

ORDINANCE No. 184870 As Amended

*Amend Time, Place and Manner Regulations of Establishments that Sell and Serve Alcoholic Beverages Code, to expand authority to allow certain activities be considered nuisance activities and make changes to the violation and abatement process (Ordinance; amend Code Chapter 14B.120)

The CITY of Portland ordains:

Section 1. The COUNCIL finds:

1. In Oregon, the power to grant, revoke and renew licenses for the sale of alcohol is the responsibility of the Oregon Liquor Control Commission.
2. In July of 2000, the Office of Neighborhood Involvement (ONI) created the Liquor License Notification Program (LLNP). In addition to notifying neighbors about liquor license applications, the LLNP works directly with ONI Crime Prevention Coordinators, the Portland Police Bureau (PPB), Drugs and Vice Division and other City staff to problem-solve neighborhood livability issues related to a licensed liquor establishment.
3. ORS 471.164(1) “allows cities and counties to adopt reasonable time, place and manner regulations of the nuisance aspects of establishments that offer entertainment or serve alcoholic beverages if the city or county makes specific findings that the establishment would cause adverse effects to occur”.
4. In March of 2004, in accordance with ORS 471.164(1), Council enacted PCC 14B.120 Time Place and Manner Regulations of Establishments that Serve alcohol (TPM) through Ordinance No. 178201.
5. The Liquor License Team (LLT) was created to administer the TPM enforcement process jointly through ONI’s Liquor License Program and the Drugs and Vice Division of PPB. The LLT includes representation from ONI, PPB, Noise Control, Fire Bureau and other relevant City, County or State staff depending on the issues being addressed.
6. The TPM Process has provided a coordinated problem solving approach that resolves issues in a reasonable manner, and if necessary, can result in significant action to abate the nuisance activities. However, in some occasions, locations that are experiencing problems have fallen just outside the three (3) nuisance in thirty (30) days threshold for a violation. Problems escalate with no recourse for City officials to compel action.
7. Early intervention with nuisance activities not currently addressed in the ordinance can often prevent an escalation to more serious incidents occurring.
8. Drug activity and prostitution are not currently recognized by the Code as a “nuisance activity” unless a disturbance also occurs. As these are nuisance

activities that disrupt neighborhood livability, the Code needs to address these types of incidents should they originate from an establishment serving alcohol.

9. Serious incidents that are life threatening should also be addressed immediately. One incident involving death or the risk of death should require the licensee to work with the City to develop a collaborative plan in an attempt to avoid further violence.
10. In 2004, the Commissioner in Charge appointed the Time Place and Manner Oversight Committee to study and report on the impact of the regulations. The committee has met periodically over the past seven (7) years to review case activity and consider the effectiveness of the enforcement. The committee has affirmed that the TPM enforcement provides an opportunity for responsible licensees to address issues early and has been effective in dealing with many problems. The TPM Oversight Committee supported pursuing the proposed changes to improve the effectiveness of the program
11. The City of Portland held two (2) public meetings in June and July 2011 and also provided an opportunity for the public to submit written comments. The proposed code changes include changes made based on the feedback received.
12. The proposed code changes expand the list of what have been determined to be nuisance activities where it is a reasonable response to take early steps towards intervention with a premise licensed to serve alcohol. This early intervention on these types of activities will reduce the likelihood of more serious problems occurring.

NOW, THEREFORE, The COUNCIL DIRECTS:

- a. City Code Chapter 14B.120, "Time, Place and Manner Regulation of Establishments that Sell and Serve Alcoholic Beverages", is amended in accordance with the attached Exhibit A.
- b. The Administrative rules are amended in accordance with the attached Exhibit B.

Section 2. The Council declares that an emergency exists because a delay could cause unnecessary harm to the public if incidents arise as described in the Ordinance and immediate action as described in the Ordinance is required; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: SEP 14 2011

Commissioner Amanda Fritz
Prepared by: Theresa Marchetti
Date Prepared: August 30th, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By


Deputy

Agenda No. **184870** As Amended
ORDINANCE NO.
 Title

* Amend Time, Place and Manner Regulations of Establishments that Sell and Serve Alcoholic Beverages Code, to expand authority to allow certain activities be considered nuisance activities and make changes to the violation and abatement process (Ordinance; amend Code Chapter 14B.120)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Commissioner Amanda Fritz</p>	<p>CLERK USE: DATE FILED <u>SEP 01 2011</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz <i>Amal Fritz</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Office of Neighborhood Inv Bureau Head: Amalia Alarcon de Morris <i>[Signature]</i></p> <p>Prepared by: Theresa Marchetti Date Prepared: 8-30-11</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Council Meeting Date <u>Sept 7th, 2011</u></p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>WP</i></p>	<p>ACTION TAKEN:</p> <p>SEP 07 2011 PASSED TO SECOND READING SEP 14 2011 9:30 A.M.</p>

AGENDA

TIME CERTAIN
 Start time: 2pm

Total amount of time needed: 1 hour
 (for presentation, testimony and discussion)

CONSENT

REGULAR
 Total amount of time needed: _____
 (for presentation, testimony and discussion)

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