

Time Place and Manner Program



Program enacted March 17th, 2004
City Of Portland, Oregon
Office Of Neighborhood Involvement

Time Place and Manner (TPM)

- The Time, Place, and Manner (TPM) code provides an avenue to address chronic livability issues associated with problem liquor outlets.
 - Result of Legislative changes in 1999
 - Enacted in 2004
- OLCC has Pre-emptive authority over liquor license; Local Government can regulate the **OPERATIONS** of a business that sells alcohol through TPM
 - Consolidates complaints
 - Provides Legal recourse to addressing problems
- Although effective, Commissioner Fritz's, and City liquor Licensing Staff have identified several areas that the current code is insufficient.

How TPM Works - Overview

1.) Liquor License Team Evaluates Complaints (LLT)

Required Members

- ONI liquor license specialist
- Portland Police Bureau
- Noise Control Office

Other Participants

- Fire Bureau
- Bureau of Development Services
- Multnomah County
- OLCC

2.) Liquor License Team Substantiates Complaints (LLT)

Source

- Police Reports
- OLCC Complaint forms
- Neighbor Track it Complaints
- Neighbor logs

Information needed

- Date and time
- Complainant contact – **Willingness to testify**
- Detail of the complaint
- **How it is related to the premise**

3.) Three Substantiated Complaints = Violation

Current Defined “Nuisance Activities”

- Noise from Amplified Music
- Disorderly conduct
- Offensive littering
- Drinking in Public
- Blocking vehicle traffic
- Alcohol in Parks
- Shots fired

Formal Abatement Plan

60 to 70% of violations are successfully abated

- Specific - Addresses *specific nuisance* violations
- Temporary - 90 day period – if abatement is successful the violation is expired.
- Resources -
 - Crime Prevention/Liquor Licensing/ Police work closely with licensee
- Enforceable - through Code Hearings Office

Code Hearings Remedies

- Enforcement
 - A complaint before the Code Hearings Officer is filed if the Licensee fails to:
 - Submit a timely written response
 - Propose or enter into an abatement plan that is acceptable
 - Operate the licensed premises in compliance with the written plan
 - Remedies -Operational
 - Specifying the hours or days the licensed premises may operate
 - Requiring the Licensee to hire adequate security personnel
 - Restricting the activities at the licensed premises to achieve noise reduction in compliance with the City Code
- * Must be relevant to abating the documented nuisance activities.

TPM Activity 2009 - 2011

2009-2010

- 65 licensed premises evaluated for TPM
 - 23 violations (35%)
 - 34 informal process (52%)
- 23 Violations
 - 16 abatement plans Successful (70%)
 - 4 code Hearing/stipulated agreement
 - 2 closed/change of owner/operation

2010 -2011

- 60 licensed premises evaluated for TPM
 - 14 issued violations (23%)
 - 40 informal process (67%)
- 14 violations
 - 8 Successfully completed abatement (58%)
 - 4 code Hearing/stipulated agreement
 - 2 Closed/Changed ownership before end of abatement

Proposed Changes – Why?

- Early Intervention – Timeline changes
- Address illegal activities not currently covered by code
- Address serious incidents

Change in Time Line for Violation

- 3 nuisances in 30 days becomes 3 nuisances in 60 days
- 1 serious incident = loss or threat of loss of life
 - Avoid the two in 30 waiting game
 - Compels individuals to address problems (Club 915)
 - Allows City to address these behaviors in abatement



Changes Nuisance Activities

- Select illegal Behaviors
 - Common to licensed establishments
 - Related to sale of alcohol
 - Indicate loss of control/negligent management

What is NOT a nuisance activity?

- Behavior that is not illegal
 - Concerns related to Parking
 - Noise from Patron Voices
 - Music from car stereos
 - Smoking

Additional Nuisance Activities

- Illegal Drug activity
 - 8 of 60 locations evaluated in 2010-2011 also had issues with drug activity
 - Other locations do not come before the LLT because drugs do not meet the nuisance criteria.
- Unlawful Prostitution Procurement Activities or loitering for the purpose of prostitution
 - 3 of the locations evaluated in 2010-2011 also had issues with prostitution



Additional Nuisance activities (cont)

Occurrences of Serious Incidents

- Criminal homicide
- Assault by means of a weapon or motor vehicle
- Assault that causes serious physical injury
- Recklessly endangering another person
- Any felony sexual offense in the first degree
- Unlawful Use of a Weapon

Additional Nuisance Activities

Statutory criteria for incidents that involve serious injury or death.

Since January of 2011

4 patron involved stabbings

6 Gang affiliated shootings at bars



Public Involvement re: Changes

- Public Meetings in June and July of 2011
- Overall positive Feedback
- Written comments raised several concerns
 - Cost recovery – **Removed**
 - Fire code violations – **Removed**
 - Serious Incidents – **Defined**
 - Drug activity – **Narrowly tailored**

TPM = Proven Reasonable Process

- Allows licensees to utilize City resources
- Promotes healthy and safe businesses
- Builds overall community
- Addresses both public safety and livability concerns
- ONLY tool available to Portland communities to locally address issues

Questions?

Commissioner Amanda Fritz &
Office of Neighborhood Involvement Liquor Licensing