

14A.50.010 Alcohol and Controlled Substances on Public Property and Public Rights of Way.

A. No person shall consume alcoholic liquor, as defined in ORS 471.001, or a controlled substance, as defined in ORS 475.005, on public property, ~~It is unlawful for any person to drink alcoholic liquor upon any~~ streets, sidewalks, or ~~any~~ other public rights-of-way.

B. No person shall possess on any public property, ~~It is unlawful for any person to have in his possession while upon any~~ street, sidewalk, or other public right-of-way, any bottle, can, or other ~~receptacle~~ container containing ~~any~~ alcoholic liquor ~~which if it~~ has been opened, ~~or a~~ ~~its~~ seal broken, ~~or the~~ ~~its~~ contents of ~~which have been~~ partially removed.

C. ~~This Section does not apply to prohibit~~ The prohibitions set forth in Subsections A. and B. of this Section do not apply to:

1. ~~This Section does not apply to prohibit~~ the consumption of alcoholic liquor in sidewalk cafes ~~which that~~ have ~~been obtained~~ ~~issued~~ permits ~~under pursuant to~~ Chapter 17.25 of this Code.

2. The use of alcohol in street areas sanctioned by a Community Event Street Closure–Alcohol Allowed permit issued by the Bureau of Transportation under PCC Chapter 17.44, contingent upon adherence to all relevant Oregon Liquor Control Commission guidelines.

3. The consumption of medications, as directed by a prescriber, as stipulated in ORS 414.351.

D. ~~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.~~ For purposes of this ordinance, "consume" denotes the act of imbibing, injecting, ingesting, inhaling, or otherwise introducing a substance into the human body.

E. The restrictions on consuming controlled substances outlined in this chapter will take immediate effect if any of the following occurs:

1. The State of Oregon passes a law granting local jurisdictions the power to regulate public consumption of controlled substances;
2. A court with appropriate jurisdiction determines that cities can regulate the public consumption of such substances within their boundaries; or
3. A regulatory body of the State of Oregon identifies or drafts regulations allowing implementation.