



CITY OF

PORTLAND, OREGON

Amanda Fritz, Commissioner
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184870

Sept. 13th, 2011

To: Council

RE: Amendment to Council Item #972

The following is requested amendment language to the Time Place Manner Ordinance revisions to add an emergency clause.

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.

Thomas Bizeau
Chief of Staff; Commissioner Amanda Fritz
City of Portland, Oregon;
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Phone: (503)-823-3990

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Theresa Marchetti		2. Telephone No. 503-823-3092	3. Bureau/Office/Dept. Office of Neighborhood Involvement
4a. To be filed (date): Sept 1 st , 2011	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: August 30 th , 2011
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

Amend Portland City Code 14B.120 – Time Place and Manner Regulations of Establishments that Serve Alcoholic Beverages (Ordinance).

2) Purpose of the Proposed Legislation:

The proposed changes would provide the city with an avenue to address drug activity, prostitution, and serious violent incidents at locations licensed to sell alcohol. The changes also allow for action to be taken earlier to prevent escalation of issues that result in harm to the community.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- City-wide/Regional Northeast Northwest North
 Central Northeast Southeast Southwest East
 Central City
 Internal City Government Services

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.
No.

5) Expense: What are the costs to the City related to this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)

The infrastructure is already in place to administer the changes. Some increased cost may be incurred in problem solving with businesses through the TPM enforcement process, but will likely be no more than what is spent in informally problem solving while waiting for the incidents to reach a threshold where the city may compel some action.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No

- **Will positions be created or eliminated in future years as a result of this legislation?**

No

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

YES: Please proceed to Question #9.

NO: Please, explain why below; and proceed to Question #10.

9) If “YES,” please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

Positive impacts on the community are expected as a result of this change. Nuisance behaviors that are not currently classified under the code, will now be able to be addressed, and a lower threshold will allow for problem solving to occur earlier with recourse available if the licensee is unresponsive.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

The community was engaged in the original implementation of the Time Place Manner code and representatives from police, alcohol industry, businesses and neighborhoods participated in the Time Place Manner Oversight Committee since 2004. The Oversight Committee has reviewed case activity over the years and provided input regarding the proposed changes based on the history of case activity. Input was also gathered through the Liquor License Team, which includes participation from many City bureaus.

The Community at large was engaged through 2 public hearings with invitations going out city-wide. Updates on the proposed changes were forwarded to Neighborhood and Business associations. Written feedback was requested and received.

c) How did public involvement shape the outcome of this Council item?

Changes were made to the proposed code language based on feedback received from the community.

d) Who designed and implemented the public involvement related to this Council item?

The Liquor Licensing Program for the Office of Neighborhood Involvement

e) Primary contact for more information on this public involvement process (name, title, phone, email):

Theresa Marchetti, Liquor Licensing Specialist, 503-823-3092,
theresa.marchetti@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No targeted involvement is currently planned. The community will continue to engage through submitting complaints regarding nuisance activities and if new issues are identified in the future then similar public involvement process would take place.

Amalia Alarcon De Morris



BUREAU DIRECTOR (Typed name and signature)



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

AMANDA FRITZ, COMMISSIONER
 Amalia Alarcón de Morris, Bureau Director
 1221 SW 4th Avenue, Room 110
 Portland, Oregon 97204

Enhancing the quality of Portland's Neighborhoods through community participation

DATE: August 30, 2011**TO:** Commissioner Amanda Fritz**FROM:** Theresa Marchetti, Liquor Licensing Specialist**RE:** Ordinance Title: Amend Portland City Code, 14b.120 - Time, Place, and Manner regulations of establishments that sell and serve alcoholic beverages. (Ordinance)**1. Intended Thursday Filing Date: September 1, 2011****2. Requested Council Agenda Date: September 7, 2011****3. CONTACT NAME AND NUMBER:** Theresa Marchetti, x33092**4. PLACE ON** CONSENT REGULAR**5. FINANCIAL IMPACT STATEMENT ATTACHED:** Y N N/A**6. THREE (3) ORIGINAL COPIES OF CONTRACTS APPROVED AS TO FORM BY CITY ATTORNEY ATTACHED:** Yes No N/A**7. BACKGROUND ANALYSIS**

In 2004, Council adopted Portland City Code 14B.120 Time Place and Manner Regulations of Establishments that Serve Alcohol (TPM code). The code was established to use the authority granted by ORS 471.164(1) to regulate the nuisance aspects of establishments that serve alcohol. As authorized by Council, the Office of Neighborhood Involvement Liquor Licensing Program has coordinated the implementation of the regulations and the Liquor License Team (LLT) for enforcement of the regulations. The TPM code has been effective in addressing many livability and public safety issues that arise out of the sale of alcohol. The goal is to work with the licensee to address the issues before they become egregious. However, the LLT identified that there are several areas that the City's authority is insufficient to address problems. The proposed changes will expand the authority slightly to allow:

- Drug activity, prostitution, overcrowding, and serious incidents involving death or the risk of death to be considered nuisance activities for the purpose of this code.
- A violation and abatement process if three nuisance incidents occur in 60 days (rather than 30 days currently allowed).
- A violation and abatement process in the event that a serious incident occurs at an establishment.

The proposed changes have been reviewed and supported by the LLT as well as the Time Place and Manner Oversight Committee, which includes community and industry representation. Time Place and Manner is a reasonable process to a responsive licensee and has been effective in mitigating harm. These changes will help to better serve the communities of Portland, and ensure that licensed establishments do not act irresponsibly or negligently at

the cost of the community. It will also allow the City of Portland to take intervening steps with a premise earlier and avoid more serious problems from occurring. This is the only avenue to address problems at licensed establishments at the local level. All other regulatory authority is held by the state Oregon Liquor Control Commission.

8. **FINANCIAL IMPACT**

There is no tangible financial impact to the proposed code changes. The infrastructure is already in place to administer the changes. Some increased cost may be incurred in problem solving with businesses through the TPM enforcement process, but will likely be no more than what is spent in informally problem solving while waiting for the incidents to reach a threshold where the city may compel some action.

9. **RECOMMENDATION/ACTION REQUESTED**

Approve the ordinance and adopt the proposed changes to PCC 14B.120 and the corresponding administrative guidelines.