

ORDINANCE No. 188112 *As Amended*

Amend provisions relating to possession of cannabis in parks to conform to State law
(Ordinance, amend Code Section 20.12.040)

The City of Portland ordains:

Section 1. The Council finds:

1. PCC 20.12.040.B prohibits possession of controlled substances by any person while in any City Park.
2. The people of Oregon, through the initiative process, have amended State law regarding the recreational possession and use of cannabis.
3. ORS 475.864(6)(a) has removed criminal liability for persons who are 21 years of age or older and who possess in public no more than one ounce of usable cannabis.
4. Under ORS 475B.820, it remains unlawful under State law for any person to use cannabis in a public place.
5. It is in the public interest, in order to avoid confusion or to create a trap for unwary individuals who believe their conduct to be consistent with State law, to remove the prohibition of mere possession of cannabis in the City's Parks, so long as that possession is consistent with State law and so long as the cannabis is possessed in a closed container.
6. The reference in PCC 20.12.040 to the definition of "prescription drug" should be amended to refer to the current numbering of that definition in ORS 689.005(34).

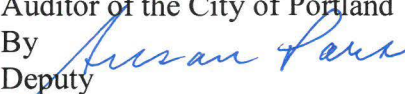
NOW, THEREFORE, the Council directs:

- a. PCC 20.12.140 is amended as provided in Exhibit A to this Ordinance.

Passed by the Council: **NOV 23 2016**

Commissioner Fritz
Prepared by: Harry Auerbach
Date Prepared: October 19, 2016

Mary Hull Caballero

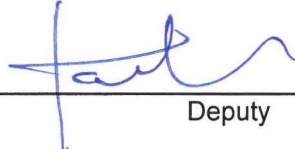
Auditor of the City of Portland
By 
Deputy

1285 1312

Agenda No. **ORDINANCE NO. 188112** As Amended

Title

Amend City Code Provisions Relating to Possession of Marijuana in Parks to Conform to State Law
(Ordinance, amend PCC 20.12.040)
Code Section *cannabis*

INTRODUCED BY Commissioner/Auditor: Fritz	CLERK USE: DATE FILED <u>NOV 08 2016</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance and Administration - Hales	By:  Deputy
Position 1/Utilities - Fritz <i>Amade Fish</i>	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	
BUREAU APPROVAL	ACTION TAKEN: As Amended
Bureau: Parks & Recreation	NOV 16 2016 PASSED TO SECOND READING NOV 23 2016 9:30 A.M.
Bureau Head: Mike Abbate <i>Mike Abbate</i>	NOV 23 2016 CONTINUED TO NOV 23 2016 2 P.M.
Prepared by: Harry Auerbach Date Prepared: October 19, 2016	
Impact Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances <i>Toni</i>	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>AA</i>	
Council Meeting Date Nov 16, 2016	

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: 10 minutes (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	—	
Hales	✓	