

Odor Code Update Project

Recommended Draft Testimony to City Council

October 2024

Matthew Vicedomini

#335196 | October 29, 2024

Testimony to **Portland City Council** on the **Odor Code Update Project, Recommended Draft**

Several years ago when we were smoking bbq on Mississippi ave I had an odor complaint filed against Matt's BBQ very shortly after moving to that location. Much to my surprise, as we had been operating the exact same way on MLK BLVD with no issues for 3 years at that point. As it was an anonymous complaint I don't know where they lived but I was given the impression that it was a block or two away. The individual claimed the smoke went up in the air, down the street and back down into her bedroom windows (and claimed to have photo evidence to prove it). I was given essentially 30 days to correct or I would be required to move site or pay a fine. I spent \$5k on an elaborate fan system which cut down the smoke smell to a mere fraction of what it once was.

However the way the code is written the inspector is required to stand next to the closest residence, which is about 10ft away (ironically owned and occupied by the owner of Prost, my landlord who had no issues). Needless to say I failed. Now I had to find a new location to move to. Given 30 days to find and outfit a commercial kitchen is impossible. So my choices now are to close my business in the middle of summer and lay off 8 employees or pay the fine every month. I payed the fine every month. Eventually i moved to a new facility in an industrial zoned area. The fines and fan probably set me back \$15k in the end which was a huge burden for me at the time and the whole thing was a very stressful experience. Things have been fine since then but it's a little nerve wracking to know that my now 4 locations and almost 80+ employees can all be jeopardized by one individual that doesn't like what I'm doing. I've made a good faith effort to satisfy the code by moving as far away from residences as possible yet I am still at risk of being the subject of a complaint. I believe the city needs to provide better avenues for small businesses such as myself to grow. Thanks. -matt

Testimony is presented without formatting.

Makenzie Marineau

#335199 | October 30, 2024

Testimony to **Portland City Council** on the **Odor Code Update Project, Recommended Draft**

Portland City Mayor, City Councilmembers and staff. On behalf of the Oregon Restaurant & Lodging Association, we urge you to amend Title 33 and to exempt service businesses for which odor is an inherent part of their business model, such as restaurants, coffee shops or bakeries. ORLA represents over 12,000 restaurants and lodging properties across the state, with the largest concentration of those right here in Portland. Some of the top restaurants in this country call Portland their home and is a place of destination to enjoy a unique, high-quality food experience. As of today, one of those operations was unfortunately closed due to the odor code. ORLA encourages the city to review its “subjective, unfair ‘smell’ code immediately and cease targeting small restaurants and their owners. The industry supports this code being reviewed and revised. We support the work Commissioner Carmen Rubio has put in to update the odor rules in Portland and bring this to City Council. The change to the code greatly impacts the restaurant industry, particularly restaurants owned and operated by people of various racial and ethnic backgrounds. For other code violations, such as noise, vibration and even glare, there are measurable, objective standards, but the city’s code written for ‘odor’ violations is entirely subjective and the proposed new amendments recognize that. The way the code was written puts a massive financial burden on those restaurants that have had subjective complaints filed against them. The recommended changes eliminate the threat to these businesses that one complaint could lead to enforcement actions. We encourage the City Council to unanimously support the recommended changes to this code. The restaurant industry is grateful for this support.

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We encourage the City Council to unanimously support the recommended changes to this code. The restaurant industry is grateful for this support.

With gratitude,

Makenzie Marineau

Government Affairs and Regional Leadership Teams Coordinator

[Oregon Restaurant & Lodging Association](#)
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Portland City Council Meeting
Wednesday, October 30, 2024 - 2:00 p.m.
Verbal Testimony

	Agenda Item	Name
1	948	Scott Everist
2	948	Grace Henricks