

City of Portland Charter Amendment

2024 GENERAL ELECTION

Measure 26-252: Vague, Archaic, and Inconsistent Language

OFFICIAL TITLE: Amends Charter: Deletes vague, archaic and inconsistent language.

QUESTION: Shall Charter be amended to delete vague, archaic language and use a consistent definition of “protected classes”?

REFERRAL: This measure is a Charter amendment referred to voters by the Portland Charter Commission on November 29, 2022, in four proposals, each of which passed by a vote of 16-0.

FINANCIAL IMPACT: The City Budget Office determined the measure has no direct financial impact.

PROBABLE RESULT OF A “YES” VOTE: If this measure passes, the following language in the Charter would be amended:

- Delete Charter Section 2-105(a)(50) to remove vague, archaic language to “prohibit persons from roaming the streets at unseasonable hours”. Deleting this section of the City’s specific powers would not impair the City’s general powers and authority to protect and support public health and safety.
- Delete vague, archaic language to regulate “offensive” businesses in Charter Section 2-105(a)(36). City would retain authority to regulate businesses that create or constitute a nuisance.
- Use consistent language to define “protected classes” as those classes protected “under local ordinance, or state or federal law” in Charter Chapters 2, 4 and 12.
- Replace “disability” with “incapacity” in Charter Chapter 2 to reflect the fact that disabled residents may serve as City officials.

PROBABLE RESULTS OF A “NO” VOTE: If this measure fails, the language cited in the immediate preceding section of this analysis would not be altered as proposed.

BACKGROUND: The language of the City code is periodically reviewed to confirm it is clear, concise, and not open to varying interpretations, misuse or abuse, or may not be legally defensible.

The Charter Commission recommended four proposals concerning potentially

problematic language in the City code. The four proposals were consolidated into one ballot measure for consideration at this election.

During the public comment period on the four proposals, the Charter Commission received 34 comments on the proposals, with the overwhelming majority of the comments generally supporting each of the proposals. Some commenters expressed concern about whether the removal of the language “persons roaming the streets at unseasonable hours” would prohibit Council from placing restrictions on camping.

PROPOSAL: The Bureau of Development Services (BDS) recommended to the Charter Commission deleting a code section containing the phrase “persons roaming the streets at unseasonable hours.”⁶ The BDS also recommended deletion of the adjective “offensive” when applied to a trade, occupation, or business.

The City’s Bureau of Development Services and the City’s Office of Equity & Human Rights initiated a proposal to clarify multiple references in the code to “protected classes” which described the protected classes differently. The suggested solution was to define the term consistently as “protected class under local ordinance, or state or federal law.” Finally, the Office of Equity & Human Rights proposed to replace “disability” with “incapacity” when referencing an elected official’s inability to perform their duties, as a public officer may be disabled, but not incapacitated.

SUPPORTERS SAY:

- The language of an ordinance should be clear, concise, reflective of current law, and free from unnecessary ambiguity.
- Consistent with this standard, these four changes improve the comprehensibility of the language of the code or delete language no longer serving its purpose in the code.

OPPONENTS SAY:

As of September 14, 2024, there is no known organized public opposition to this measure.