Time, Place, and Manner
Frequently Asked Questions

What is the purpose of the Time, Place, and Manner (TPM)?

On February 18, 2004, City Council passed Time, Place, and Manner (TPM) Ordinance. This ordinance provides additional tools to resolve livability and nuisance issues related to establishments that serve alcohol, implemented as part of Portland City Code (PCC)14B.120.

What types of establishments are included?

Any OLCC licensed establishment that serves alcohol.

What types of nuisance activities are included?

- Operation of sound producing equipment, as prohibited by PCC 14A.30.020.
- Disorderly conduct (ORS 166.025)
- Offensive littering (ORS 164.805)
- Drinking on public rights-of-way, unless officially authorized (PCC 14A.50.010)
- Interference with vehicle ingress and egress (Portland City Code, Section 14A.50.035)
- Alcoholic beverage violations in parks, where violation is tied to specific licensee (PCC 20.12.040)
- Discharge of a Firearm at the establishment (PCC 14A.60.020)

What type of documentation is needed to substantiate a nuisance activity violation?

Documentation can include neighbor logs, pictures, video, 911 calls, police reports, and noise citations.

How Do I report nuisance activity violations?

Neighbors can file complaints against liquor licenses to multiple sources. Complaints can be filled out on the Internet at: http//www.portlandonline.com under 'Service Request'. If you are unable to access the Internet, you can also call any of the following programs to file a complaint:

1. The Office of Neighborhood Involvement (ONI), Crime Prevention Coordinators (CPC) is located in district coalitions throughout the City of Portland (See list below).
2. The ONI Liquor License Specialist (LLS) Kimberly Mark-Villela at (503) 823-3092.
3. The Portland Police Bureau District Officers (PDO), or Senior Neighborhood Officers (SNO), or calling the Drugs and Vice Division License Investigators (DVD)
4. The Oregon Liquor Control Commission (OLCC) Licensing Unit at (503) 872-5000 or report via the Internet at http://www.olcc.state.or.us

What information should be included in a nuisance activity report?

At a minimum, the following information should be provided for each complaint/nuisance activity report:

- Name of business involved;
- Address of business;
- Date of the incident;
- Name of complainant;
- Address of complainant;
- Type, time and duration of the nuisance activity;
- Location where nuisance activity occurred;
- Any previous communication or action taken by complainant or business;
- Description of individuals(s) involved in nuisance activity;
- Number of people involved in nuisance activity;
- Observations by complainant or other witnesses; and,
- Willingness of complainant to testify at a Code Hearings proceeding

What happens once I submit a report of a nuisance activity violation?

To facilitate the Time, Place and Manner ordinance, the City has developed a Liquor License Team (LLT). The primary purpose of the LLT is to:

1. Facilitate the Time, Place, and Manner Ordinance process by working with neighbors, establishments, police, crime prevention and OLCC;
2. Review and substantiate complaints to determine if the nature of the complaint requires further investigation;
3. Decide which agencies will be included in the investigative process; and
4. Make recommendations to the Office of Neighborhood Involvement (ONI) Director and Chief of Police on what appropriate problem solving and enforcement steps need to be taken.

The Liquor License Team will review all complaints. In the event that a complaint is substantiated a notice will be sent to the establishment that includes a description of the nuisance activity, the date and the time of its occurrence, and contact information for the establishment to contact a case manager to follow up and address the complaint and/or identify resources or tools available to prevent future occurrences (i.e. Good Neighbor Agreements).

Neighbors that have submitted complaints that cannot be substantiated will receive a notice that there was insufficient information to proceed. Neighbors can contact their area Crime Prevention Coordinator to see what action is taken on substantiated complaints. If it can be determined that three nuisance activity violations have occurred within a 30-day period, the Director or the Chief of Police will send written notice to the licensee.

What is the scope of the TPM? How will it impact licensed establishments in Portland?

If three or more nuisance activity violations occur within a 30-day period, the licensed establishment will be required to respond and submit an abatement plan that demonstrates how the nuisance activity violations will be resolved. In some cases, the licensee may be able to prove that the complaints do not warrant the need for an abatement plan, in other cases the licensee will need to identify how problems will be addressed.

The City will have the ability to accept, modify, or reject the abatement plan. If the abatement plan is unacceptable or problems persist, the City will then file a petition to the Code Hearings Officer (CHO). The City would present its case to the CHO and the licensee, through a quasi-judicial process, will have an opportunity to respond. Based upon the evidence submitted, the CHO would then determine what, if any, remedy would be imposed, which could include:

1. Limiting the hours or days during which the establishment may operate.
2. Requiring the establishment to provide resources to monitor, control, and respond to patron behavior at and around the establishment.
3. Restricting the activities at the establishment to prevent the reoccurrence of nuisance activities, including but not limited to, restrictions upon the time and manner in which entertainment is offered.
4. Ordering the licensee to undertake other actions reasonably necessary to abate the nuisance activities or mitigate the effects of noise

How can licensees work proactively with neighbors to address neighborhood livability issues?

Licensees and neighbors can address neighborhood livability issues in number of ways. The first is for the licensee to enter into a Good Neighbor Agreement (GNA) with the immediate neighbors and, the

neighborhood association. A GNA is designed to open positive channels of communication and agree on a process to resolve problems and issues.

As a part of the GNA or through a separate process, the licensee and neighbors should also discuss and document existing crime or livability issues occurring in the neighborhood,. Any business or neighbor can contact a Crime Prevention Coordinator or the District and Senior Neighborhood Officer to establish a rapport and provide information regarding any public safety issues.

Additionally, both the licensee and neighbors should keep a log of incidents and share information with the Crime Prevention Coordinator and participate in either a Business or Neighborhood Watch. The key is that the licensee and neighbors are communicating and working together to address issues as they arise.

What Issues Will the Time, Place and Manner Ordinance not address?

The TPM does not address saturation; and instead is designed to address problems associated with an individual licensee. In some instances, it will be difficult to tie nuisance activities to a single location where saturation occurs. There are other mechanisms to address nuisance activity associated with multiple locations. State statute does allow for OLCC to establish a problem area where nuisance activity exists in areas with multiple licenses. The key is for the neighbors to work with the OLCC Investigator, Crime Prevention and Police to document nuisances and problems associated with the location.

There are businesses in my neighborhood that cause a lot of livability and public safety concerns, but don't sell or serve alcohol; how can I deal with these issues?

If you have a business that is a nuisance, the City can address it through the Chronic Nuisance Ordinance. The Commander of the Police Precinct has the authority to notify a property owner if there is nuisance activity that needs to be addressed. Neighbors, Police and Crime Prevention will need to document the type of activity. Typically, the Police will send a letter outlining the issues and work with the property or business owner to address the nuisance activity.

Crime Prevention Program Coordinators

Area	Staff	Contact Information
Southwest	Stephanie Reynolds	(503) 823-3131
Northwest	William Warren	(503) 223-3331
North	Walter Garcia	(503) 823-4098
Northeast	Paul Dinberg Preston Wong	(503) 823-4575
Central Northeast	Dave Austin	(503) 823-2781
East Portland	Teri Poppino Katherine Anderson	(503) 823-5532 (503) 823-3505
Southeast	Galina Boyechko Rosanne Lee	(503) 221-0010 ext 23 (503) 221-0010 ext 24
Downtown	Art Hendricks	(503) 823-3048