



September 7, 2011

Mayor Sam Adams  
Portland City Council  
1221 SW 4<sup>th</sup> Avenue  
Portland, OR 97204

Dear Mayor Adams and Portland City Councilors:

We believe that a vibrant community provides for the interests of businesses and individuals alike, balancing the need for entertainment with the need for preserving safe, livable neighborhoods. It is because of our interest in maintaining this balance in our own districts, as well as the rest of Portland, that we write today in support of the proposed changes to the City of Portland's Time, Place and Manner (TPM) ordinance.

As legislators, we have worked together to address the persistent issues with problem bars and taverns. However, the perceived controversial nature of legislation regarding liquor establishments has made significant action difficult. With few pieces of legislation passing at the state level, the City now has an opportunity to lead on this issue. We are very pleased with the proposed changes to the City's TPM ordinance and believe these changes will create a set of regulations that improves the City's and residents' ability to address problem bars and taverns in Portland, an important step forward in creating better policy around the state.

First, the expanded interpretation of "nuisance," coupled with a more reasonable enforcement schedule for repeated violations, strengthens the City's ability to address problem bars and taverns in a timely, effective manner. In the proposed changes, the new definition of nuisance includes more dangerous situations like assault, homicide, sexual offenses, and prostitution. This is an important change because the City currently has a very limited role in regulating an establishment when these serious events occur due to problems associated with liquor sales or service. A bar or tavern with these kinds of problems is a major detriment to community livability, and local government needs a stronger role in combating these establishments.

Second, the proposed schedule of enforcement for bars and taverns with repeated nuisance violations will improve the enforceability of Portland's TPM regulations. Currently, many establishments fall through the cracks because they have multiple violations that happen to be spaced far enough apart to avoid triggering abatement action. When this happens, neighbors who have done their due diligence in reporting nuisances and communicating with the problem establishment are left without the intended recourse, and problems may continue for years before the timing aligns so as to trigger abatement.

The proposed changes to the TPM ordinance increase the period of accounting for violations to a 60-day window, capturing a more complete population of repeated offenders. For establishments receiving three or more citations within this 60-day period, an abatement remedy may be developed. In addition, the City's code enforcement staff can assign abatement measures for bars or taverns with one more serious violation, like a shooting or assault. This empowers code enforcement to address liquor establishments that are worse than your run-of-the mill nuisances instead of waiting for the Oregon Liquor Control Commission to take action when it comes time for relicensing. Events like the New Years' Eve shooting at Club 915 indicate that establishments that threaten public safety are allowed to go on unmitigated for too long. The City should be able to take action in defense of its citizens at the time of a serious incident, instead of waiting for OLCC enforcement or for other incidents to occur.

We believe that issues involving different jurisdictions and different levels of government require attention at every level. With the proposed changes to the TPM ordinance, the City of Portland is moving forward as a strong partner, and we commend these efforts. We encourage quick approval of the proposed changes to the TPM ordinance, and look forward to continued cooperation in creating strong, balanced communities.

Sincerely,



Senator Jackie Dingfelder  
Senate District 23  
NE and SE Portland



Representative Tina Kotek  
House District 44  
North and NE Portland

To: Mayor and City Council Members  
From: Linda Nettekoven 2018 SE Ladd Ave 97214  
Date: September 7, 2011

RE: Time, Place and Manner

Sample Requests for Police Service – 720 Club  
From Robert Pickett (formerly with Portland Police -- April 14, 2010

Ms. Nettekoven,

I have been told that you are interested in occasions where the Portland Police were dispatched to calls regarding patrons of the 720 Room over the past year.

I checked some of our computer dispatch records for calls from Jan 2009 through Jan 2010 and came up with the following dates and times:

3/14/09 at 2:45am  
4/17/09 at 12:32am  
6/13/09 at 1:00am  
7/18/09 at 12:30am  
8/15/09 at 2:35am  
9/6/09 at 6:12am  
10/10/09 at 1:49am  
10/17/09 at 4:03am  
10/31/09 at 2:42am  
11/15/09 at 2:38am  
11/22/09 at 2:13am  
12/12/09 at 1:50am  
12/13/09 at 2:30am  
12/13/09 at 2:45am  
12/13/09 at 3:20am  
12/19/09 at 1:59am  
12/27/09 at 2:31am  
01/09/10 at 1:09am, 1:13am, 1:13am , 2:30am  
1/23/10 at 2:24am

Some of these incidents resulted from citizens calling police, others resulted from officers' self-initiated activities. Reports were written for some of the incidents, for others they simply typed a few comments into the dispatch system before finishing the call. It is also possible that I did not capture all of the calls. On January 9th there were multiple incidents.

If you would like more details on what the calls were about, please contact Mary Wheat, who is the Public Information Officer for the Bureau. Her number is 503-823-0010 and her e-mail is

184870

[mary.wheat@portlandoregon.gov](mailto:mary.wheat@portlandoregon.gov).

Thank you very much for your work for our community.

-Robert

Officer Robert Pickett  
Portland Police Bureau  
Central Precinct Neighborhood Response Team  
1111 SW 2nd Ave.  
Portland, OR 97204  
Desk: 503-823-1277  
E-mail: [rpickett@portlandpolice.org](mailto:rpickett@portlandpolice.org)



**HOSFORD-ABERNETHY**  
NEIGHBORHOOD DEVELOPMENT ASSOCIATION

September 7, 2011

Mayor Sam Adams  
Commissioner Nick Fish  
Commissioner Amanda Fritz  
Commissioner Randy Leonard  
Commissioner Dan Saltzman

Dear Members of City Council

Please accept the following comments regarding the proposed Time Place Manner (TPM) Regulation Amendments from the Hosford-Abernethy Neighborhood Development Association (HAND). We are a city recognized neighborhood association made up of citizens who live, work, own & rent businesses and property in inner southeast Portland.

HAND would like to voice our support for the proposed changes to the Time Place Manner regulations under review by the City of Portland.

The HAND neighborhood has many active businesses that provide jobs, goods & services, and places of entertainment. Many of these establishments are destinations for people outside the neighborhood.

Maintaining a safe environment for everyone is important for the livability of the neighborhood, success of our businesses and our ability to attract visitors to patronize them.

Residences and businesses coexist in the dense fabric that makes our neighborhood vibrant and exciting. At the same time there is the potential for tension and conflict.

HAND has supported the TPM since its conception. The current TPM process has been used successfully to curb problem behavior patterns by management and patrons of bars and pubs, assisting managers to provide better control and become better neighbors; and on one occasion resulting in the closure of the bar. Strengthening the ability for the city to deal with nuisance activities related to businesses is an important protection for everyone.

However, we have heard from residents and businesses who are troubled by nuisance licensees that the current TPM does not include some of the most problematic activities, that it can be difficult to document three events within any given 30-day period, and they become weary of having to start the process over, sometime more than once.

We therefore welcome the proposed additions of defined nuisances to the list included in the TPM ordinance, and the extension of the reporting period to 60 days. We appreciate the proposal to consider prior notices when a complaint is filed. We believe that fines to reimburse the City for staff time and resources in problem solving are appropriate.

Making businesses accountable for operations that foster nuisance activities is critical to preventing them from occurring in the first place and to diffuse them when they do occur.

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**HOSFORD-ABERNETHY**  
NEIGHBORHOOD DEVELOPMENT ASSOCIATION

Providing businesses with assistance in addressing nuisance behavior is an essential component in the success of the Time Place Manner program. We believe these additional regulations would be important tools for city staff and police to identify problems and work with businesses to be good neighbors and ultimately to be successful. We feel these tools will help prevent drug activities, prostitution and violence in our neighborhood and all across Portland.

HAND has supported the Time Place and Manner Ordinance both within the City of Portland as well as before the Oregon State Legislature to prevent an attempted end-run assault by lobbyists, and will continue to support and be grateful for the tools that it provides with the additional language as proposed. We urge you to vote in favor of the proposed changes.

Thank you for considering our comments.

Sincerely,

Linda Nettekoven, Acting Chair