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567-2023

Emergency Ordinance

***Amend Public Order and Police Code to add provisions regulating the consumption of controlled substances on public property (amend Code Sections 14A.50.010 and 14A.20.060)**

Referred

The City of Portland ordains:

Section 1. The Council finds:

1. The City Code currently prohibits the open consumption of alcohol on streets, sidewalks, and public rights-of-way.
2. On November 3, 2020, Oregon voters passed Measure 110, which reduces penalties for drug possession, making Oregon the first state to decriminalize the personal possession of controlled substances.
3. For possession of smaller amounts of controlled substances, Measure 110 reduces the penalty from the criminal misdemeanor level to a new, Class E violation.
4. The City has a compelling interest to ensure public spaces are free from the open consumption of controlled substances, in the same way the City Code already regulates the open consumption of alcohol in public.
5. The City also supports alternatives to criminal punishment whenever practical when enforcing the City Code.

NOW, THEREFORE, the Council directs:

- A. Portland City Code Sections 14A.50.010 and 14A.20.060 are amended as set forth in Exhibit A.

Section 2. The Council declares that an emergency exists to address immediately the impacts to the public health, safety, and welfare caused by the open consumption of controlled substances in the same manner as the open consumption of alcohol; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Introduced by

[Mayor Ted Wheeler](#)

Contact

Stephanie Howard
Mayor's Director of Community
Safety

✉ stephanie.howard@portlandoregon

Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

June 28, 2023

Requested Start Time


3:45 pm

Time Requested

1 hour

Changes City Code

Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2023/draft-ordinance-public-order-police_1.docx\)](https://www.portland.gov/sites/default/files/council-documents/2023/draft-ordinance-public-order-police_1.docx) 15.95 KB

Impact Statement

Purpose of Proposed Legislation and Background Information

This ordinance will modify existing City code (14A.50.010) to add certain prohibited acts in public spaces related to the use and consumption of certain controlled substances. The city has seen a sharp rise in the public consumption of fentanyl and methamphetamine to the detriment of the safety and livability of the City.

Financial and Budgetary Impacts

The change does not call for hiring above and beyond current programs, nor does it call for the expansion of any program.

Community Impacts and Community Involvement

This ordinance will impact the health, safety, and welfare of Portlanders.

100% Renewable Goal

Not applicable.

Budget Office Financial Impact Analysis

This action amends City Code to prohibit or to consume a controlled substance on public property, or any street, sidewalk, or other public right-of-way. Violating the provision will result in conviction that is punishable by a fine of not more than \$500, or by imprisonment of not more than 6 months, or by both. The ordinance also adds language to City code that alternatives to criminal punishment may be imposed whenever practicable. It is difficult to quantify the potential impacts to the City's budget that would result from the proposed code changes. However, the changes could result in increased costs if enforcement reaches levels that impact city services and programs impacted by the time, place, and manner restrictions. Calls for persons violating the proposed code changes are expected to be treated as low-priority calls, in most instances. The calls are not expected to draw officers away from responding to higher priority calls.

At this point, it is expected that the Circuit Courts will be addressing the citations. According to the Mayor's Office, they also have agreed to support the District Attorney's efforts to identify alternatives to criminal or financial penalties for those cited. Due to timing constraints, CBO was unable to explore the alternative strategies that could be offered to people convicted under the proposed code changes.

Agenda Items

567 Time Certain in [June 28, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/6/28)
(<https://www.portland.gov/council/agenda/2023/6/28>)

Referred to Commissioner of Finance and Administration

Exhibit A

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

A. It is unlawful for any person to drink alcoholic liquor, or to consume a controlled substance as defined by ORS 475.005, upon any public property, or any street, sidewalk, or other public right-of-way.

B. It is unlawful for any person to have in ~~his~~their possession while upon any street, sidewalk, or other public right-of-way any bottle, can, or other receptacle containing any alcoholic liquor which has been opened or a seal broken or the contents of which have been partially removed.

C. This Section does not apply to prohibit the consumption of alcoholic liquor in sidewalk cafes which have been issued permits under Chapter 17.25 of this Code, or to medication being taken at the direction of a prescriber, as defined 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 ~~P~~permittee is in compliance with all applicable Oregon Liquor Control Commission requirements.

E. As used in this Section, “consume” means to inject, ingest, inhale, or otherwise introduce into the human body.

14A.20.060 Penalty for Violation.

Unless a different penalty is specifically provided, any violation of any provision of this Title shall upon conviction be punished by a fine of not more than \$500, or by imprisonment of not more than 6 months, or by both. However, no greater penalty shall be imposed than allowed under Oregon law. Further, it is the City’s intent that alternatives to criminal punishment may be imposed whenever practicable for any violation of City Code.

Written Testimony Submissions - Agenda Item 567

Agenda Item	Name	Position	Comments	Attachment	Created
567	Josie Kressner	Support	I support this ordinance for the safety of all persons in Portland. It makes so much sense that I'm left wondering why this was not passed back in 2021 when Measure 110 passed. City Council, please pass it.	No	06/23/23 10:22 AM
567	Philip A. Cox	Support	This change in ordinance is critical in battling drug addiction and homelessness in Portland. I am in full support.	No	06/23/23 10:33 AM
567	Anonymous	Support	I support this.	No	06/23/23 12:57 PM
567	Javier Sodo	Support	I support this common sense measure. If public alcohol consumption is prohibited why would we allow public use of illicit drugs? Vote yes.	No	06/24/23 2:07 PM
567	Anonymous	Support	Please make it illegal to consume illegal drugs in Portland. Look at where Portland has gone since measure 110 passed. I know drug addicts who had to leave Portland because it's too easy to get and so drugs here. I have seen people literally shooting up in public while walking with younger children and disabled students. We can do better for EVERYONE. Please make it illegal to do illegal drugs in public. What kind of message are we sending to our kids?	No	06/24/23 2:26 PM
567	Anonymous	Support	I am in support of this change. Our city is being destroyed more and more each day. People are starting to fear for their safety.	No	06/24/23 3:21 PM
567	Linda B	Support	Get the drugs off the streets	No	06/24/23 3:50 PM
567	Peggy MCDaniel-HAND resident	Support	Please do make public use of drugs illegal. It's become dangerous- so much more than a public nuisance. In addition we need immediate multiple treatment facilities and laws that make it easier to commit folks for long stays so they have a chance at a real life.	No	06/24/23 4:51 PM
567	Anonymous	Support	Fully support this measure. I believe this will be good for the Portland community and will get us back on track. Measure 110 has led to a proliferation of open drug use	No	06/24/23 8:15 PM
567	Anonymous	Support	We are in support of the proposed agenda item 567. In the past few years, we have witnessed increased drug use on Portland public sidewalks, in front of businesses, at crosswalks, and by bus stops. Any citizen who chooses not to engage in or promote drug use as a way of life should not be imposed upon or have to be exposed to it in public places. NO child or young person should have to repeatedly see these types of behaviors as common or acceptable practices. NO person or creature should have to be physically exposed to potential harm from the residual smoke, syringes, or other debris left on the street by users. As Portland residents, taxpayers, and volunteers in local clean-ups, we respectfully ask that the everyday families who make up the majority of our community be considered as important to Portland 's survival. Please support 567 as a first step in improving the quality of life for us all.	No	06/24/23 9:15 PM
567	Anonymous	Support	Almost weekly I have to call my neighbor across the street with small children to provide a warning . Drug users sit and inject themselves at the end of their driveway. The Dad then has to go pick up all the drug paraphernalia and bloody needles before the kids come out to play. This is in the Hollywood neighborhood which used to be great place to live but is now overrun with drug dealers and users.	No	06/24/23 11:06 PM
567	Anonymous	Support	There's a Nike store in Ukraine but PORTLAND is now too overrun with drug dealers and criminal gangs to operate a safe store. A beautiful city destroyed by drugs. Be brave and save this city..	No	06/24/23 11:38 PM

Agenda Item	Name	Position	Comments	Attachment	Created
567	Anonymous	Support	My bike was stolen by the druggies in my neighborhood. My replacement bike stolen too. Springwater Trail full of users and dealers. NE Portland transit stations used by drug dealers. Can't get to work on time because Max has to stop to air out due fentanyl use. Transit and biking now a fail because it's too dangerous. DO SOMETHING.	No	06/24/23 11:44 PM
567	Anonymous	Support	Why are we enabling young people to overdose and die daily on our Portland streets? The loss of life is tragic. This madness must be stopped.	No	06/24/23 11:47 PM
567	Anonymous	Support	When Vera Katz was mayor we made the news for OHSU tram,, east bank esplanade, top livability rankings in the U.S. Now Portland makes the news daily as a city overrun with drugs, guns, and criminals. What will be your legacy?	No	06/25/23 12:01 AM
567	Anonymous	Support	How is Portland ever going to become a vibrant, safe city again if drug users are the only ones who feel safe walking the streets? I volunteered for SOLV downtown and it was scary. I've now given up going to art museum, symphony, and Chinese Garden. It saddens me but after a methhead tried to grab my backpack and rage at me for walking by I'm just too scared. It saddens me. I worked downtown for 10 years. But that was when it was safe and clean. Those days are gone due to 110.	No	06/25/23 12:25 AM
567	Mark Jamieson	Support		No	06/25/23 9:30 AM
567	Anonymous	Support	I am writing to support "outlawing use of drugs in public ". If we can't get rid of measure 110 then let's work with what we have. If there is a problem with jail space or treatment facilities then why not use Wapato. Wasn't that a jail that Multnomah thought they needed? I know Bybee Lakes uses part of that property. Jail for those that don't want treatment, treatment for those that don't want jail. Sounds like a win win to me. There is certainly enough money slaushing around to help the homeless, how about treating the cause of homelessness!! I know drug addiction is not the only cause of homelessness but if you remove this population you will be left with mental illness, poverty and criminals taking advantage of the situation. Patricia Ancharski Sent from my iPhone	No	06/25/23 11:43 AM
567	George Crawford , frustrated resident	Support	I am tired of my kids riding their bikes past people smoking various drugs in the Hollywood neighborhood. Please push towards protecting kids/seniors so they can safely use/navigate sidewalks, transit and parks.	No	06/25/23 12:49 PM
567	Kerry Duff	Support	Our family fully supports this ban. Open air drug use attracts crime to neighborhood parks, including shootings. People addicted also need a push to get sober. It's a win win for everyone in the city.	No	06/25/23 2:53 PM
567	James Rollins	Oppose	I live in NW Portland. My wife, my two children and I regularly witness people smoking fentanyl, meth, and have twice seen people shooting up, all within a 4 block radius of our house near Couch Park (note that my youngest also goes to school at MLC, adjacent to Couch Park). Children see this and think "Hey, that must be OK! No one is stopping them!" We're witnessing lives being destroyed in real time and teaching our kids how easy it is to spiral down that particular drain with them. Please ban public use of hard narcotics. Please also ban public intoxication. We need to restore some order to this once beautiful city.	No	06/25/23 3:17 PM
567	Christine Hertzog	Support	Addicts need to be accountable for the harm they cause society. We shouldn't have greater penalties for smoking cigarettes in public spaces.	No	06/25/23 3:52 PM
567	Anonymous	Support	It seems like common sense to ban public hard drug usage - please vote to do so. Measure 110 has (foreseeably) backfired in a major way. Outlawing is just the first step, however, as enforcement also needs to happen.	No	06/25/23 5:42 PM

Agenda Item	Name	Position	Comments	Attachment	Created
567	Kara Shane Colley	Support	It is illegal to smoke pot in public. The mayor wants to add fentanyl and meth to the list. This makes so much sense. I totally support this.	No	06/25/23 7:30 PM
567	Dora DeCoursey	Support	Very much in favor. We should do what we can so that de-criminalization of drug possession does not lead to encouragement of drug use. Our public spaces should be safe, clean, and used for the wholesome purposes for which they were created. They need to be healthy places for children to be. Open drug use, like open alcohol consumption, is associated with litter and unsafe or anti-social behaviors toward self and others. Open drug use sends bad messages to kids.	No	06/25/23 10:39 PM
567	Theodore Buehler	Support	I support making public consumption of illicit drugs illegal. Thank you for doing this. It's fine with me if people want to take advantage of decriminalized hard drugs, but that doesn't mean you have the right to do it in public. Help keep public spaces civilized. Ted Buehler 105 NE Beech St, Portland OR 97212 13-year resident of Portland.	No	06/25/23 11:15 PM
567	James Kennett, NW Portland Hostel	Support	I support this ban on open air drug use.	No	06/25/23 11:42 PM
567	Michael Rosa	Support	<p>I strongly encourage our entire council to unify and ban open air use of illegal drugs in all public places, including parks, near schools, public walkways, places of businesses, and along local, state and federal office buildings. It's ridiculous that us Portlanders have to even ask our council to do this because it is just common sense. Rampant open-air drug use and drug dealing has become normalized and no matter where one goes in this city, it's there in our faces. A very large cross-section of our homeless community has no incentive to stop their use of illegal drugs wherever and whenever, and it's our city's fault for being complacent and not establishing boundaries. Why do the actions and activities by a tiny fraction of residents in our city, our homeless folk, negatively impact the rest of us. It certainly is a horrible example for our youth to see how there are no ramifications</p> <p>I'm angry that I have to walk over used drug paraphernalia and/or having to avoid a sidewalk of illegal tents and individuals using drugs on SW Oak St when all I want to do is go to Powell's or a restaurant near Burnside. I'm angry that I have to pick up used syringe and other drug items in our public parks or near my home. I'm angry that something wasn't done sooner by our council. Now's your chance to rectify this.</p>	No	06/26/23 7:49 AM
567	Harry Baggen	Support	My wife and I moved to Portland last year to be close to our family and to help care for our new grandson. We have visited the city many times over the years, always considering it a good place to locate when we retired. We still love the city and, in particular, the Woodstock neighborhood where we now rent. However, the environment in many areas has clearly deteriorated. And now we are living within a block of an open-air drug market. Throughout the day we see new "visitors" to the site on SE Ramona and 46th, who then smoke/shoot-up drugs in clear site on nearby sidewalks and/or vehicles. We are more than supportive of money directed to drug rehab, but the situation at present makes us fearful to even take our grandson for a walk.	No	06/26/23 10:31 AM
567	Anonymous	Support	<p>The open drug use in the city streets is out of control. It seems like we crossed the line from empathy to privilege.</p> <p>The majority tax payers are the ones dealing with the consequences, filth, crime, assault and harassment, witnessing and even smelling these drugs on a daily basis. What about looking out for the folks that actually follow the rules and pay taxes for once! What about looking out for our kids and youth whom should not be subjected to this scenarios making them apathetic to these situations in the future. There needs to be a middle ground. This is a start.</p>	No	06/26/23 12:51 PM
567	Anonymous	Support with changes	Additional penalty: immediate surrender/confiscation of illegal substance	No	06/26/23 4:34 PM

Agenda Item	Name	Position	Comments	Attachment	Created
567	Anonymous	Support		No	06/26/23 4:39 PM
567	Michelle Stevenson		<p>I am neutral on this item (I wish there was a neutral option in the position bubbles when filling out the form).</p> <p>I'll give two strong requests for carveouts in this ordinance:</p> <ol style="list-style-type: none"> 1. Sisters of the Road has posted something on twitter to advocate for safe spaces to use drugs if/when this ordinance is passed. I support this. Providing a safe place to shoot up, providing clean needles, needle drop off, and narcan, these things can save a life. Drug addiction is terrible. Death is worse. 2. I would like language added that upon successful rehabilitation the individual that was fined or jailed under this proposed ordinance may have the bad mark on their record completely removed. 	No	06/26/23 5:37 PM
567	Martha Fitzsimon	Support	BRAVO! A great step forward in cleaning up Portland. No more open drug use on sidewalks, buses, max train, streetcar, parks... nuttin' nowhere please!	No	06/26/23 5:53 PM
567	Jonathon J Nelson	Support	Strong support. We need to mitigate the proliferation of hard drug use on our streets. It is imperative to helping Portland become a vibrant city again.	No	06/26/23 6:08 PM
567	Anonymous	Support		No	06/26/23 8:55 PM
567	Anonymous	Support	Public drug use is destroying my neighborhood in Southeast Portland. I live near the intersection of South East 46th and Ramona.And it's an open air fentanyl dealership,,,please take it down	No	06/26/23 10:39 PM
567	Anna Gorman	Oppose	<p>This is performative cruelty. What would be helpful are safe injection sites that would provide clean syringes (lessening transmission of bloodborne diseases) and would test the drugs for fentanyl and other adulterants (reducing overdoses). This has been proven to be effective elsewhere. Fining the impoverished and throwing them in jail because they can't pay is inhumane. Also, Portland Street Response should be fully funded and operational so that they can help addicts find the medical care and support they need. Addiction is a medical issue and should be treated as such. Let's not waste money on punitive actions that have never worked. You keep saying the police aren't the ones who should deal with this stuff so why do you keep requiring them to deal with addiction and mental illness?</p> <p>Support social workers, support PSR, support safe injection sites, support rehabs, support mental health clinics, support wrap around supportive housing because these are all things that actually work.</p>	No	06/26/23 11:42 PM
567	Anonymous	Support	Please pass this common sense limit on the rampant drug abuse in Portland. My nephew from Philadelphia visited to look at Reed College and Lewis & Clark. We visited downtown Portland and the open drug use was so flagrant and depressing, my nephew said Portland is worse than Philly and he's not going to college here.	No	06/27/23 8:40 AM

Agenda Item	Name	Position	Comments	Attachment	Created
567	Anonymous	Support with changes	<p>As a small business owner, I've had multiple drug users injecting or lighting up in front of my store. I am supportive of finding resources for individuals who are struggling with addiction, and whatever compassionate way forward. But just letting someone shoot up in front of businesses isn't an answer. It is costing me money as tourists don't want to walk down a block where there's such rampant drug use.</p> <p>Ban this public drug use but also a few things to add...</p> <ol style="list-style-type: none"> 1. Enforce efforts to stop DUIs. I'm sorry but I know too many friends who drive blackout drunk in Portland and feel there is no repercussions because police won't pull them over. Or if they do get pulled over - they only get a warning. At the same time we ban public drug use - ensure the alcohol part of this is being taken care of. 2. Audit, hold responsible, demand answers, and whatever else you can do to ensure every tax dollar is spent responsibly when it comes to substance abuse treatment programs. Many nonprofits have massive salaries for administrators, or their employees barely work. Every single dollar is important and needs to be held to account. No new taxes. 	No	06/27/23 8:59 AM
567	L	Support	<p>This city needs to get a handle on its drug induced problem and start criminalizing open use and dealing. The consequences of what some voters thought would be a positive move with measure 110, has left this city in absolute shambles. It has led to open air drug markets, tent cities, chop shops, blocking of sidewalks for kids and those with disabilities, and kept neighbors up at all hours-on edge, with fear and anxiety in their own homes. The mental toll this has taken on all of us who love or loved Portland is absurd! There are drug zombies out at all hours of the day- stealing from neighbors for their next fix, crapping in peoples yards and leaving their used needles in parks to poke playing children (ironically, most likely the needles they got from the city for free). They're smoking or shooting up drugs in the open, shouting into the abyss, blocking sidewalks, and so high that they're running around naked with their dangus hanging out. These idiots are essentially being given MORE rights, sympathy and leniency than your law abiding, hard working Portlander. I get a parking ticket, but an open air drug market- for a year in same street doesn't get touched? STOP feeling bad for these thieves, dealers and addicts. That is only making it worse.</p> <p>Maybe restructure that budget and get rid of so many of these redundant "non-profits" that are propping up this cycle of drug use/homelessness just so they land their next city contract. Instead, use that money to hire people to actually enforce the laws. Prioritize it. Clean up our city.</p>	No	06/27/23 10:03 AM
567	kellyann lanspa	Support	Please pass this agenda. No more drug usage on public property! No more fentanyl usage.	No	06/27/23 10:34 AM
567	Anonymous	Oppose	This controlled substances ban is dangerous and will further harm those that are struggling and unhoused. Banning something will not help the problem and will only lead to more fatalities and harmful situations due to people not able to test substances or have clean tools. Think of prohibition, banning things does not solve the problem. Treatment and prevention is way more effective and less costly than criminalization. Safe use sites and more care for mental health resources seems like a MUCH better use of time, energy and money.	No	06/27/23 11:46 AM

Agenda Item	Name	Position	Comments	Attachment	Created
567	rachel mulder	Oppose	ted wheeler's dangerous measure will only further isolate and harm already vulnerable members of our community. most of us are two compounded crises away from homelessness. this is discriminatory and will only cause harm and more damage to our communities. there have been methods of providing safe places for people to use as well as other ways to support and nourish our communities rather than isolate and punish. please listen to sisters of the road. we need the people experiencing these crisis to guide us towards what our city needs to do to help, not ted wheeler's short sighted and privileged perspective. please, we must protect our most vulnerable neighbors. note NO!	No	06/27/23 11:56 AM
567	Anonymous	Oppose	this will kill people. Ted wheeler wants to commit genocide on the housless community in Portland. This will force people already isolated to further hide from the public. THEY ARE NOT A BURDEN. HOUSELESS PEOPLE ARE PART OF THE COMMUNITY. We need to keep them alive. SAFE CONSUMPTION SITES NOW! NARCAN NOW! HOUSING NOW!	No	06/27/23 1:00 PM
567	Sierra Dill	Oppose	We CANNOT afford to move backwards— we have already gone down this path for far too long— criminalizing substances and or substance users does not solve the problem. Far from it, it actually just makes everything worse. If the goal is to reduce visible consumption of substances, let's focus time, energy and money towards getting folks HOUSED. There are soooo many empty buildings in downtown, convert those spaces into affordable housing to get people in off the streets. Houseless folks deserve basic right & dignities, shelter, safety, food, water. We cannot ignore this any longer. Criminalizing public usage of substances, just like banning daytime camping, just like anti-homeless architecture is the equivalent of placing a bandaid on a bullet wound...it's a step in the WRONG direction. The creation of safe injection/use sites would be one alternative solution that would actually move towards treating addicts and houseless folks in a humane and dignified way, I say, let's go for that.	No	06/27/23 1:27 PM
567	Michael Goldman	Oppose	This ban will disproportionately harm communities that are already being targeted by discriminatory practices. Research shows how clean use sites reduce overdose deaths. Please consider using the resources that would go into this ban for more addiction treatment resources, rather than further stigmatizing and victimizing our most vulnerable community members.	No	06/27/23 2:01 PM
567	Lou Anne Henriques	Support	I understand the 6/28/23 agenda item to disallow drug use in Portland's public places is #567 but I do not see that # as a choice on agenda item #s above. Please enter my support for it. Thx!	No	06/27/23 4:44 PM
567	Lou Anne Henriques	Support	I understand the 6/28/23 agenda item to disallow drug use in Portland's public places is #567 but I do not see that # as a choice on agenda item #s above & it won't send w/o a choice, so I picked 566. Please enter my support for the measure I described above. Thx!	No	06/27/23 4:47 PM