

MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

AGENDA OF
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FOR THE WEEK OF
December 4 - 8, 1989

Tuesday, December 5, 1989 - 9:30 AM - Formal and
Planning Items . . . Page 2
Tuesday, December 5, 1989 - 1:30 PM - Informal Meeting . . Page 5
Thursday, December 7, 1989 - 9:30 AM - Formal. Page 6

Tuesday, December 5, 1989 - 9:30 AM

Multnomah County Courthouse, Room 602

CONSENT CALENDAR

DEPARTMENT OF JUSTICE SERVICES

- C-1 Liquor License applications submitted by Sheriff's Office and Planning & Development with recommendation that same be approved as follows: Sunshine Market, 13580 SE Powell (Package Store, New Outlet)
- C-2 Liquor License applications Renewals submitted by Sheriff's Office with recommendation that same be approved as follows:
 - a) Package Store - Corbett Country Market, 36801 E. Crown Point Hwy., Corbett; Original Steer Market, 12348 SE Division; Bob and Ann's Grocery, 11811 SE Harold; Crown Point Country Market, 31815 E Crown Point Hwy., Troutdale; Norwood's AM/PM Mini Market, 14801 SE Stark Street
 - b) Dispenser Class A - Dale's Restaurant and Maverick Room 12424 SE Division; The Daily Planet, 11312 SE Powell
 - c) Retail Malt Beverage: Springdale Tavern, 32302 East Crown Point Hwy., Corbett; Rose City Music Club, 12334 SE Division

DEPARTMENT OF JUSTICE SERVICES

- C-3 List of found/unclaimed property (89-6) which has been in possession of the Sheriff's Office for over 30 days, submitted to the Board for appropriate disposal in accordance with MCC 7.70

REGULAR AGENDA

PLANNING ITEMS

- 4. In the matter of the Decision of the Planning Commission of November 13, 1989, reported for acknowledgement by the Vice Chair, Case CU 13-89, Approve, subject to conditions, development of 34100 NE Chamberlain Road with a non-resource related, single family residence
- 5. Resolution in the Matter of Issuance of an Industrial Development Revenue Bond State of Oregon to Lincoln and Allen Bindery (RB 3-89)

6. Auto Wrecker's License Renewals as submitted by Planning and Development with recommendation that same be approved as follows: Carl Milne et al, dba Loop Hi-Way Towing, 28609 SE Orient Drive, Gresham; David P. Schatz, dba A & B Auto Wrecking, 11930 N. Columbia; Duane S. Shaw, dba 82nd Avenue Auto Wreckers, Inc., 8555 SE 82nd Avenue; Kenneth Sibert dba Sibert Motors, 13842 SE Powell Blvd.; Frank Miller dba Frank Miller, 15015 NW Miller Road
7. Final Order In the matter of adopting Findings in support of Multnomah County Board of Commissioner's decision to affirm the Planning Commission's decision on Case LE 10-89, Denying requested Lot of Exception, for property located at 35800 NE Chamberlain Road, Corbett.

BOARD OF COUNTY COMMISSIONERS

- R-8 In the matter of the appointment of Chet Orloff to the Bi-Centennial Commission

DEPARTMENT OF HUMAN SERVICES

- R-9 Budget Modification DHS #24 reflecting additional revenues in the amount of \$10,000 from Public/Private Ventures, a private foundation, to Social Services Youth Program Office, Materials & Services, to research the feasibility of an Urban Conservation Corps in the Portland area
- R-10 Budget Modification DHS #20 making an appropriation transfer in the amount of \$215,361 from General Fund Contingency to Aging Services, Federal/State Fund, to replace previously anticipated revenue from the City of Portland for the Portland/Multnomah Commission on Aging (Continued from November 14)

PUBLIC CONTRACT REVIEW BOARD

- (Recess as the Board of County Commissioners and reconvene as the Public Contract Review Board)
- R-11 Order in the Matter of Exempting from Public Bidding of a Contract to Provide Video Transport Services from U.S. West, a Sole Source
- (Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

BOARD OF COUNTY COMMISSIONERS

- R-12 Proclamation in the Matter of Proclaiming December 10-16, 1989 as Drunk and Drugged Driving Awareness Week
- R-13 Resolution in the Matter of recommendations to the Governor's Commission on Higher Education on the Future of Portland State University and higher education in the Portland Metropolitan area

ORDINANCES - NONDEPARTMENTAL

- R-14 First Reading - An Ordinance creating the Multnomah County Youth Services Commission, making appointments, and declaring an emergency

Tuesday, December 5, 1989 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL

1. Briefing on the response of the Project Advisory Committee to the Commissioner's concerns regarding the Classification/Compensation Evaluation tool - Lloyd Williams
2. Report to the Board on the summary of Emergency Ambulance Rate Control ordinance, cost of a CPA to review public emergency ambulance cost/revenue projections, cost of University of Washington to conduct an ambulance placement study - Joe Acker and Dr. Gary Oxman

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

Thursday, December 7, 1989 - 9:30 AM

Multnomah County Courthouse, Room 602

Formal Agenda

1. First Reading - An ordinance to regulate the possession of firearms in public places, to establish a safety training course for firearms users and to impose fees

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers

Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers

Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

0501C.59-64



MULTNOMAH COUNTY OREGON

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Thursday, December 7, 1989 - 9:30 AM

Multnomah County Courthouse, Room 602

Formal Agenda

1. First Reading - An ordinance to regulate the possession of firearms in public places, to establish a safety training course for firearms users and to impose fees

NOTES:

- A) LENGTH OF TESTIMONY WILL BE LIMITED TO 3 MINUTES PER PERSON
- B) WRITTEN MATERIAL MAY BE SUBMITTED PRIOR TO, AT, OR FOLLOWING THE HEARING.

MEETING DATE: 12-7-89

516C.11

SUPPLEMENTAL AGENDA

THURSDAY, DECEMBER 7, 1989

Request unanimous consent to consider the following matter:

1. Reschedule public hearing on appeal of Case LE 11-89, Denying requested 1.5 acre Lot of Exception, for property at 2207 NE Corbett Hill Road - from December 12 to January 16, 1990, at the request of the applicant/appellant. This advance notice will allow notification of adjacent property owners of the rescheduled hearing date.

SUBJECT:

Request unanimous consent to consider the following matter:
1. Reschedule public hearing on appeal of Case LE 11-89,
Denying requested 1.5 acre Lot of Exception, for property at
2207 N.E. Corbett Hill Road - from December 12 to January 16,
1990, at the request of applicant/appellant.

PRESS LIST

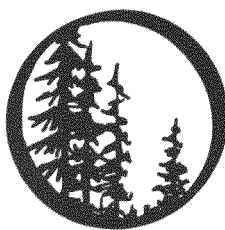
DATE: December 6, 1989

THE FOLLOWING WERE CALLED THIS DATE REGARDING:

- a) Meeting:
- b) Executive Meeting:
- c) Other: 12/7/89 Supplemental Agenda

Signed: Deborah Rogers

✓ KOIN	Channel 6	464-0797 or 464-0614 Assignment Desk
✓ KGW	Channel 8	226-5111 Assignment Desk
✓ KATU	Channel 2	231-4260 Assignment Desk
✓ KPTV	Channel 12	222-9921 News Desk
✓ KPDX	Channel 49	239-4949 Lee Haglund
✓ KEX	1190 AM	222-1929 Newsroom/Message
✓ KSGO	1520 AM	223-1441 News Desk (After 9, Before 11:30)
✓ KXL	750 AM	231-1071/0750 Newsroom/Message
✓ KGW	62 AM	226-5095 News Desk
✓ K-103 FM		643-5103 Newsroom
✓ KXYQ - 105 FM		226-6731
✓ Oregonian		294-4065 Liz Moore or 294-4065 Michael M. [unclear]
✓ Gresham Outlook		665-2181 Robin Franzen
✓ Skanner		287-3562 Patrick Mazza
✓ Cable		667-7636 Mike Heinrich or Cary Ellis ROSEMARY KNOX



regon realty co.

~~Portland East Office~~
~~10005 S.E. Stark Street~~
~~Portland, Oregon 97216~~

~~503-254-0100~~

36039 E. Crown Point Hwy.
Corbett, OR 97019
December 5, 1989

Jane McGarvin
Clerk of the Board
Multnomah County Commission
1021 SW 4th Ave.
Portland, OR 97201

Dear Ms. McGarvin;

I hereby request the Appeal Hearing on Planning Commission denial of LE 11-89, #646 be postponed until after the first of the year as we will need additional time to prepare our case. The appeal hearing date has been set for next week.

Please call me at 695-2222 if you have any questions.

I hope that this request can be approved and does not inconvenience you of the Board.

Sincerely,

Frank A. Windust, Jr.
Oregon Realty Co.

cc: Mark Hess, Multnomah County Planner

1989 DEC - 7 AM 11:12
MULTNOMAH COUNTY
OREGON

CLERK OF
COUNTY COMMISSION

DATE SUBMITTED 11/29/89

Procedure # 1201

Page 3 of 4

(For Clerk's Use)

Meeting Date DEC 7 1989

Agenda No. #1

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Firearms Regulations

Informal Only* _____
(Date)

Formal Only Dec 7, 1989
(Date)

DEPARTMENT non-departmental DIVISION BCC

CONTACT Maureen Leonard TELEPHONE 248-5076

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD _____

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Purpose: to implement new state law regarding firearms;
to establish regulations for possession of firearms
in public places.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☒ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 4 hours

IMPACT:

PERSONNEL

☒ FISCAL/BUDGETARY

☐ -General Fund

Other Sheriff Office costs to be covered by fees raised by ordinance

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Rick Bauman

BUDGET / PERSONNEL /

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) [Signature]

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

ORDINANCE FACT SHEET

Procedure # 1201

Page #4 of 4

Title Safe Streets Ordinance/ Firearms Regulation Effective Date Feb 1, 1990
Jan 1, 1991

Brief statement of purpose of ordinance (include the rationale for adoption of ordinance, a description of persons benefited, and other alternatives explored).

to regulation possession of firearms in public places;

to establish a firearms safety training course;

to impose fees

What other local jurisdictions in the metropolitan area have enacted similar legislation?

none

What has been the experience in other areas with this type of legislation?

Recent firearms prohibitions enacted in California, but no experience known until law is in effect for a longer period.

What authority is there for Multnomah County to adopt this legislation? (State statute, home rule charter). Are there constitutional problems?


State statute and home rule charter.

Fiscal Impact Analysis

Administrative costs generated by the ordinance and a new state firearms law to be covered by fees generated by new ordinance

(If space is inadequate, please use other side)

SIGNATURES:

Office of County Counsel 

Office of County Management _____

Department Head _____

Union Representative _____

Rick Bauman *mi*

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An ordinance to regulate the possession of firearms in public places, to require the Multnomah County Sheriff's Office to make available to the public a firearms safety training course, and to impose fees.

Multnomah County ordains as follows:

Section I. Section Title.

This ordinance shall be known as the Safe Streets Ordinance and shall be added to and made a part of Title 7 of the Multnomah County Code regarding Public Safety.

Section II. Findings.

(A) Assault weapons are identified as such herein because their design, high rate of fire and capacity to cause injury render them a substantial danger to human life and safety, outweighing any function as a legitimate sports or recreational firearm.

(B) The proliferation and use of assault weapons pose a present and serious threat to the health, safety and security of the residents of Multnomah County.

(C) While assault weapons account for one million of the estimated 200 million firearms in America, they were used in one of every ten crimes that resulted in a firearms trace last year. The increasing and disproportionate use of assault weapons for criminal purposes endangers both the public and law enforcement personnel.

(D) Recognizing that assault weapons pose a threat to public safety, and with the recommendation from the Bureau of Alcohol, Tobacco and Firearms that assault weapons serve no legitimate sporting or recreational purpose, President Bush stopped the importation of certain assault weapons.

(E) Law enforcement organizations including The National Sheriffs' Association, the International Association of Chiefs of Police, the National Association of Police Organizations, the Police Executive Research Forum, and the Fraternal Order of Police have called for a national ban on the production and sale of assault weapons.

(F) There is a need for firearms training to ensure safe and informed firearms use and storage.

(G) Nationally, approximately 1,200 people are killed each year in accidental shootings, including 365 children. For every child killed through the negligent use of firearms, 10 are injured.

(H) In Multnomah County, approximately two persons per week are killed from the intentional or accidental use of firearms.

(I) Education in safe use of firearms may reduce the occurrences of accidental shootings.

(J) Oregon Laws _____ and this County Ordinance will create the following responsibilities for the Multnomah County Sheriff's Department:

(1) Conduct criminal and mental health background checks of purchasers of handguns from federally licensed dealers.

(2) Notify dealers by certified mail of disqualified handgun purchasers.

(3) Conduct background checks of purchasers of long guns for study purposes.

(4) Submit monthly reports to the Oregon State Police regarding concealed weapons permits issued and denied; notify the Oregon State Police of disqualifications for handgun and long gun purchases.

(5) Review an increased number of applications for concealed weapons permits; document reasons for denial.

(6) Review applications for permits to possess an assault weapon.

(7) Develop a safety training course and certification process; approve private organizations offering such courses. After January 1, 1991, offer this course to all gun purchasers.

(K) Because these responsibilities exist as a result of the large private ownership of guns in this County and because enforcing these regulations should enable gun owners to possess their weapons in a safer, more responsible manner, it is in the best interest of the citizens of the County that the costs of performing these responsibilities be borne largely by purchasers of guns in the County.

(L) Because of the increasing costs to Multnomah County of providing services to the public and of discharging the legal responsibilities of the County, and because of the decreased availability of general County revenue to defray costs, it is in the best interests of the people of the County to impose and collect a fee from the persons directly served or affected by these laws.

(M) The fee should reflect, as much as reasonably possible, the average actual costs of administration of these laws.

Section III. Definitions.

(A) As used in this ordinance, "assault weapon" means:

(1) All of the following semi-automatic rifles:

- AK47 type
- AK47S
- AK74 type
- AKS type
- AKM type
- AKMS type
- 84S type
- ARM type
- 84S1 type
- 84S3 type
- HK91 type
- HK93 type
- HK94 type
- G3SA type
- K1 type
- K2 type
- AR100 type
- M14S type
- MAS223 type
- SIG 550SP type
- SIG 551SP type
- SKS type with detachable magazine
- 86S type
- 86S7 type
- 87S type
- Galil type
- Type 56 type
- Type 56S type
- Valmet M76 type
- Valmet M78 type
- M76 counter sniper type
- FAL type
- L1A1A type
- SAR 48 type

AUG type
FNC type
Uzi carbine
Algimec AGMI type
AR180 type
Australian Automatic Arms SAR type
Beretta AR70 type
Beretta BM59 type
CIS SR88 type
Colt AR-15 type

(2) All of the following semi-automatic pistols:

Calico 100-P
Encom MK-IV,
Homes MP-83,
Intratec TEC-9,
Iver Johnson Enforcer,
MAC-10 and MAC-11,
Scarab Skorpion,
Sterling MK-7,
Uzi pistol,

(3) All of the following shotguns:

Franchi SPAS-12 and LAW-12,
Striker-12 and Street Sweeper

(4) Any copy of a firearm listed in subsections (1), (2) or (3) by the same or other manufacturers, including, but not limited to, commercial manufacturers and private individuals, which is identical or has slight modifications or enhancements such as a folding or retractable stock, different sights, case deflector for left-handed shooters, shorter barrel, stock of different composition, larger ammunition capacity, different caliber, or bayonet mount.

(B) "Assault weapon", as used in this chapter, does not include any of the following:

(1) Any firearm modified to render it permanently inoperative.

(2) Any rifle or pistol designed or modified to render it permanently not a semi-automatic firearm.

(3) Any handgun that is a revolver or conventional 18-shot semi-automatic pistol.

(4) Any weapons which do not use fixed ammunition, weapons which were manufactured in or prior to 1898, manually operated bolt action weapons, lever action weapons, slide action weapons, single-shot weapons, multiple-barrel weapons,

revolving cylinder weapons, semi-automatic weapons which use exclusively Mannlicher-style clips, semi-automatic weapons manufactured prior to 1954, rim-fire weapons that employ a tubular magazine.

(C) "Assault weapon permit" means a permit issued by the Multnomah County Sheriff authorizing the permit holder to possess an assault weapon in a public place.

(D) "Handgun" is as defined in ORS 166.210 and means any conventional pistol or revolver using a fixed cartridge containing a propellant charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder and which fires a single shot for each pressure on the trigger device.

(E) "Firearm" is as defined in ORS 166.210 and means a weapon, by whatever name known, which is designed to expel a projectile by the action of smokeless powder and which is readily capable of use as a weapon.

(F) "Public place" is as defined in ORS 161.015 (9) and means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation.

(G) Annually, the Multnomah County Sheriff shall review this section and recommend to the Board of County Commissioners whether any weapons should be added to or deleted from this section.

Section IV. Assault Weapons.

(A) Restrictions.

(1) Except as provided herein, no person shall possess an assault weapon in a public place, except with a permit as provided herein and for the purposes permitted herein.

(2) No person under the age of 21 years may obtain a permit or possess an assault weapon in a public place.

(B) Permits for Assault Weapons.

(1) The Sheriff shall charge a fee of \$25.00 for issuance of this permit.

(2) Failure of a person who possesses an assault weapon in a public place also to carry an assault weapon permit is prima facie evidence that the person does not have such a permit.

(C) Permit Process.

(1) An applicant may be considered for an assault weapon permit if the applicant:

(a) Is at least 21 years of age;

(b) Has no outstanding warrants for arrest;

(c) Demonstrates competence in the safe use and storage of assault weapons in testing devised by the Sheriff and demonstrates understanding of the limitations on assault weapons possession contained in this ordinance.

(d) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony;

(e) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor within the four years prior to the application;

(f) Has not been committed to the Mental Health Division under ORS 426.130;

(g) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness; and

(2) A person who has been granted relief under state law (Oregon Laws _____) or 18 USC 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of other jurisdictions shall not be prohibited from applying for a permit.

(3) An application for an assault weapon permit shall:

(a) state the applicant's legal name, current address and telephone number, date and place of birth and height and weight. The application shall also list the applicant's residence address for the previous three years. The application shall contain a statement by the applicant that the applicant meets the requirements of paragraphs (a) through (g) of subsection (1). The application shall be signed by the applicant.

(b) At the time application is made the Sheriff shall fingerprint and photograph the applicant and shall conduct an investigation necessary to corroborate that the applicant is qualified under subsection (E) of this section.

(4) The Sheriff may grant an assault weapon permit if:

(a) The applicant is not disqualified under the criteria listed in subsection (1) of this section, and;

(b) After investigation, the Sheriff finds that the applicant does not pose a danger of harm self, others or to the community at large.

(5) The Sheriff may deny an assault weapon permit if the Sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others or to the community at large, as a result of the applicant's mental or psychological state, as demonstrated by a past pattern of behavior or participation in incidents involving unlawful violence or threats of unlawful violence.

(6) If the application for the permit is approved, the Sheriff shall issue and mail or otherwise deliver to the applicant at the address shown on the application, within 45 days of the application, a wallet sized permit bearing the photograph of the permit holder. The permit must be signed by the permit holder and carried whenever the permit holder possesses the assault weapon in a public place.

(7) If the application for a permit is denied, the Sheriff shall set forth in writing the reasons for the denial. The denial shall be sent to the applicant by certified mail within 45 days after the application was made. If no decision is issued within 45 days, or if the application is denied, the person may seek review under the procedures set forth in state law (Oregon Laws _____).

(8) Any act or condition that would prevent the issuance of a permit under this section shall be cause for revoking an assault weapon permit. The Sheriff may revoke a permit by serving upon the permit holder a notice of revocation. The notice must contain the grounds for the revocation and must be served either personally or by certified mail, restricted delivery. The notice and return of service shall be attached to the file copy of the permit holder's permit. The revocation is effective upon the permit holder's receipt of the notice.

(9) An assault weapon permit is valid for one year from the date of issuance and is renewable by repeating the procedures set out in this section. The fee for renewal shall be \$25.00.

(10) The Sheriff shall keep a record of each permit issued, renewed or revoked under this ordinance.

(11) Application forms for assault weapon permits shall be developed by the Sheriff and supplied upon request.

(D) Permitted purposes for which assault weapons may be possessed in a public place by permit holders.

A person who has a permit for the possession of an assault weapon in a public place may possess the weapon in a public place only:

(1) While en route to that person's residence, place of business, or other property owned by that person, or to property owned by another with the owner's express permission.

(2) While on or en route to a target range of a public or private club or association organized for the purpose of practicing shooting at targets.

(3) While on or en route to a target range or shooting gallery which holds a regulatory or business license for the purpose of practicing shooting at targets.

(4) While en route to or attending any exhibition, display, or educational project which is about firearms and which is sponsored by, conducted under the auspices of or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(E) Possession for the purpose of sale prohibited.

No person shall possess for purposes of sale an assault weapon in a public place.

Section V. Safety Training Course.

(A) The Multnomah County Sheriff shall develop a firearms safety training course to be available to any person at no charge. The Sheriff may develop the course in conjunction with nationally or state recognized entities that foster education about firearms.

(B) The course shall emphasize safe firearm use and storage; laws regarding gun possession, use and transfer; the gravity of harms guns may cause; methods of protecting firearms from theft; and other topics as the Sheriff deems appropriate. The course shall reasonably accommodate citizens who do not speak English, and handicapped citizens.

(C) A person who successfully completes the course shall receive a training certificate. The Multnomah County gun purchase fee shall be reduced to \$15 for a person holding a valid training certificate.

(D) The Sheriff may certify firearms safety and training courses offered by other organizations and may issue training certificates to course participants.

(E) The certificate shall be issued only by the Multnomah County Sheriff's Office. It shall contain a photo identification and signature of the participant, a notation of the type of gun for which the participant was trained, and other information as the Sheriff deems pertinent.

Section VI. Fees.

(A) MCC 5.10.420 is amended to read as follows:

(M) Concealed weapon permit	[10.00] <u>\$50 first 2 year</u> <u>\$25.00 renewals</u>
(N) <u>Duplication of concealed weapon</u> <u>permit</u>	<u>\$10.00</u>
(O) <u>Permit to possess assault weapon</u>	<u>\$25.00</u> <u>\$25.00 renewals</u>
(P) <u>Fee for background check of</u> <u>purchaser of a firearm</u>	<u>see 5.10</u>

(B) MCC 5.10.425 is adopted to read as follows:

5.10.425. Fees for the background check for buyer of a
firearm.

(A) Prior to January 1, 1990, the licensed dealer shall collect a \$40 fee from the applicant/purchaser for the Sheriff's Office background check required by Oregon Laws _____. If, at the time of purchase, the applicant presents a training certificate issued by the Multnomah County Sheriff's Office, the fee shall be \$15. If, after the purchase, the applicant presents the training certificate and the proof of payment of the \$40 fee, the Sheriff shall refund \$25 of the fee.

(B) Beginning January 1, 1991, the Multnomah County Sheriff's Office training certificate shall be required before a person can possess any firearm in a public place and the fee shall be \$40 for all purchasers.

(C) Failure to submit the appropriate background check fee will result in the application being returned to the dealer.

(C) MCC 5.10.426 is adopted to read as follows:

5.10.426. Fees for permit to possess an assault weapon in a public place.

A person who possesses an assault weapon in a public place must apply for a permit to the Sheriff's Office in accordance with MCC _____. The fee for the permit shall be \$25. The permit shall be valid for one year. The renewal fee is \$25.

Section VII. Regulation of firearms in public places.

(A) No person shall possess any firearm in a public place unless:

(1) The firearm is unloaded; and

(2) The person in possession of the firearm carries:

(a) A valid certificate of participation in a firearms safety training course offered or approved by the Multnomah County Sheriff's Office; and

(b) For firearms purchased on or after the effective date of this section, January 1, 1991, proof of purchase of the firearm from a federally licensed dealer. The Multnomah County Sheriff's Office shall develop and make available a proof of purchase form to federally licensed dealers.

(B) If the firearm possessed in a public place is a concealed handgun, the person in possession of the handgun must also carry a concealed weapon permit.

(C) If the firearm possessed in a public place is an assault weapon, as defined in Section IV of this ordinance, the person must also carry a permit for such weapon.

(D) Failure of a person who possesses a firearm in a public place also to carry the required documentation is prima facie evidence that the person does not have such documentation.

Section VIII. Penalties.

(A) Violation of this ordinance shall be punishable by a fine up to \$1,000 and forfeiture of the weapon.

(B) If, after investigation or adjudication, the weapon was not possessed, carried or used unlawfully, it shall be released to the owner if the owner files a written claim with the Multnomah County Sheriff's Office.

(C) If there is a question as to ownership or right to possession, the weapon shall be released as ordered by the court in a proceeding initiated under ORS 133.633 to 133.663 by any person claiming ownership or right to possession.

(D) This ordinance does not apply to law enforcement personnel, members of the Armed Forces of the United States, or the organized Militia or National Guard of this or any other state, to the extent that any such person is authorized to possess a weapon and is acting within the scope of his or her duties.

Section IX. Severability Clause.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, that portion shall be considered a separate, distinct and independent provision, and the holdings shall not affect the validity of the remaining portions of this ordinance.

Section X. Effective date of ordinance.

(A) Section IV regarding Assault Weapons, section V regarding training and section VI regarding fees shall become effective February 1, 1990.

(B) Section VII regarding documentation for firearms in a public place shall become effective January 1, 1991.

Adopted this _____ day of _____, 19____
being the date of its _____ reading before the Board of
County Commissioners of Multnomah County, Oregon.

(SEAL)

By _____
COMMISSIONER GLADYS McCOY
MULTNOMAH COUNTY, OREGON

REVIEWED:

Laurence Kressel, County Counsel
of Multnomah County, Oregon

Amendment to Section III (A) (1) - Definitions of "assault weapon".

Section III (A) (1) should be rewritten as follows:

(1) All of the following semi-automatic rifles:

Avtomat Kalashnikov (AK), all models,
Beretta AR-70 and BM-59,
Calico M 100 and M 900,
Colt AR-15 and CAR-15,
Daewoo Max-1 and Max-2,
Fabrique Nationale FN-FAL, FN-LAR and FNC,
FAMAS MAS-223,
Galil AR and ARM,
Heckler & Koch HK-91, HK-93, HK-94 and PSG-1,
Sigarms 57 AMT and 500 Series,
Springfield Armory G-3, SAR-48 and BM-59 Alpine,
Sterling MK-6,
Steyr AUG,
Uzi Carbine and Mini Carbine,
Valmet M-76 and M-78

Explanation:

This amendment consolidates the list in the first draft. It adds manufacturer's names to the model numbers. It is not intended to deviate significantly from the original list.

Amendments to Section VII. Regulation of firearms in public places.

Rephrase Section VII, paragraphs (B) and (C) as follows:

(B) No person shall possess a concealed handgun in a public place without possessing the documentation required in this section in addition to a concealed weapon permit as required by state law.

(C) No person shall possess an assault weapon in a public place without possessing the documentation required in this section in addition to an assault weapon permit as required by this ordinance.

Explanation:

These changes come at the recommendation of Sandy Duffy, assistant county counsel, and Wayne Pearson, deputy district attorney. By using clear prohibitory language, the D.A. can more easily draft indictments. These changes do not alter the intent or requirements set forth in the first draft.

Amendment to Section VII - Regulation of firearms in public places.

Following paragraph (D) of Section VII, add new paragraph (E) as follows:

(E) This section does not apply to transfers of firearms among family members, including transfers by gift, loan or bequest.

Explanation:

This amendment will allow transfers of firearms from parents to children and among spouses without the requirement that the transferring party be a licensed firearms dealer. The amendment is intended as a matter of convenience for family firearms transfers.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An ordinance to regulate the possession of firearms in public places, to require the Multnomah County Sheriff's Office to make available to the public a firearms safety training course, and to impose fees.

Multnomah County ordains as follows:

Section I. Section Title.

This ordinance shall be known as the Safe Streets Ordinance and shall be added to and made a part of Title 7 of the Multnomah County Code regarding Public Safety.

Section II. Findings.

(A) Assault weapons are identified as such herein because their design, high rate of fire and capacity to cause injury render them a substantial danger to human life and safety, outweighing any function as a legitimate sports or recreational firearm.

(B) The proliferation and use of assault weapons pose a present and serious threat to the health, safety and security of the residents of Multnomah County.

(C) While assault weapons account for one million of the estimated 200 million firearms in America, they were used in one of every ten crimes that resulted in a firearms trace last year. The increasing and disproportionate use of assault weapons for criminal purposes endangers both the public and law enforcement personnel.

(D) Recognizing that assault weapons pose a threat to public safety, and with the recommendation from the Bureau of Alcohol, Tobacco and Firearms that assault weapons serve no legitimate sporting or recreational purpose, President Bush stopped the importation of certain assault weapons.

(E) Law enforcement organizations including The National Sheriffs' Association, the International Association of Chiefs of Police, the National Association of Police Organizations, the Police Executive Research Forum, and the Fraternal Order of Police have called for a national ban on the production and sale of assault weapons.

Original

(F) There is a need for firearms training to ensure safe and informed firearms use and storage.

(G) Nationally, approximately 1,200 people are killed each year in accidental shootings, including 365 children. For every child killed through the negligent use of firearms, 10 are injured.

(H) In Multnomah County, approximately two persons per week are killed from the intentional or accidental use of firearms.

(I) Education in safe use of firearms may reduce the occurrences of accidental shootings.

(J) Oregon Laws _____ and this County Ordinance will create the following responsibilities for the Multnomah County Sheriff's Department:

(1) Conduct criminal and mental health background checks of purchasers of handguns from federally licensed dealers.

(2) Notify dealers by certified mail of disqualified handgun purchasers.

(3) Conduct background checks of purchasers of long guns for study purposes.

(4) Submit monthly reports to the Oregon State Police regarding concealed weapons permits issued and denied; notify the Oregon State Police of disqualifications for handgun and long gun purchases.

(5) Review an increased number of applications for concealed weapons permits; document reasons for denial.

(6) Review applications for permits to possess an assault weapon.

(7) Develop a safety training course and certification process; approve private organizations offering such courses. After January 1, 1991, offer this course to all gun purchasers.

(K) Because these responsibilities exist as a result of the large private ownership of guns in this County and because enforcing these regulations should enable gun owners to possess their weapons in a safer, more responsible manner, it is in the best interest of the citizens of the County that the costs of performing these responsibilities be borne largely by purchasers of guns in the County.

(L) Because of the increasing costs to Multnomah County of providing services to the public and of discharging the legal responsibilities of the County, and because of the decreased availability of general County revenue to defray costs, it is in the best interests of the people of the County to impose and collect a fee from the persons directly served or affected by these laws.

(M) The fee should reflect, as much as reasonably possible, the average actual costs of administration of these laws.

Section III. Definitions.

(A) As used in this ordinance, "assault weapon" means:

(1) All of the following semi-automatic rifles:

- AK47 type
- AK47S
- AK74 type
- AKS type
- AKM type
- AKMS type
- 84S type
- ARM type
- 84S1 type
- 84S3 type
- HK91 type
- HK93 type
- HK94 type
- G3SA type
- K1 type
- K2 type
- AR100 type
- M14S type
- MAS223 type
- SIG 550SP type
- SIG 551SP type
- SKS type with detachable magazine
- 86S type
- 86S7 type
- 87S type
- Galil type
- Type 56 type
- Type 56S type
- Valmet M76 type
- Valmet M78 type
- M76 counter sniper type
- FAL type
- L1A1A type
- SAR 48 type

AUG type
FNC type
Uzi carbine
Algimec AGMI type
AR180 type
Australian Automatic Arms SAR type
Beretta AR70 type
Beretta BM59 type
CIS SR88 type
Colt AR-15 type

(2) All of the following semi-automatic pistols:

Calico 100-P
Encom MK-IV,
Homes MP-83,
Intratec TEC-9,
Iver Johnson Enforcer,
MAC-10 and MAC-11,
Scarab Skorpion,
Sterling MK-7,
Uzi pistol,

(3) All of the following shotguns:

Franchi SPAS-12 and LAW-12,
Striker-12 and Street Sweeper

(4) Any copy of a firearm listed in subsections (1), (2) or (3) by the same or other manufacturers, including, but not limited to, commercial manufacturers and private individuals, which is identical or has slight modifications or enhancements such as a folding or retractable stock, different sights, case deflector for left-handed shooters, shorter barrel, stock of different composition, larger ammunition capacity, different caliber, or bayonet mount.

(B) "Assault weapon", as used in this chapter, does not include any of the following:

(1) Any firearm modified to render it permanently inoperative.

(2) Any rifle or pistol designed or modified to render it permanently not a semi-automatic firearm.

(3) Any handgun that is a revolver or conventional 18-shot semi-automatic pistol.

(4) Any weapons which do not use fixed ammunition, weapons which were manufactured in or prior to 1898, manually operated bolt action weapons, lever action weapons, slide action weapons, single-shot weapons, multiple-barrel weapons,

revolving cylinder weapons, semi-automatic weapons which use exclusively Mannlicher-style clips, semi-automatic weapons manufactured prior to 1954, rim-fire weapons that employ a tubular magazine.

(C) "Assault weapon permit" means a permit issued by the Multnomah County Sheriff authorizing the permit holder to possess an assault weapon in a public place.

(D) "Handgun" is as defined in ORS 166.210 and means any conventional pistol or revolver using a fixed cartridge containing a propellant charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder and which fires a single shot for each pressure on the trigger device.

(E) "Firearm" is as defined in ORS 166.210 and means a weapon, by whatever name known, which is designed to expel a projectile by the action of smokeless powder and which is readily capable of use as a weapon.

(F) "Public place" is as defined in ORS 161.015 (9) and means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation.

(G) Annually, the Multnomah County Sheriff shall review this section and recommend to the Board of County Commissioners whether any weapons should be added to or deleted from this section.

Section IV. Assault Weapons.

(A) Restrictions.

(1) Except as provided herein, no person shall possess an assault weapon in a public place, except with a permit as provided herein and for the purposes permitted herein.

(2) No person under the age of 21 years may obtain a permit or possess an assault weapon in a public place.

(B) Permits for Assault Weapons.

(1) The Sheriff shall charge a fee of \$25.00 for issuance of this permit.

(2) Failure of a person who possesses an assault weapon in a public place also to carry an assault weapon permit is prima facie evidence that the person does not have such a permit.

(C) Permit Process.

(1) An applicant may be considered for an assault weapon permit if the applicant:

(a) Is at least 21 years of age;

(b) Has no outstanding warrants for arrest;

(c) Demonstrates competence in the safe use and storage of assault weapons in testing devised by the Sheriff and demonstrates understanding of the limitations on assault weapons possession contained in this ordinance.

(d) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony;

(e) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor within the four years prior to the application;

(f) Has not been committed to the Mental Health Division under ORS 426.130;

(g) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness; and

(2) A person who has been granted relief under state law (Oregon Laws _____) or 18 USC 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of other jurisdictions shall not be prohibited from applying for a permit.

(3) An application for an assault weapon permit shall:

(a) state the applicant's legal name, current address and telephone number, date and place of birth and height and weight. The application shall also list the applicant's residence address for the previous three years. The application shall contain a statement by the applicant that the applicant meets the requirements of paragraphs (a) through (g) of subsection (1). The application shall be signed by the applicant.

(b) At the time application is made the Sheriff shall fingerprint and photograph the applicant and shall conduct an investigation necessary to corroborate that the applicant is qualified under subsection (E) of this section.

(4) The Sheriff may grant an assault weapon permit if:

(a) The applicant is not disqualified under the criteria listed in subsection (1) of this section, and;

(b) After investigation, the Sheriff finds that the applicant does not pose a danger of harm self, others or to the community at large.

(5) The Sheriff may deny an assault weapon permit if the Sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others or to the community at large, as a result of the applicant's mental or psychological state, as demonstrated by a past pattern of behavior or participation in incidents involving unlawful violence or threats of unlawful violence.

(6) If the application for the permit is approved, the Sheriff shall issue and mail or otherwise deliver to the applicant at the address shown on the application, within 45 days of the application, a wallet sized permit bearing the photograph of the permit holder. The permit must be signed by the permit holder and carried whenever the permit holder possesses the assault weapon in a public place.

(7) If the application for a permit is denied, the Sheriff shall set forth in writing the reasons for the denial. The denial shall be sent to the applicant by certified mail within 45 days after the application was made. If no decision is issued within 45 days, or if the application is denied, the person may seek review under the procedures set forth in state law (Oregon Laws _____).

(8) Any act or condition that would prevent the issuance of a permit under this section shall be cause for revoking an assault weapon permit. The Sheriff may revoke a permit by serving upon the permit holder a notice of revocation. The notice must contain the grounds for the revocation and must be served either personally or by certified mail, restricted delivery. The notice and return of service shall be attached to the file copy of the permit holder's permit. The revocation is effective upon the permit holder's receipt of the notice.

(9) An assault weapon permit is valid for one year from the date of issuance and is renewable by repeating the procedures set out in this section. The fee for renewal shall be \$25.00.

(10) The Sheriff shall keep a record of each permit issued, renewed or revoked under this ordinance.

(11) Application forms for assault weapon permits shall be developed by the Sheriff and supplied upon request.

(D) Permitted purposes for which assault weapons may be possessed in a public place by permit holders.

A person who has a permit for the possession of an assault weapon in a public place may possess the weapon in a public place only:

(1) While en route to that person's residence, place of business, or other property owned by that person, or to property owned by another with the owner's express permission.

(2) While on or en route to a target range of a public or private club or association organized for the purpose of practicing shooting at targets.

(3) While on or en route to a target range or shooting gallery which holds a regulatory or business license for the purpose of practicing shooting at targets.

(4) While en route to or attending any exhibition, display, or educational project which is about firearms and which is sponsored by, conducted under the auspices of or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(E) Possession for the purpose of sale prohibited.

No person shall possess for purposes of sale an assault weapon in a public place.

Section V. Safety Training Course.

(A) The Multnomah County Sheriff shall develop a firearms safety training course to be available to any person at no charge. The Sheriff may develop the course in conjunction with nationally or state recognized entities that foster education about firearms.

(B) The course shall emphasize safe firearm use and storage; laws regarding gun possession, use and transfer; the gravity of harms guns may cause; methods of protecting firearms from theft; and other topics as the Sheriff deems appropriate. The course shall reasonably accommodate citizens who do not speak English, and handicapped citizens.

(C) A person who successfully completes the course shall receive a training certificate. The Multnomah County gun purchase fee shall be reduced to \$15 for a person holding a valid training certificate.

(D) The Sheriff may certify firearms safety and training courses offered by other organizations and may issue training certificates to course participants.

(E) The certificate shall be issued only by the Multnomah County Sheriff's Office. It shall contain a photo identification and signature of the participant, a notation of the type of gun for which the participant was trained, and other information as the Sheriff deems pertinent.

Section VI. Fees.

(A) MCC 5.10.420 is amended to read as follows:

(M)	Concealed weapon permit	[10.00] \$50 first 2 years \$25.00 renewals
(N)	<u>Duplication of concealed weapon permit</u>	<u>\$10.00</u>
(O)	<u>Permit to possess assault weapon</u>	<u>\$25.00</u> <u>\$25.00 renewals</u>
(P)	<u>Fee for background check of purchaser of a firearm</u>	<u>see 5.10</u>

(B) MCC 5.10.425 is adopted to read as follows:

5.10.425. Fees for the background check for buyer of a firearm.

(A) Prior to January 1, 1990, the licensed dealer shall collect a \$40 fee from the applicant/purchaser for the Sheriff's Office background check required by Oregon Laws _____. If, at the time of purchase, the applicant presents a training certificate issued by the Multnomah County Sheriff's Office, the fee shall be \$15. If, after the purchase, the applicant presents the training certificate and the proof of payment of the \$40 fee, the Sheriff shall refund \$25 of the fee.

(B) Beginning January 1, 1991, the Multnomah County Sheriff's Office training certificate shall be required before a person can possess any firearm in a public place and the fee shall be \$40 for all purchasers.

(C) Failure to submit the appropriate background check fee will result in the application being returned to the dealer.

(C) MCC 5.10.426 is adopted to read as follows:

5.10.426. Fees for permit to possess an assault weapon in a public place.

A person who possesses an assault weapon in a public place must apply for a permit to the Sheriff's Office in accordance with MCC _____. The fee for the permit shall be \$25. The permit shall be valid for one year. The renewal fee is \$25.

Section VII. Regulation of firearms in public places.

(A) No person shall possess any firearm in a public place unless:

(1) The firearm is unloaded; and

(2) The person in possession of the firearm carries:

(a) A valid certificate of participation in a firearms safety training course offered or approved by the Multnomah County Sheriff's Office; and

(b) For firearms purchased on or after the effective date of this section, January 1, 1991, proof of purchase of the firearm from a federally licensed dealer. The Multnomah County Sheriff's Office shall develop and make available a proof of purchase form to federally licensed dealers.

(B) If the firearm possessed in a public place is a concealed handgun, the person in possession of the handgun must also carry a concealed weapon permit.

(C) If the firearm possessed in a public place is an assault weapon, as defined in Section IV of this ordinance, the person must also carry a permit for such weapon.

(D) Failure of a person who possesses a firearm in a public place also to carry the required documentation is prima facie evidence that the person does not have such documentation.

Section VIII. Penalties.

(A) Violation of this ordinance shall be punishable by a fine up to \$1,000 and forfeiture of the weapon.

(B) If, after investigation or adjudication, the weapon was not possessed, carried or used unlawfully, it shall be released to the owner if the owner files a written claim with the Multnomah County Sheriff's Office.

(C) If there is a question as to ownership or right to possession, the weapon shall be released as ordered by the court in a proceeding initiated under ORS 133.633 to 133.663 by any person claiming ownership or right to possession.

(D) This ordinance does not apply to law enforcement personnel, members of the Armed Forces of the United States, or the organized Militia or National Guard of this or any other state, to the extent that any such person is authorized to possess a weapon and is acting within the scope of his or her duties.

Section IX. Severability Clause.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, that portion shall be considered a separate, distinct and independent provision, and the holdings shall not affect the validity of the remaining portions of this ordinance.

Section X. Effective date of ordinance.

(A) Section IV regarding Assault Weapons, section V regarding training and section VI regarding fees shall become effective February 1, 1990.

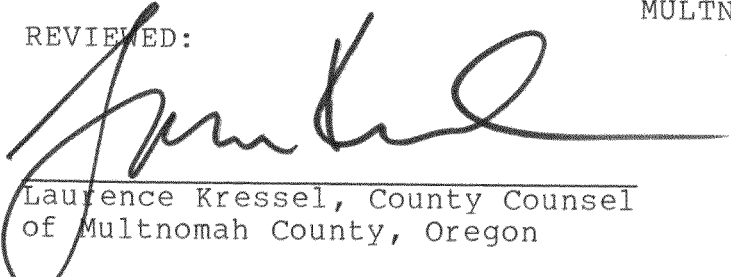
(B) Section VII regarding documentation for firearms in a public place shall become effective January 1, 1991.

Adopted this _____ day of _____, 19____
being the date of its _____ reading before the Board of
County Commissioners of Multnomah County, Oregon.

(SEAL)

By _____
COMMISSIONER GLADYS MCCOY
MULTNOMAH COUNTY, OREGON

REVIEWED:



Laurence Kressel, County Counsel
of Multnomah County, Oregon