

From: shooters@oregonfirearms.org
Subject: Port of Portland Police Department
Date: February 5, 2004 11:53:51 AM PST
To: police@portptld.com

2/5/04

Chief Phil Klahn
Port Of Portland Police

Dear Chief Klahn,

I am in receipt of Port of Portland Ordinance no. 377-R which deals with the possession of firearms within the Portland Airport terminal. As you know, this ordinance bars firearms in the terminal with a few limited exceptions.

A copy of this ordinance was sent to me by Sherrie Fenimore in the office of Barbara Jacobson.

I also spoke today to Sergeant Robert Barris in your department. He informs me, and this ordinance would seem to indicate, that there is no exemption for holders of Oregon concealed handgun licenses, and as such, they would be prohibited from possessing concealed handguns in the terminal.

I would like to know what the penalty is for violating this ordinance.

I would also like to know how the Port of Portland can enact a rule of this type, since Oregon law leaves the right to restrict loaded carry solely in the hands of the Oregon Legislature.

See:

AUTHORITY TO REGULATE FIREARMS

166.170 State preemption. (1) Except as expressly authorized by state statute, the authority to regulate in any matter whatsoever the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition, is vested solely in the Legislative Assembly.

(2) Except as expressly authorized by state statute, no county, city or other municipal corporation or district may enact civil or criminal ordinances, including but not limited to zoning ordinances, to regulate, restrict or prohibit the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition. Ordinances that are contrary to this subsection are void. [1995 s.s. c.1 §1]

See also:

166.173 Authority of city or county to regulate possession of loaded firearms in public places. (1) A city or county may adopt ordinances to regulate, restrict or prohibit the possession of loaded firearms in public places as defined in ORS 161.015.

(2) Ordinances adopted under subsection (1) of this section do not apply to or affect:

- (a) A law enforcement officer in the performance of official duty.
- (b) A member of the military in the performance of official duty.
- (c) A person licensed to carry a concealed handgun.

(d) A person authorized to possess a loaded firearm while in or on a public building or court facility under ORS 166.370. [1995 s.s. c.1 §4; 1999 c.782 §8]

If you could clear this up for me, I would be very grateful.

Kevin Starrett