

received at morning 5/1/80
5-1-80

To whom it may concern **149584**

around 9:15 on the evening
of April 17. I was driving
down Milwaukee Blvd when I
noticed a group of young people
in the street and in front
of the Myer House and also
in front of the upholstery shop
next door,

I had to slow my car down
to avoid hitting any of them, ~~they~~
Several of them ran behind the
car and also in front of it
gave me the finger and shouted
abuse at me.

149584

It was a very frightening experience
I have noticed on several other
occasions groups of young people
hanging around the myer house
and have avoided driving down
that way.

I believe we can do without
this kind of element in this
neighborhood.

Dorothy Pepping
1534 SE Rex
Portland Oregon
97202

We, the undersigned, desire the removal from the area of the Moreland Fun Center--7304 S. E. Milwaukie Avenue--in order to protect the livability of the neighborhood. The manager of the Center has stated that he has no responsibility for what happens outside his building although it is his patrons who are responsible for the turmoil and damage. Property damage, vandalism, car prowling, litter, noise, careless control of cars, excessive speed, car radios blaring from nine or ten P. M. until two or three o'clock in the morning, drug use, broken glass, overtime parking, trespassing in residential yards abounds. Customers do not patronize the surrounding businesses because of the groups congregated on the streets. The streets themselves are sometimes blocked or objects thrown at passing cars. We therefore petition for an end to this disruption of the neighborhood.

NAME	ADDRESS	PHONE
W. K. Kirby	7235 S.E. 17th Ave.	232-5028
Jeff Cording	834 SE Malden St.	
John Bryant	7316 S. E. 17th	unlisted
D. B. Littleton	7200 Milwaukie Ave	
Ruby Soderstrom	7508 S.E. Milwaukie	
Richard Gustafson	7201 SE Milwaukie	234-6879
Marygrove Lane	7215 S.E. Milwaukie Ave.	
Dorcas Larkington	7215 S.E. Milwaukie Ave.	
Clark Othman	7405 S.E. Milwaukie Ave	234-5558
C. J. Penning	7305 S.E. 17	
Elaine E. Penning	7305 S.E. 17	
Sach E. Ford	6111 S.E. 18th Ave	234-1470
William M. Sodya	1521 S.E. Malden	
Kenneth Shaw	7032 S.E. Milwaukie	234-5468
Robert Shaw	7032 SE Milwaukie Ave.	
Sam Pierce	7044 S.E. Milwaukie Ave	
George D. Leitch	7275 SE 17th	
Alvin L. Missett	7214 SE Milwaukie	
Gloria Leitch	7225 S.E. 17th	2358276
Mary Anne McComb	7224 SE 17th	238-1269
Constance Ashby	7212 S.E. 17th	
Walter A. Brown	" "	236-7212
Alfred F. Brown	1706 L.E. Knapp St.	
Mary Kathryn Frank	1706 SE. Knapp St.	235-3935
L. L. Brown	7316 S.E. 17	
John McComb	7224 S.E. 17	
Myrl Kirby	7235 SE 17	

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NAME	ADDRESS	PHONE
Minnie & Dinwain	8403 S.E. 7 th City 97202	235-2661
Harold Antis	1647 S.E. Rev	232-7585
Robert J. Corbin (Corbin)	2235 SE 22 nd	232-0246
Irma L. Larkhumer	1605 S.E. Miller	
L. Beal (SEIDL)	7037 SE 18	
Kathy Meiners	7314 SE 14	232-2275
Laura Thomson	7227 S.E. Milwaukee Ave	234-2827
Clare Luch	7235 SE Milwaukee Ave	233-8054
W. M. McFie	"	233-8059
R. W. Thoman	7227 SE MILWAUKIE	2378059
Tom Luch	7237 SE	
Les Ferrie	7326 SE	232-5338
Harold Elliot	7320-24 SE Milwaukee Ave	642-2431
W. Lueson		
Ray Harris	7534 SE Milwaukee	
H. Person	7317 S.E. 18 th Ave	236-2903
A. Gray	7807 S.E. Milwaukee Ave	
Sharon Smith	7326 S.E. Milwaukee Ave	
Iris McLean	1515 S.E. Glenwood	
Therese W. Johns	1621 SE KNAPP	
Julane Savitt	1550 S.E. Mulder	
Carl Babcock	1516 S.E. Ogden	234-2707
Leslie J. Yalden	1408 SE Knapp	233-7334
Thelma Clark	6676 S.E. Milwaukee	235-6358
William F. Lucas	6324 S.E. 22	235-4998
Edna Muth	7105 S.E. 21	232-2632
M. T. Haley	7125 SE 16	232-4821

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We therefore petition for an end to this disruption of the neighborhood.

NAME	11-7-79	ADDRESS	PHONE
R. A. Pinson		7317 SE 18 th Ave	236-2903
James M. Myers		3624 SE Carlton	774-5729
Paul D. Wood		7418 SE 22 nd	774-6341
Vern. Heberg		7765 SE 22 nd	234-4741
June Anderson		6314 S. E. 21 st	232-3301
Rob Roy A. Stein		6115 SE 19 th AVE	236-5220
Isla Pitterson		715 SE Tamm	334-3861
Mrs. H. L. Wilson		7536 SE Milwaukie	235-3209
Mary Berber		1425 SE Ogden	235-5823
Florence M. Propeck		1504 S E Ogden	232-3244
Robert W. Propeck		1504 SE Ogden	32-3248
Florence Mackey		1504 SE Knapp St	236-5333
J. E. Mackey		7224 SE 18 th	234-014
Eugene A. Weber			
Ben A. Chruska		1647 SE ROX	232-7385
James M. Yaster		8324 SE 7 th	235-4010
Timothy Spencer		7955 SE Milwaukie	232-3291
Sydney Brummell		2212 S. E. Lambert	233-7841
Bert HITTGETON		7200 Milwaukie Ave	234-3852
Harold H. Leitch		7725 SE 17 th	235-2776
Luth P. Williams		433 S. E. Redway	236-8036
John H. Wier		1433 SE Redway	236-2030
Ken Widen		4136 NE 27 th	281-9063
Bob Roehr		6831 SE 15 th	238-6858
Paula		1436 SE Spokane	236-4022
David		7435 SE 20 th St.	
W. HOFER.		7834 SE 13 th AVE	233-7834
W. Crook		1516 S. E. Ogden	234-2707
W. Blum		2205 SE Unatilla	235-3736
		7134 SE 17 th	232-4556
		6827 SE 17 th	235-9065
		6827 SE 17 th	235-9965
		4106 SE Knapp St.	111-4254

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NAME	11-7-79	ADDRESS	PHONE
Clyde L. Wheeler		7425 S.E. 21 st ave	235-4802
Dana G. Otavie		7534 S.E. Milwaukee Ave.	236-9851
Lelen L. Wheeler		7425 S.E. 21 st ave.	235-4803
Dennis Means		7314 SE 14 th	232-2275
Jeff M. [unclear]		7327 SE Milwaukee	231-0096
Jeff Foreman		7805 SE 13 th	236-7181
Paul Wagner		6723 SE 18 th	233-8088
E. A. Seely		1625 S.E. Knapp	235-7946
Pauline Wingan		7216 S.E. 16 th	232-153
Mr. & Mrs. [unclear] White		7236 S.E. 16 th	234-1828
Marianne R. Kernell		7805 S.E. Milwaukee	239-5012
Tim L. Ferlusk		P.O. Box 02143 1620 NE Knapp	
Florence M. Allen		1626 S.E. Knapp	232-971
Virginia G. Tringley		1526 S.E. Mahan St	232-586
Joseph L. Hunter		1625 S.E. Rural St	233-9100
Regina Wisniamt		2320 S.E. Mahan	235-0341
Mr. J. [unclear]		2350 S.E. Mahan	235-0341
Joyce Fletcher		1628 S.E. Ogden	236-3641
Edna M. Shumatt		1628 S.E. Ogden	236-3641
Marvin L. Shumatt		6018 SE 18	235-7117
Charles E. Gonschke		1576 SE Floral	235-131
Laurie M. Taylor		6805 S.E. Milwaukee	232-111
Willie Guilmore		1570 S.E. Lanier	232-691
Floyd Annally		6625 SE 19 th Ave	236-178
Bob Altenhofen		7430 SE Milwaukee	234-41
Forster Ohman		7430 SE Milwaukee	234-417
23. [unclear]			

ORDINANCE NO. 149584

An Ordinance amending Title 14 by adding a new chapter 14.50 to the Code of the City of Portland, regulating certain commercial amusement businesses, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

- (1) That certain commercial amusement businesses are operating within the City of Portland;
- (2) That these commercial amusement businesses offer activities that attract primarily young people, especially juveniles;
- (3) That these commercial amusement businesses, in attracting large numbers of young people, present an extraordinary risk of being a focal point for criminal behavior, and have an adverse impact upon the peace and tranquility of residential neighborhoods, and present an unusual distraction to the education of the city's minors;
- (4) That, therefore, certain pervasive regulation of these commercial amusement businesses is necessary to ensure that such businesses are able to operate, without causing detrimental effects upon the city's young people;

NOW, THEREFORE, the Council directs:

- (a) That the Code of the City of Portland be amended by adding a new chapter entitled Commercial Amusement Business Regulation, to be numbered, titled and to read as follows:

Chapter 14.50

COMMERCIAL AMUSEMENT BUSINESS REGULATION

Sections:

- 14.50.010 Purpose
- 14.50.020 Definitions
- 14.50.030 Permit required
- 14.50.040 Exemptions
- 14.50.050 Fees
- 14.50.060 Application for commercial amusement business permit
- 14.50.070 Issuance and renewal of commercial amusement business permits
- 14.50.080 Revocation or suspension of permit
- 14.50.090 Final determination of permit suspension, denial or revocation; appeals
- 14.50.100 Effective date for existing businesses
- 14.50.120 Maintenance of premises in violation declared a nuisance; abatement
- 14.50.130 Inspection of premises

14.50.010 Purpose. The purpose of this chapter is to provide for the regulation of certain types of commercial amusement businesses that the council finds present an extraordinary risk of being a focal point of criminal behavior, have adverse impact upon the peace and tranquility of residential neighborhoods, and present an unusual distraction to the education of the city's minors.

14.50.020 Definitions. For purposes of this chapter, the following definitions shall be utilized:

(1) "Commercial amusement business" means any establishment in which are located any machines, devices or games played or capable of being played for amusement, where a charge is made for the use of such machine or game, whether collected by the business directly for the use of the machine or game, by requiring the deposit of money or token in the machine or game, or indirectly by the charging of an admission fee. Such machines, devices or games include, but are not limited to foosball or table soccer games, billiards or pool tables, shuffleboard, shooting gallery devices, miniature bowling games, roadrace games, ping pong tables, electronic games of skill and other similar games of amusement, and also including those amusement devices permitted by Section 14.68.285 of this code. Regardless of whether free play, bonus plays or extra opportunities of any kind are a feature of such machine, device or game, establishments classified as "commercial amusements: games of science and skill, billiards and pool, penny arcade or shooting gallery" by Title 33, Planning and Zoning, of this code shall be considered to be a commercial amusement business.

(2) "Amusement" means that which is made available primarily for pleasure or entertainment.

14.50.030 Permit required. It is unlawful for any person to maintain, operate, conduct, or to allow others to engage in, in or upon any premises within the city of Portland, the operation of a commercial amusement business as herein defined, unless a permit for such business has first been obtained from the chief of police.

14.50.040 Exemptions. This chapter does not apply to: (1) any establishment licensed to serve alcoholic liquors, beer and/or wine pursuant to state law, provided that the machines, devices or games are within the area of the licensed establishment to which access by minors is restricted.

(2) any establishment which is within the definition of "commercial amusement business" solely due to the maintenance of such machines, devices or games for which valid permits have been issued pursuant to section 14.68.285 of this code.

(3) any bowling alley business operating and maintaining only pool or billiard tables for which valid permits have been issued pursuant to section 14.68.285 of this code.

14.50.050 Fees. Every applicant for a permit to maintain, operate, conduct or carry on a commercial amusement business shall file an application with the chief of police and pay a fee of fifty (\$50.00) dollars.

14.50.060 Application for commercial amusement business permit. A. The application for a permit to operate a commercial amusement business shall set

forth the proposed location of the business and the premises therefor, the name and address of each applicant, and the name and address of the principal managing employee thereof.

B. In addition to the foregoing, any applicant for a permit shall furnish the following information:

- (1) written proof that the person is at least 18 years of age;
- (2) employment history for the person for the three (3) years immediately preceding the date of application;
- (3) the commercial amusement or similar business license history of the person;
- (4) whether such person, previously operating a business in this or any other city or state under any license or permit, has had such license or permit revoked or suspended, the reason therefor, and the business activity or occupation of the person subsequent to such action of suspension or revocation;
- (5) any criminal arrests or convictions, except minor traffic infractions, including the date and location of such arrests or convictions.

14.50.070 Issuance of renewal of commercial amusement business permits. Upon the filing of an application for issuance or renewal of a commercial amusement business permit, and payment of the required fee, the chief of police shall cause the applicant to be investigated to ascertain the applicant's suitability to engage in such business.

(1) The application may be denied if:

(A) The applicant, or any other person who will be directly engaged in the management or operation of the commercial amusement business has previously:

(1) owned or operated a commercial amusement business and the permit for such business has been revoked, or

(2) committed:

- (a) any felony,
- (b) any crime involving obscenity,
- (c) any crime involving gambling
- (d) any crime involving the use, possession, transfer or manufacture of any controlled substance,
- (e) any crime involving any sexual offense,
- (f) for the purpose of this chapter, the crimes listed in subsections (a)-(e) above shall be considered to be defined by the statutes of the state of Oregon; the commission of any such crime other than under the statutes of the state of Oregon or the ordinances of the city of Portland shall be considered the commission of one of the above listed crimes if the elements of that crime committed would have constituted one of the above listed crimes under the applicable Oregon statutes or Portland ordinance provisions at the time committed.

(B) The business operation as proposed by the applicant would not comply with all applicable requirements of this code, including, but not limited to the building, health, planning and zoning and fire codes of the city. No permit shall be issued for any such business location within 100 feet or any A or R zone established by the Planning and Zoning Code nor for any location within 500 feet of any public or private elementary, junior high or high school.

(C) Any statement in the application is found to be false

(D) The proposed business location would be a detriment to the immediate vicinity thereof due to congregation of pedestrian or vehicular traffic.

(E) Any employee has committed a crime involving any felony, prostitution, promoting prostitution, compelling prostitution, any crime involving any sexual offense, any crime involving the use, possession, transfer or manufacture of any controlled substance, and such commission occurred on the premises subject to the permit, or was connected in time and manner with the operation of the establishment.

(2) The permit shall be for a term of one year, shall be nontransferable, shall expire on the first anniversary of its issuance, and shall be valid only as to the location for which it is issued.

14.50.080 Revocation or suspension of permit. (1) Any permit issued for a commercial amusement business may be revoked or suspended for any cause which would be grounds for denial of a permit application, or when investigation reveals any violation of the provisions of this chapter or any violation of federal or state law or city ordinance relating to minors, gambling, obscenity, controlled substances, prostitution, or alcoholic beverages that has occurred on the premises, or that was connected in time and manner with the operation of the establishment, or if the operation of the establishment constitutes a public nuisance, or when a lawful inspection has been refused.

(2) Any permit may be revoked or suspended if any minor is found present on the premises in violation of any applicable curfew law, or as a truant from school. Provided that no permit shall be revoked for this reason unless the permit has previously been suspended for this cause.

(3) Any permit may be revoked or suspended if any statement contained in the application therefor shall be found to have been false.

(4) Any permit may be revoked or suspended if it is determined that the business causes, because of the persons frequenting the premises, a significant increase in litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other neighborhood locational problems, in the area around the business premises.

(5) The chief of police may revoke or suspend any permit issued under this chapter by giving the permittee written notice of such action and the reasons therefor. Refusal of the service by the permittee is prima facie evidence of receipt of the notice. Provided, that service of the notice upon the person in charge of the commercial amusement business, at the business during its hours of operation, shall constitute prima facie evidence of notice to the permittee.

14.50.090 Final determination of permit suspension, denial or revocation; appeals. (1) Any suspension, denial or revocation of a permit shall become effective and final ten (10) days after the giving of such notice, unless it is appealed, by filing a written notice of appeal to the Commissioner of Public Safety.

(2) If the revocation, suspension or denial is not resolved to the person's satisfaction after appeal to the Commissioner of Public Safety, then the person shall have 10 days, from the date of such decision, to appeal the matter to the Council, by filing a written notice of appeal with the auditor of the city.

(3) The filing of an appeal of a revocation, suspension, or denial of a permit under this chapter shall stay the effect of such suspension, revocation or denial until the appeal is determined. Upon receipt of notice of the appeal to the council, the auditor shall give notice to the chief of police, and the auditor shall set a date for a council hearing on the appeal. At the hearing, the chief of police or his designee shall report to the council concerning the reasons for denying, revoking or suspending the permit. The Commissioner of Public Safety shall present to the council his reasons for denial of the appeal to his office. The person whose application has been denied, or whose permit has been suspended or revoked shall have the right to present evidence and witnesses in his behalf, question all witnesses, be heard by the council, and file a written statement. At the conclusion of the hearing, the council shall determine the appeal and the decision of the council shall be final. If the council denies the appeal, the revocation, suspension or denial shall be effective immediately.

14.50.100 Penalty. Violation of Section 14.50.030 of this chapter is punishable upon conviction by a fine of not more than \$500 or by imprisonment not exceeding six (6) months, or both.

14.50.110 Effective date for existing business. Any business, subject to this chapter, already doing business on the effective date of this ordinance may continue to do so, subject to the provisions of this chapter, if:

(1) Application for the required permit is made within thirty (30) days of the effective date of this ordinance; and

(2) The application for such permit is not subsequently denied, revoked or suspended; and

(3) Such persons prove to the satisfaction of the chief of police that they were, in fact, engaged in such business on the effective date of this ordinance.

(4) Any person operating a business subject to this chapter shall not be denied a permit solely on the grounds that the business location is in violation of the location requirements of Section 14.50.070(1)(B) during the first six (6) months that this chapter applies to such business. Any permit issued pursuant to this subsection shall expire on the six (6) months anniversary of this ordinance applying to the business and shall not be renewed unless the business is in compliance with Section 14.50.070(1)(B).

14.50.120 Maintenance of premises in violation declared a nuisance; abatement. Any premises maintained in violation of the provisions of this

ORDINANCE No.

chapter is hereby declared to be a public nuisance. The city attorney is authorized to bring any action or suit to abate such nuisance in any court of competent jurisdiction when he has probable cause to believe a nuisance under this section exists regardless of whether or not any individual has been convicted of a violation of this chapter.

14.50.130 Inspection of premises. A police officer may, during the hours that the commercial amusement business is open for business, inspect those portions of any premises in or upon which a business regulated under this chapter is conducted that are open to or frequented by the public and/or persons using the machines, games or devices. The inspection shall be limited in scope to that necessary to determine compliance with the regulatory provisions of this chapter. Failure to permit such inspections shall be grounds for revocation or suspension of the permit required by this chapter.

Section 2. The Council declares:

That an emergency exists so that there may be no unnecessary delay in enforcing the above regulations; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Mayor of the City of Portland
GEORGE AER KOWICH

MAY 8 1980

MAY 1 1980

THURSDAY

Title

ORDINANCE NO. 110281

Calendar No. 11204

11204

Passed by the Council,

MAY 8 1980

Commissioner Jordan
April 24, 1980
KHScomperdis/fg

Attest:

George A. Kowich
Mayor of the City of Portland

Serge Gekovits
Auditor of the City of Portland

1576
Calendar No. ~~1504~~

ORDINANCE No. 149584

Title

An Ordinance amending Title 14 by adding a new chapter 14.50 to the Code of the City of Portland, regulating certain commercial amusement businesses, and declaring an emergency.

THURSDAY
MAY 1 1980

Continued to 2:30 PM MAY 8 1980

Filed APR 25 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Donna McCall
Deputy

INTRODUCED BY
Commissioner Jordan

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety <u>Charles Jordan/Jac</u>
Utilities
Works

BUREAU APPROVAL
Bureau:
Prepared By: <u>KES</u> Date: April 24, 1980
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head:

NOTED BY
City Attorney <u>CS</u>
City Auditor <u>SC</u>
City Engineer

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

FOUR-FIFTHS CALENDAR

Ivancie
Jordan
Lindberg
Schwab
McCready

149584