy

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Agenda No. **184596**
ORDINANCE NO.
Title

Allow consumption of alcohol in the Public Right of Way provided a permit for a Community Event Street Closure – Alcohol Allowed is issued under Chapter 17.44. (Ordinance; amend Code Section 14A.50.010 and 17.44.020)

INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Saltzman on behalf of Mayor Adams</i> COMMISSIONER APPROVAL	CLERK USE: DATE FILED <u>APR 15 2011</u>
Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	By: <i>[Signature]</i> Deputy
Position 2/Works - Fish	ACTION TAKEN:
Position 3/Affairs - Saltzman	APR 20 2011 <i>RESCHEDULED TO</i> APR 27 2011
Position 4/Safety - Leonard	APR 27 2011 <i>REFERRED TO COMMISSIONER OF FINANCE & ADMINISTRATION</i>
BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>[Signature]</i>	MAY 11 2011 PASSED TO SECOND READING MAY 18 2011 9:30 A.M.
Prepared by: Jeri Jenkins:slg Date Prepared: 03-29-11	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date April 20, 2011	
City Attorney Approval <i>MRM</i>	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 min (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	