

**CITY OF SPRINGFIELD, OREGON**  
**ORDINANCE NO. 6472 (General)**

**AN ORDINANCE REPEALING AND REPLACING SPRINGFIELD MUNICIPAL CODE  
SECTION 5.256 TO ADD A PROHIBITION FOR USE OF CONTROLLED SUBSTANCES ON  
PUBLIC PROPERTY**

**WHEREAS**, legislative policy recognizes both alcoholism and drug addiction as diseases, reflecting a commitment to a health-centered approach to these issues;

**WHEREAS**, the opioid epidemic, exacerbated by substances like Oxycontin, fentanyl, and counterfeit fentanyl, frequently involves opioids categorized as controlled substances under ORS 475.005;

**WHEREAS**, Eugene Springfield Fire has experienced an increase in overdose calls which has stressed its first responder systems;

**WHEREAS**, Oregon continues to experience an escalating trend of overdose deaths accentuating the pressing need for coordinated efforts to restore public health and safety among municipal, county, and state level governments;

**WHEREAS**, the public consumption of these controlled substances has subjected the general public to unnecessary risks through exposure to fumes resulting from smoking dangerous mixtures of drugs and other substances, as well as the presence of fentanyl-contaminated drug paraphernalia in public areas;

**WHEREAS**, state law acknowledges the importance of regulating public behaviors, evident in its prohibition of the public consumption of alcohol and cannabis;

**WHEREAS**, the possession of alcohol and cannabis is legal in Oregon, and the possession of small amounts of certain controlled substances has been decriminalized;

**WHEREAS**, current state law neither prohibits the public consumption of controlled substances, nor allows local governments to prohibit the public consumption of such drugs, resulting in a regulatory disparity between alcohol, cannabis, and other controlled substances;

**WHEREAS**, given the established precedent in regulating the public consumption of substances such as alcohol and cannabis, it is both reasonable and appropriate to extend such regulations to the public consumption of controlled substances;

**WHEREAS**, given the potency and associated dangers of controlled substances, including but not limited to methamphetamine, cocaine, and fentanyl, and any combination thereof, the public consumption of these substances should be regulated and carry greater penalties than the consumption of substances already deemed unlawful for public use, such as alcohol and cannabis;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1. Springfield Municipal Code Section 5.256 is hereby repealed and replaced as follows:

**"5.256 Alcohol and Controlled Substances in Public Places.**

- (1) No person shall consume controlled substances, as defined in ORS 475.005, on public property.
- (2) No person shall consume alcoholic liquor, as defined in ORS 471.001 on public property.
- (3) The prohibition set forth in Subsection (2) does not apply to:
  - (a) The consumption of alcoholic liquor in sidewalk cafes that have obtained permits pursuant to Section 7.302 of this Code.
  - (b) The use of alcohol in street areas licensed for that purpose by the Oregon Liquor Cannabis Commission and adherence to all relevant Oregon Liquor and Cannabis Commission guidelines or regulations.
  - (c) The consumption of medications, as directed by a prescriber, as stipulated in ORS 414.351.
- (4) The term "consume" means the act of imbibing, injecting, ingesting, inhaling, or otherwise introducing a substance into the human body.
- (5) The prohibition set forth in Section (1) will take immediate effect if any of the following occurs:
  - (a) The State of Oregon passes a law granting local jurisdictions the power to regulate public consumption of controlled substances;
  - (b) A court with appropriate jurisdiction determines that cities can regulate the public consumption of such substances within their boundaries; or
  - (c) A regulatory body of the State of Oregon identifies or drafts regulations allowing implementation.
- (6) Penalties
  - (a) Violation of the offense in Subsection 1 of this section is punishable as Class B misdemeanor pursuant to SMC section 1.205.
  - (b) Violation of the offense in Subsection 2 of this section punishable as a violation and may include a fine not exceeding \$720.00 pursuant to SMC section 1.205."

Section 2. Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 3. Effective date of this Ordinance is 30 days after adoption by Council.

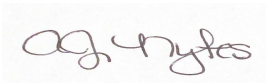
ADOPTED by the Common Council of the City of Springfield this 29th day of January, 2024, by a vote of 6 for and 0 against.

APPROVED by the Council President of the City of Springfield, functioning as Mayor in accordance with Section 17 of the Springfield Charter, this 29th day of January, 2024.



\_\_\_\_\_  
Council President

ATTEST:



\_\_\_\_\_  
City Recorder

REVIEWED & APPROVED  
AS TO FORM



DATE: 1/25/2024  
SPRINGFIELD CITY ATTORNEY'S OFFICE