

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. 646

An ordinance prohibiting possession of a loaded firearm and discharge of a firearm in a public place, regulating possession of assault weapons in public places, establishing a firearms safety training course, and imposing fees.

Multnomah County ordains as follows:

Section I. Findings

A. The proliferation of firearms poses a present and serious threat to the health, safety and security of the residents of Multnomah County.

B. 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.

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

D. The Oregon Courts have recognized that the constitutional right to bear arms does not cover all firearms and is not absolute. Advanced weapons designed for military use are not covered by the constitution (State v. Kessler). Additionally, with regard to arms that are covered by the state

Page

1 constitution, government can enact reasonable regulations, such  
2 as regulations over the manner of possessing such arms (State  
3 v. Delgado).

4 E. The Oregon Court of Appeals specifically upheld the  
5 constitutionality of Portland's ordinance making it unlawful  
6 for any person to carry a loaded firearm in a public place  
7 (State v. Boyce, 61 Or App 662, 658 P2d 577 (1983), rev den,  
8 295 Or 122).

9 F. The 1989 Oregon Legislature enacted laws (Or Laws  
10 1989, ch. 839) to restrict access to firearms and authorized  
11 local governments to regulate the possession of firearms and  
12 ammunition in public places.

13 G. Although the City of Portland presently bans  
14 possession of loaded firearms in public places and the  
15 discharge of firearms in public, those restrictions do not  
16 apply in unincorporated parts of Multnomah County. The  
17 restrictions are reasonable and should apply in the  
18 unincorporated area.

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

24 I. The proliferation and use of assault weapons pose a  
25 present and serious threat to the health, safety and security  
26 of the residents of Multnomah County.

Page

1 J. A recent study has shown that while assault weapons  
2 account for one million of the estimated 200 million firearms  
3 in America, they were used in one of every ten crimes that  
4 resulted in a firearms trace last year. The increasing and  
5 disproportionate use of assault weapons for criminal purposes  
6 endangers both the public and law enforcement personnel.

7 K. Recognizing that assault weapons pose a threat to  
8 public safety, and with the recommendation from the Bureau of  
9 Alcohol, Tobacco and Firearms that assault weapons serve no  
10 legitimate sporting or recreational purpose, President Bush  
11 stopped the importation of certain assault weapons.

12 L. According to the Report and Recommendation of the  
13 Bureau of Alcohol, Tobacco and Firearms, dated July 6, 1989,  
14 the following characteristics accurately describe assault  
15 weapons and distinguish them from traditional sporting rifles:  
16 (1) they are semi-automatic versions of machineguns; (2) they  
17 have a large magazine capacity; and (3) they have other  
18 military features (such as folding/telescoping stocks,  
19 well-defined pistol grips, ability to accept bayonet, and flash  
20 suppressors).

21 M. Law enforcement organizations including The National  
22 Sheriffs' Association, the International Association of Chiefs  
23 of Police, the National Association of Police Organizations,  
24 the Police Executive Research Forum, and the Fraternal Order of  
25 Police have called for a national ban on the production and  
26 sale of assault weapons.

Page

1 N. The 1989 legislature imposed the following  
2 administrative responsibilities on the Multnomah County  
3 Sheriff's Department:

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

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

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

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

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

17 O. It is in the best interest of the citizens of the  
18 County that the costs of performing these responsibilities be  
19 borne by purchasers of guns in the County. The fees in this  
20 ordinance are intended to cover the costs imposed on the County  
21 by such purchasers.

22 P. There is a need for firearms training to ensure safe  
23 and informed firearms use and storage.

24  
25 Section II. Definitions

26 A. As used in this ordinance, "assault weapon" means:

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

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

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

18 Calico 100-P  
19 Encom MK-IV,  
20 Homes MP-83,  
21 Intratec TEC-9,  
22 Iver Johnson Enforcer,  
23 MAC-10 and MAC-11,  
24 Scarab Skorpion,  
25 Sterling MK-7,  
26 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.

Page

1 B. "Assault weapon", as used in this chapter, does not  
2 include any of the following:

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

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

7 (3) Any handgun that is a revolver or conventional  
8 semi-automatic pistol capable of receiving a magazine of no  
9 more than 20 rounds.

10 (4) Any weapons which do not use fixed ammunition,  
11 weapons which were in manufacture in or prior to 1898,  
12 manually operated bolt action weapons, lever action  
13 weapons, slide action weapons other than those specified in  
14 Section A. subsection (3) above, single-shot weapons,  
15 multiple-barrel weapons, semi-automatic weapons which use  
16 exclusively Mannlicher- style clips, semi-automatic weapons  
17 in manufacture prior to 1947, rim-fire weapons that employ  
18 a tubular magazine.

19 C. Annually, the Multnomah County Sheriff shall review  
20 this section and recommend to the Board of County Commissioners  
21 whether any weapons should be added to or deleted from this  
22 section. The Board of County Commissioners may itself initiate  
23 review of the list.

24 D. "Handgun" is as defined in ORS 166.210 and means any  
25 conventional pistol or revolver using a fixed cartridge  
26 containing a propellant charge, primer and projectile, and

Page

1 designed to be aimed or fired otherwise than from the shoulder  
2 and which fires a single shot for each pressure on the trigger  
3 device.

4 E. "Concealed handgun license" is as defined in  
5 ORS 166.290.

6 F. "Firearm" is as defined in ORS 166.210 and means a  
7 weapon, by whatever name known, which is designed to expel a  
8 projectile by the action of smokeless powder and which is  
9 readily capable of use as a weapon.

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

18

19 Section III. Carrying and Discharge of Firearms

20 A. It is unlawful for any person to carry a firearm,  
21 loaded or unloaded, in a park, public building, or school.

22 B. It is unlawful for any person in a public place to  
23 carry a firearm upon the person, or in a vehicle under the  
24 person's control or in which the person is an occupant, unless  
25 all ammunition has been removed from the chamber and from the  
26 cylinder, clip, or magazine. A person who violates this

Page

1 section is subject to penalty even if the person did not know  
2 that ammunition was in the cylinder, chamber, clip or magazine.

3 C. It is unlawful for any person to fire or discharge a  
4 firearm in a public place.

5 D. In a public place, it is unlawful for any person  
6 carrying a firearm upon the person, or in a vehicle under the  
7 person's control or in which the person is an occupant, to  
8 refuse to permit a peace officer to inspect that firearm after  
9 the peace officer has identified him or herself as such.

10 E. The prohibitions in Subsections A, B, and C of this  
11 Section do not apply to a peace officer acting within the scope  
12 of duty or to any government employee authorized or required by  
13 employment or office to carry or use firearms.

14 F. The prohibitions of A and B do not apply to any person  
15 having a valid permit issued to the person by lawful authority  
16 to carry firearms.

17 G. The prohibition in Subsection (C) of this section does  
18 not apply to:

19 (1) Any person justified in using deadly physical  
20 force under the provisions of ORS 161.195 to 161.275;

21 (2) Any person who, for the purpose of shooting  
22 practice, discharges a firearm at a target upon an  
23 established target range, provided that the range meets all  
24 applicable laws;

25 (3) A person conducting an athletic contest who fires  
26 blank ammunition toward the sky;

Page

1 (4) Members of the armed forces firing blank  
2 ammunition at military ceremonies;

3 (5) Persons authorized by permit of the Sheriff to  
4 discharge blank ammunition for a lawful purpose; or

5 (6) Hunter safety instructors of the Oregon State  
6 Game Commission or their pupils who are engaged in hunter  
7 safety training classes sponsored by the Commission;

8 (7) Any person who discharges a firearm outside the  
9 urban growth boundary while hunting in accord with state  
10 law or while shooting at targets, when such activity is  
11 permitted by applicable land use regulations and would not  
12 endanger persons or property.

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14 Section IV. Assault Weapons

15 A. Restrictions.

16 (1) Notwithstanding the provisions in Section III of  
17 this ordinance, no person shall possess an assault weapon  
18 in a public place. This restriction is subject to the  
19 exceptions in paragraphs (2) and (3) of this section.

20 (2) The prohibition in paragraph (1) of this section  
21 does not apply when the assault weapon is transported:

22 (a) with all ammunition removed from the chamber  
23 and from the cylinder, clip or magazine,

24 (b) disassembled into its major component parts,  
25 and

26 (c) locked in a gun case and, if in a vehicle,

1 in the trunk of the vehicle or, if the vehicle has no  
2 trunk, in an area of the vehicle least accessible to  
3 the occupants of the vehicle.

4 (3) The prohibition in paragraph (1) of this section  
5 does not apply to law enforcement personnel, members of the  
6 Armed Forces of the United States, or the organized militia  
7 or National Guard of this or any other state, to the extent  
8 that any such person is authorized to possess a weapon and  
9 is acting within the scope of his or her duties.

10 (4) No person shall possess for purposes of sale an  
11 assault weapon in the Exposition Center.

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13 Section V. Fees

14 MCC 5.10.420 (M) is amended to read as follows:

- 15 (M) (1) Concealed handgun license [weapon  
16 permit] [10.00] . . . . . \$38.00
- 17 (2) Duplication of concealed handgun license. \$10.00
- 18 (3) Renewal of concealed handgun license . . . \$25.00
- 19 (4) Dealer fee for background check of  
20 purchaser of a firearm. (Or Laws 1989,  
21 ch. 839). . . . . \$15.00
- 22 (5) The sheriff's office may charge a safety and education  
23 course fee up to \$10.00.
- 24 (6) The fee required under subsection (M) (4) shall be the  
25 obligation of the firearm dealer and shall be charged  
26 with respect to requests for background checks

Page

1 received by the sheriff on or after the effective date  
2 of Ordinance No. 646. The sheriff shall pursue  
3 all appropriate legal remedies upon failure of a  
4 dealer to submit a required fee, but shall not refuse  
5 to conduct a background check for that reason. The  
6 fee shall be annually reviewed by the Sheriff, who  
7 shall report to the Board on the sufficiency of the  
8 fee to cover the costs of conducting the required  
9 checks.

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11 Section VI. Use of Fees

12 The fees collected under Section V of this ordinance shall  
13 be placed in an account dedicated exclusively to covering the  
14 costs of firearms regulation. Funds in the account shall be  
15 expended for the following: (1) background checks required by  
16 state law; (2) concealed weapons license investigations; and  
17 (3) gun safety and education and enforcement of gun laws.

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19 Section VII. Safety and Education Course

20 A. By July 1, 1990, the Multnomah County Sheriff's Office  
21 shall develop a firearms safety and education course to be  
22 available to any Multnomah County resident. The Sheriff may  
23 develop the course in conjunction with nationally or state  
24 recognized entities that foster education about firearms.

25 B. The course shall emphasize safe firearm use and  
26 storage; laws regarding gun possession, use and transfer; the

1 gravity of harms guns may cause; methods of protecting firearms  
2 from theft; and other topics as the Sheriff deems appropriate.  
3 The course shall reasonably accommodate citizens who do not  
4 speak English, and handicapped citizens.

5 C. A person who successfully completes the course shall  
6 receive a training certificate.

7 D. The Sheriff may certify firearms safety and education  
8 courses offered by other organizations and may issue training  
9 certificates to course participants.

10 E. The certificate shall be issued only by the Multnomah  
11 County Sheriff's Office. It shall contain a photo  
12 identification and signature of the participant, a notation of  
13 the type of gun, handgun or long gun, for which the participant  
14 was trained, and other information as the Sheriff deems  
15 pertinent.

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17 F. By January 1, 1991, the sheriff shall inform the Board  
18 of the progress of the firearms safety and education course  
19 with emphasis on the number of people certified and costs for  
20 the program. The Board will review this section to determine  
21 whether to make the course mandatory.

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23 Section VIII. Penalties

24 A. Violation of this ordinance shall be punishable by a  
25 fine up to \$500 and forfeiture of the weapon.

26 B. If, after investigation or adjudication, it is

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1 determined the weapon was not possessed, carried or used  
2 unlawfully, it shall be released to the owner if the owner  
3 files a written claim with the Multnomah County Sheriff's  
4 Office.

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

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10 Section IX. Severability Clause

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

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17 Section X. Effective Date

18 This Ordinance, being necessary for the health, safety, and  
19 general welfare of the people of Multnomah County, shall take  
20 effect on the thirtieth (30th) day after its adoption, pursuant  
21 to Section 5.50 of the Charter of Multnomah County, provided,

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1 however, that Section IV hereof shall take effect July 1, 1990.

2 ADOPTED this 22ND day of MARCH, 1990,  
3 being the date of its 2ND reading before the Board of  
4 County Commissioners of Multnomah County.

5  
6 (SEAL)

7 By *Gladys McCoy*  
8 Gladys McCoy, Chair  
9 Multnomah County, Oregon

10 REVIEWED:

11 *Sandra Ruffly for*  
12 Laurence Kressel, County Counsel  
13 of Multnomah County, Oregon

14 (03/22/90:4)

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