

## **UPDATE INFORMATION**

# **Vols. I & II – Portland City Code**

## **June 30, 2017 – Quarterly Update**

Retain this page to document what update was last applied to your books.

### **How to download Code update packets and/or Code Titles:**

1. Go to <http://www.portlandoregon.gov/efiles>
2. Search for **City Code Folder version** and under SORT BY check Descending.
3. Locate quarter you want and click on the plus sign to see the available update packet and/or Code Title(s).
4. Click on the Title field for the item you want and when new page opens click Download button.

Contact the Auditor's Office Council Clerk/Contracts  
Section if you have questions: 503-823-4082.

Previous Update Packet March 31, 2017



**CODE OF THE CITY OF PORTLAND, OREGON**  
**Insertion Guide for Code Revisions**  
**Office of the City Auditor 503-823-4082**  
**2nd Quarter 2017 (June 30, 2017)**

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quarter for the purpose of lobbying, the lobbying entity shall withdraw the certificate of limited expenditure and shall report moneys expended pursuant to Section 2.12.040 A.2.

- G.** A lobbying entity may amend a quarterly report without penalty if it files the amended report within 25 days after the end of the calendar quarter.

**2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.**

(Amended by Ordinance Nos. 180620, 181204 and 188286, effective April 21, 2017.) In addition to the thresholds set forth in Section 2.12.030 and 2.12.040 for the registration, reporting and financial reporting of lobbying entities, Sections 2.12.030 and 2.12.040 do not apply to the following persons:

- A.** News media, or their employees or agents, that in the ordinary course of business directly or indirectly urge official action but that engage in no other activities in connection with the official action.
- B.** Any lobbying entity that satisfies all three of the following requirements:
- 1.** Complies with state public record and meeting laws or with the standards referenced in Section 3.96.020 G.;
  - 2.** Is classified as a non-profit organization, registered with the Oregon Secretary of State Corporation Division; and
  - 3.** Is formally recognized by the Office of Neighborhood Involvement or through City Council resolution or ordinance.

**2.12.060 Declaration Required by Lobbyists.**

(Amended by Ordinance No. 180205, effective June 7, 2006.) Prior to offering public testimony before City officials, at the beginning of any meetings or phone calls with City officials, or in emails and letters to City officials, a lobbyist must declare which lobbying entity he or she is authorized to represent for that communication.

**2.12.070 Reporting Requirements for City Officials.**

(Amended by Ordinance Nos. 180205, 180620, 187854 and 187961, effective September 1, 2016.)

- A.** City officials shall file written reports documenting any gifts, meals or entertainment in excess of \$25 received from a lobbying entity, regardless of the entity's registration status, or any person authorized to lobby on the lobbying entity's behalf. Such reports shall include:
- 1.** Name of lobbying entity, and if applicable, name of lobbyist;
  - 2.** Subject of lobbying;

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3. Value of gift, meal or entertainment; and
  4. Date of receipt.
- B.** City officials shall file written reports after a lobbyist or lobbying entity, regardless of the entity's registration status, has agreed to make a donation of personal or real property to the City. Such reports shall include:
1. Name of lobbying entity, and if applicable, name of lobbyist;
  2. Gift or donation requested;
  3. Purpose of donation; and
  4. Date of request.
- C.** The reports, if any, required by subsections 2.12.070 A. and B. shall be filed with the City Auditor 15 days after the end of the calendar quarter. City officials, other than elected officials, are not required to file reports with the Auditor if the amount of the gift, meal or entertainment is less than \$25 or if no gifts or donations have been requested in the calendar quarter.
- D.** City Elected officials and City directors shall post their calendars of activities that reflect official City business 15 days after the end of the calendar quarter for the previous calendar quarter, unless an elected official or City director determines that such posting poses a safety threat.
1. Unless otherwise exempted, calendars required by this Section shall note the date and length of scheduled official business that includes other City Elected officials, City directors or outside parties. Calendar items must list primary participants or organizations in attendance.
  2. Elected officials' and City directors' quarterly calendars required by this Section shall be retained in accordance with City Administrative Rules and posted publicly on the originating office's website for a period of at least one calendar year.
- E.** A City Official may amend a quarterly report without penalty if he or she files the amended report within 25 days after the end of the calendar quarter.

**2.12.080 Prohibited Conduct.**

(Amended by Ordinance No. 187854, effective September 1, 2016.)

- A.** No former City elected official shall, for a period of 2 years after the termination of the official's term of office, lobby for money or other consideration a City elected official or their salaried at-will staff.

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- B.** No former salaried at-will staff of a City elected official, shall, for a period of 1 year after the termination of employment, lobby for money or other consideration any City elected official or their salaried at-will staff.
- C.** No former City director shall, for a period of 2 years after termination of the director's appointment, lobby for money or other consideration the current City director of the office or bureau to which the former City director was appointed or, regarding matters within the powers and duties of the bureau to which the former City director was appointed, the City elected official in charge of the office or bureau to which the City director was appointed.
- D.** No Former City employee shall lobby a City Official for money or other consideration regarding a contract if the employee exercised contract management authority with respect to that contract while employed by the City. This prohibition shall be for the duration of the contract.
- E.** The prohibitions in this Section shall not apply to:
  - 1.** Prevent any former City elected official or other City employee from representing himself or herself, or any member of his or her immediate family, in their individual capacities, in connection with any matter pending before the City;
  - 2.** The activities of any former City elected official or other City employee who is an elected or appointed officer or employee of any public body, when that former City elected official or other City employee is solely representing that agency in his or her official capacity as an officer or employee of the public body;
  - 3.** Any ministerial action. For purposes of this subsection, a ministerial action is one that does not require a City official or other City employee to exercise discretion concerning any outcome or course of action.
  - 4.** Prevent City officials or other City employees from seeking information or participation from former City elected officials or other City employees where the public interest would be served by the information or participation.

**2.12.090 Verification of Reports, Registrations and Statements.**

(Amended by Ordinance No. 181204, effective September 7, 2007.)

- A.** Each report, registration or statement required by this Chapter shall contain or be verified by a written or electronic declaration that it is made under the penalties of false swearing. Such declaration shall be in lieu of any oath otherwise required.

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- B.** No person shall willfully make and subscribe any document which contains or is verified by a written or electronic declaration for false swearing which the person does not reasonably believe to be true and correct to every matter.

**2.12.100 Public Nature of Reports, Registrations and Statements.**

(Amended by Ordinance No. 186176, effective August 30, 2013.) All information submitted to the City Auditor in any report, registration or statement required by this Chapter is a public record and will be posted on Office of the Auditor website within three business days after receipt, except if the information is subject to amendment under this Chapter, the Auditor will post the information within three business days after the amendment period has closed.

**2.12.110 Auditor's Duties.**

(Amended by Ordinance No. 187854, effective September 1, 2016.) In carrying out the provisions of this Chapter, the City Auditor:

- A.** Shall prescribe forms for registrations, statements and reports, and provide such forms to persons required to register and to file such statements and reports;
- B.** Shall accept registrations and reports in an electronic format;
- C.** Shall accept and file any information voluntarily supplied that exceeds the requirements of this Chapter;
- D.** Shall make registrations, statements and reports filed available for public inspection and copying during regular office hours, and make copies available. The Auditor may charge fees to recover the cost of retrieval and copying;
- E.** May audit whether registrations and reports required by this Chapter have been completed properly and within the time frames specified in this Chapter;
- F.** May initiate investigations and accept and investigate complaints of alleged violations of this Chapter;
- G.** May make such inquiries and obtain such reasonable assistance and information, including records, from any office or person as the Auditor shall require for enforcement purposes, including requests to produce documentary or other evidence that is reasonably relevant to the matters under investigation;
- H.** May recover all reasonable costs incurred in enforcement in this Chapter, including but not limited to attorney's fees.
- I.** Is authorized to adopt administrative rules to carry out the duties and to administer the provisions of this Chapter.

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**2.12.120 Penalties.**

(Amended by Ordinance No. 187854, effective September 1, 2016.) A person who violates any provision of this Chapter or fails to file any report, registration or statement or to furnish any information required by this Chapter shall be subject to a civil penalty in an amount not to exceed \$3,000 per violation. By administrative rule, the Auditor shall establish enforcement criteria with increased fines for repeated violations. At the request of the Auditor, the City Attorney may seek civil penalties and enforcement of any provision of this Chapter in Multnomah County Circuit Court or other appropriate venue.

**2.12.130 Severability.**

If any provision of this Chapter, or its application to any person or circumstance, is held invalid by any court, the remainder of this Chapter and its application to other persons and circumstances, other than that which has been held invalid, shall not be affected by such invalidity, and to that extent the provisions of this Chapter are declared to be severable.

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**CHAPTER 2.14 - REPORTING BY  
POLITICAL CONSULTANTS**

(Chapter added by Ordinance No. 187689, effective  
May 20, 2016.)

Sections:

- 2.14.010 Purpose.
- 2.14.020 Definitions.
- 2.14.030 Registration for Political Consultants.
- 2.14.040 Termination of Registration.
- 2.14.050 Quarterly Reporting by City Elected Official.
- 2.14.060 Public Nature of Reports and Registrations.
- 2.14.070 Prohibited Conduct.
- 2.14.080 City Auditor's Duties.
- 2.14.090 Penalties for Violation of this Chapter.
- 2.14.100 Enforcement.

**2.14.010 Purpose.**

The purpose of this Chapter is to improve transparency by requiring Political Consultants advising City elected officials to meet certain registration and reporting requirements.

**2.14.020 Definitions.**

As used in this Chapter unless the context requires otherwise:

- A. "City elected official" means the Mayor, City Commissioners, or Auditor.
- B. "Day" means a calendar day by 5 p.m. unless "business day" is specified. If the computed date for action falls on a Saturday, Sunday or legal City holiday, then the "day" shall be the next business day by 5 p.m.
- C. "Political Consultant" means a person or entity that provides Political Consulting Services to a City elected official or successful candidate for elected office, or a successful candidate's principal campaign committee, registered with the Oregon Secretary of State. The term "Political Consultant" does not include attorneys who provide only legal services, accountants who provide only accounting services, professional fundraisers, or pollsters who provide only polling services. The term "Political Consultant" does not include a person who
  - 1. Does not engage in Political Consulting Services as a trade or profession, or
  - 2. Is a City employee.
- D. "Political Consulting Services" include actions in campaign management and political strategy services, including but not limited to: advocacy and strategy; political polling; advising or assisting in voter contact strategies and services;

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**CHAPTER 3.02 - COUNCIL ORGANIZATION  
AND PROCEDURE**

(Chapter replaced by Ordinance No. 160414,  
effective February 16, 1988.)

**Sections:**

- 3.02.010 Council Meetings.
- 3.02.020 Special Meetings.
- 3.02.025 Attendance by Electronic Communication.
- 3.02.030 Entry of Documents on Agenda.
- 3.02.035 Ordinance Wording.
- 3.02.036 Consent Agenda.
- 3.02.037 Time Certain Agenda.
- 3.02.040 Rules of the Council.
- 3.02.050 Authority to Adopt Rules, Procedures and Forms.
- 3.02.060 Rules of Conduct at City Council Meetings, Ejection and Exclusion.

**3.02.010 Council Meetings.**

(Amended by Ordinance Nos. 166314, 170834, 177787 and 182541, effective February 18, 2009.) A regular meeting of the City Council shall be held once a week and will generally be held each Wednesday, commencing at 9:30 a.m., and, as necessary, recessed sessions will be held each Wednesday at 2:00 p.m. and the following Thursday at 2:00 p.m. in the Council Chambers. City Council may hold its recessed session in the evening of either day beginning at 6:00 p.m. upon motion adopted by the Council at least 2 weeks prior to the meeting date. When either day falls on a legal holiday the meeting shall be held on the next succeeding business day at the same hour unless otherwise directed by Council during a regularly scheduled session not less than two weeks prior to the meeting. Any recessed session may, upon motion adopted by the Council, be held at a place other than the Council Chamber, but the place shall be within the City limits.

**3.02.020 Special Meetings.**

(Amended by Ordinance No. 185877, effective March 1, 2013.) Special meetings of the Council may be held at any time upon a request signed by three members of the Council. A written notice of the time and place of the meeting shall be delivered by the Auditor to each member of the Council at his or her office in the City Hall, not later than 24 hours preceding the meeting. The Auditor shall also post on the City's website and distribute electronically to interested persons a notice of the meeting containing a summary of matters anticipated to be considered, not later than 24 hours preceding the meeting.

The Mayor, the President of the Council or any three members of the Council may call an emergency special meeting of the Council under any of the following conditions:

- A. A disaster which has occurred or is imminent;
- B. An emergency affecting or tending to affect the public health or safety;

- C. War or hostile enemy action;
- D. A civil defense alert on the immediate possibility of enemy action;
- E. An emergency declared by the Governor;
- F. An emergency declared by the President of the United States. The requirements contained in this Section for the agenda and for publication and notice of special meetings shall not apply, but the person or persons calling the emergency special meeting shall notify every other available Council member and the City Auditor or Deputy Auditor, and notification to the media and other interested persons is required. The minutes for the meeting shall describe the emergency justifying less than 24 hours notice. The notice must be appropriate to the circumstances. At an emergency special meeting only matters connected with the emergency shall be considered. No emergency special meeting shall be held without the presence of the Auditor, Deputy Auditor or Auditor's designee who shall act as the clerk of the meeting according to appropriate provisions of the Charter and shall keep a full and complete record of the proceedings. An emergency special meeting shall be deemed to be in session upon the presence of a quorum, and consideration of any ordinance or resolution at an emergency special meeting shall be governed by the appropriate Sections of the Charter. No ordinance or resolution shall be considered at the emergency special meeting unless it is in writing and unless an original copy has been filed with the Auditor before action thereon. An emergency special meeting may be held at a place other than the Council Chambers but shall be open to the public and all provisions of the Charter relating to legislative acts of the Council shall apply to any ordinance passed by the Council at the emergency special meeting.

**3.02.025 Attendance by Electronic Communication.**

Members of the City Council may attend and be present at public meetings by means of telephone or other electronic communication allowing voice transmission provided that all the conditions in Subsections A. – D. are fulfilled.

- A. An emergency exists such that failure to allow participation of City Council members by electronic communication would jeopardize the public interest, health, safety or welfare.
- B. Prior to commencement of the meeting, the Auditor or designate shall make reasonable efforts to notify all City Council members who are expected to be unable to be physically present at the location of the meeting in order to give them an opportunity to participate by electronic communication.
- C. At the commencement of the meeting, the Council shall make a record of the circumstances constituting the emergency which requires use of electronic communication and a record of the nature and extent of the attempts made to give

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each physically absent Council member an opportunity to participate by electronic communication. After making this record, the Council shall give an opportunity to all those physically present at the meeting to state on the record any objection they have to conducting the meeting by electronic communication.

- D.** Except for an executive session, the Council shall make available at least one place where the public entitled to attend the meeting can listen to the communication at the time it occurs by speakers or other devices. The place provided may be a place where no members of the Council are present. All other requirements of state law and City Code concerning the conduct of meetings by electronic communication shall be met.

**3.02.030 Entry of Documents on Agenda.**

(Amended by Ordinance Nos. 165402, 166314, 170834, 177787, 182515 and 185877, effective March 1, 2013.)

- A.** Notice and Filing of Documents. The City Auditor shall post on the City's website and distribute electronically to interested persons, 24 hours before each meeting, a summary of matters to come before the Council at the next meeting. The summary shall be known as the Portland City Council Agenda. Documents for inclusion on the Agenda shall be filed in the Office of the City Auditor before 5:00 p.m. each Thursday preceding the Council meeting except when otherwise required due to the date of a legal holiday. In this event, the Auditor shall give notice to all bureaus of the revised time for filing agenda items.
- B.** The Order of Business on the Council Agenda. Items of Council business shall be heard in the following order:
- 1.** Communications from the public or governmental jurisdictions other than City.
  - 2.** Time Certain matters.
  - 3.** Consent Agenda.
    - a.** Reports of City Officers;
    - b.** Reports from Committees or Commissions;
    - c.** Matters submitted by Order of Council, a Committee of Council or by two or more Council members;
    - d.** Items introduced by and identified as such from:
      - (1)** The Mayor;

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(2) The Commissioners, in order of position. Beginning January 1 of every year, items introduced by the Commissioner in Position No. 1 shall be placed first, followed by the Commissioner in Position No. 2, then the Commissioner in Position No. 3, then the Commissioner in Position No. 4. The order of placement shall be modified on the first day of each subsequent calendar quarter so that items introduced by the Commissioner whose Position number was first in order in the previous calendar quarter are placed last in order; and

(3) The City Auditor.

The provisions of Section 3.02.036 shall apply to matters on the Consent Agenda.

4. Regular Agenda. The business of the Council on the Regular Agenda shall be presented in the same order as items B.3.a.-d. above.

C. Schedule of Council items.

1. The Auditor's Office has the discretion to schedule items in a manner making the best use of Council time including consolidating all of the Council's business into one session. Generally, business items including purchases, contracts, personnel actions, budgetary matters, franchises, claims, nuisances, street vacations, local improvements, permits and similar actions will be presented at the Wednesday 9:30 a.m. meeting.

2. Appeals and hearings of land use matters which require notification under the Planning and Zoning Code will generally be scheduled at the recessed meeting. on Wednesday unless otherwise announced.

3. Any item of business which is expected to require considerable testimony and/or Council discussion may be filed for consideration at the Wednesday or Thursday sessions and may be the only item to be heard, if the Auditor so determines.

4. The Auditor may shift matters listed for presentation on Thursday to the following Wednesday if, due to items being withdrawn, there are insufficient items to merit holding a Thursday session. Notice shall be placed on the council Chamber door stating the reschedule date and time.

5. Matters not appearing on the Agenda may be considered by the Council under suspension of rules at any session.

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6. The Auditor shall prepare a supplementary Agenda which shall be designated and known as the Four-Fifths Agenda, which shall contain a summary of matters filed in his or her office not later than 5:00 p.m. on the preceding Tuesday for consideration at either the following Wednesday or Thursday session. All documents filed with the Auditor intended for the Four-Fifths Agenda shall be initialed by four members of the Council or their representatives, as designated in Section 3.02.040 D.2.
7. Matters ordered by the Council to be considered at a special time other than the listed sessions shall be considered at the special time as directed by the Council. Council members may direct that special items be listed for meetings other than those specified above.

**3.02.035 Ordinance Wording.**

- A. Ordinance exhibits.
  1. If the directive portion of an ordinance refers to an exhibit, unless the ordinance directs otherwise, the following language is understood to follow; to wit “said exhibit is by this reference incorporated as if set out verbatim.”
  2. Unless the ordinance directs otherwise, the Auditor shall determine when a copy of an exhibit is to be provided with a copy of the ordinance.
- B. Appropriation designation. The budget ordinance makes the annual appropriation and defines the level of accounting control. When the directive section of an ordinance includes a reference to an appropriation, the ordinance shall control the appropriation at the same accounting level in the original budget ordinances. These appropriations are subject to the limitations on specific appropriations or types of expenditure stated in the budget ordinance. The designation of an appropriation in an ordinance by subaccount below the level of control may be adjusted administratively without an amending ordinance provided there is no change in the appropriation at the level of control, unless the ordinance directs otherwise.

**3.02.036 Consent Agenda.**

(Amended by Ordinance Nos. 166314 and 17787, effective August 13, 2003.)

- A. Those who file documents for inclusion on the Council Agenda shall clearly designate such items as “Consent” or “Regular” Agenda. The Council Agenda shall clearly distinguish Consent from Regular Agenda items. The Auditor shall make an appropriate designation if none is assigned.
- B. The Consent Agenda may include any matter for Council consideration except:
  1. Appeals of land use decisions or other land use matters requiring a hearing under City Charter or State law;

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2. Any matter which will increase an appropriation unit's budget; or
  3. Any matter requested to be placed on the regular agenda at the time of filing with the Auditor.
- C. The Consent Agenda shall be positioned in the Council Agenda in accordance with Section 3.02.030.
- D. An item designated for the Consent Agenda may be removed from the Consent Agenda by a Council member or any individual prior to Council vote on the Consent Agenda. The request may be in either written or verbal form. When removed, items shall be considered individually at the end of the Consent Agenda at the same Council meeting. A request to pull an item from Consent shall be made to the City Auditor prior to the beginning of the Council meeting, or presented verbally at the Council meeting.
- E. At any meeting at which there is a Consent Agenda, the ayes and nays shall be taken upon the passage of all items on the Consent Agenda by a single Council vote. It shall not be necessary that there be a reading of the titles or the effect of the items on a Consent Agenda. Items on a Consent Agenda shall not be subject to amendment or debate. Consideration of the Consent Agenda requires at least four Council members to be present and voting. Action on the Consent Agenda shall require a unanimous vote of all Council members present.

**3.02.037 Time Certain Agenda.**

(Amended by Ordinance Nos. 177787 and 184046, effective September 10, 2010.)

- A. Any Council member, the City Auditor, City Attorney, City Purchasing Agent, Hearings Officer, City Planning and Sustainability Commission, and any other City appointed board or commission filing an item with the City Auditor for City Council consideration may designate the item as "time certain."
- B. A request for time certain designation shall be made in writing to the City Auditor at least 4 days prior to the filing deadline for the regular Council agenda items; or by verbal request by the City Council or member thereof at any time prior to City Council action on a particular item. The request shall include an estimate of time to be devoted to the particular item.
- C. The City Auditor shall schedule the item for hearing before the City Council and inform the office requesting the time certain designation.
- D. The Council Agenda shall clearly distinguish time certain items from all other items.

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**3.02.040 Rules of the Council.**

(Amended by Ordinance Nos. 162784, 165402, 166075, 166314, 170834, 177787, 178617, 180371, 182515 and 188280, effective April 14, 2017.)

- A.** Suspension and Repeal of Rules - Robert's Rules of Order.
- 1.** These rules are a combination of some provisions from the City of Portland Charter and of the Council Rules. These rules are adopted pursuant to Charter Section 2-111.
  - 2.** Non Charter provisions adopted under this section may be suspended or repealed as provided by Section 3.02.040 I.8. The Charter provision may not be suspended or repealed except by a vote of the people.
  - 3.** "Robert's Rules of Order Newly Revised" shall be considered authority in deciding any questions arising on points of order not covered by these rules.
- B.** Quorum Requirement.
- 1.** Three members of the Council shall constitute a quorum. A quorum shall be required to conduct official City business except that less than a quorum may:
    - a.** Adjourn or recess the meeting; and
    - b.** Compel the attendance of the other members.
  - 2.** In the event a quorum is not present, the members present shall adjourn to some fixed time.
  - 3.** The City Auditor is authorized to indicate for the record when a Council meeting has been cancelled for lack of a quorum, and at that time shall identify for the record the date and time when any items scheduled for the cancelled agenda shall be considered. Notice of the rescheduled date and time shall be placed on the Council Chamber door.
- C.** Presiding Officer.
- 1.** The Mayor shall preside over all meetings, except in the Mayor's absence the President of the Council shall preside.
  - 2.** When a quorum is present, but the Mayor and President of the Council are absent, the following procedures shall be used:
    - a.** The member present who most recently served as President of the Council shall serve as President pro tempore; or,

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- b.** The duties of President pro tempore shall be assumed by the Council member holding the position with the lowest number if no member present has served formerly as President of the Council.

**D. Council Agenda.**

- 1.** Ordinances, resolutions and reports shall be introduced by the Council, a committee of the Council, a member of the Council or the City Auditor.
- 2.** A matter placed on the Four-Fifths agenda shall be approved for placement on the agenda by at least four Council members each of whom will be present when the matter is considered.
- 3.** Time certain items shall be placed on the agenda as provided by Section 3.02.037 and shall be considered as close to the designated time as possible.
- 4.** Items on the regular agenda shall be considered in the numerical order listed except the order of the agenda may be changed by a majority vote of the Council.
- 5.** All questions relating to the priority of business shall be decided without debate by a majority vote.
- 6.** Postponement of Land Use Hearings.
  - a.** A request to postpone the scheduled date of a quasi-judicial land use hearing before Council must be made in writing and filed with the City Auditor at least seven (7) days before the scheduled hearing date. The Council will not consider or grant any request to postpone such a hearing that is filed less than seven (7) days before the scheduled hearing date unless:
    - (1)** The applicant and appellant all agree in writing to a postponement, or
    - (2)** The Council finds circumstances exist that justify the late filing of a written request for a postponement and that failing to postpone the hearing will result in substantial prejudice to a party's interests.
  - b.** The exception in Section 3.2.040 D.6.a. is available only when the applicant and appellant are different persons or entities.
  - c.** The Council makes the final determination as to whether the person requesting the postponement under Section 3.02.040 D.6.a.(2) has adequately shown that circumstances exist justifying a

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postponement. Persons relying on this exception to request a postponement should be prepared to proceed with a scheduled appeal hearing in the event the Council denies the request for a postponement.

**d. Guidelines.**

**(1)** Examples of circumstances that potentially qualify as circumstances justifying a postponement less than seven days before the scheduled hearing date Section 3.02.040 D.6.a.(2) include:

**(a)** Death of a family member;

**(b)** Illness or hospitalization of the person requesting the postponement, the applicant or the appellant, or a member of such person's family;

**(c)** Unavailability of a key witness or consultant;

**(d)** Unavoidable scheduling conflict not known in advance (such as a conflicting court date or hearing date before another hearings body).

**E. Preparation of Council Agenda.**

**1.** The Auditor shall prepare the agenda.

**2.** The asterisk symbol, \*, shall precede the Agenda number of each emergency ordinance. Ordinances passed to second reading and continued matters shall specify the Agenda number under which the item was most recently listed.

**3.** The Commissioner in charge shall report on matters in their assigned bureau and shall:

**a.** Prepare a report in writing which states the facts and a recommendation;

**b.** Sign the report, however, the report may be signed by an authorized administrative assistant.

**4.** A request from the public to address Council shall be in writing, and be in a form which states:

**a.** the nature of the request;

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- b.** the reason for the request; and
- c.** the requester's name, address and phone number.

The Clerk will notify the requester of the date it will be considered by Council; the request will normally be placed at the beginning of the Regular Agenda at the Wednesday morning session. The requester will be given three minutes to testify but may also submit written materials before or at the meeting. Only five communication requests will be placed on the Agenda per week. Requesters are limited to one oral communication to Council per calendar month under this section. Once a requestor has presented an oral communication to the Council under this section, the Clerk shall not schedule that person for another oral communication to Council in the same calendar month.

- 5.** Matters being placed on the agenda shall be:
  - a.** Signed by a Commissioner or the City Auditor or a designee for whom an authorization has been filed with the City Auditor. When the matter is not signed by the Commissioner in Charge or the Auditor, then notice of such action shall be given to all members of Council at least one week prior to the hearing of the matter.
  - b.** Approved by the City Attorney in the case of contracts, amendments to contracts, easements, Code changes, Charter amendments and Comprehensive Plan amendments.

**F.** Duties of the Presiding Officer.

- 1.** The presiding officer shall:
  - a.** Preserve order and decorum;
  - b.** Name who is to speak first when two or more members address the presiding officer at the same time;
  - c.** Limit discussion by Council members so that no member speaks more than once on an agenda item until every other member choosing to speak has spoken unless the requested speech is necessary for others to understand the issue being considered; and,
  - d.** Decide all questions by Order subject to an appeal to the Council as a whole by any two members.
- 2.** The presiding officer may:



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5. Reports.
  - a. The presiding officer shall determine whether public testimony shall be received and the amount of time which shall be allotted to each person.
6. Public testimony will be allowed on the first reading of an item for three minutes per person unless time limits have been otherwise specified.
7. Council members shall confine themselves to the question in debate, shall avoid personalities and shall address the presiding officer before speaking.
8. A Council member called to order by the presiding officer shall immediately cease speaking unless permitted to explain by the presiding officer. The member may ask the Council to rule on the question of being able to continue with speech, but there shall be no debate. Three affirmative votes shall be required to overrule the presiding officer.

**H.** Motions.

1. All motions shall be distinctly worded, and the individual vote on each motion shall be recorded.
2. No motion shall be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone to a date certain;
  - d. To refer;
  - e. To amend; or,
  - f. To postpone indefinitely.
3. Motions set forth in Section 3.02.040 H.2. shall have the following priority; Section 3.02.040 H.2.a. shall have the highest priority and Section 3.02.040 H.2.f. the lowest. A demand for a roll call shall not abrogate the right to make any of the motions in accordance with the priorities.
4. No motion shall be considered unless it is seconded and once a motion is seconded:



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4. Land Use Planning Orders. Three affirmative votes shall be required to deny or affirm an appeal of a quasi-judicial matter before the Council and to adopt the findings, conclusion and order.
  5. Consent Agenda. The unanimous vote of all members of the Council present and no less than four members shall be required to approve the matters on the consent calendar.
  6. Reports. Three affirmative votes shall be required if approval or acceptance of a report is requested. No vote shall be required on reports of an informative nature which request no Council action; they will be placed on file or filed for no further consideration.
  7. Four-Fifths Calendar.
    - a. Three affirmative votes shall be required to pass a matter on the Four-Fifths Calendar.
    - b. A Four-Fifths matter laid on the table may not be taken up at the same meeting without a Four-Fifths vote, but it may be taken up at a subsequent meeting by a majority vote.
  8. Suspension of Rules. Four affirmative votes shall be required to suspend or rescind a rule contained in this Chapter, however, rules in this Chapter which also appear in the Charter shall not be suspended or rescinded.
  9. Exceptions. The requirement of three affirmative votes shall not apply to a motion to adjourn or recess or to compel the attendance of absent members. It shall require an affirmative vote of a majority of the Council Members present.
  10. Ordinance Granting Franchise. Four affirmative votes shall be required to pass an ordinance granting a franchise.
  11. Recordation of Vote. The minutes shall include the results of all votes.
  12. Order of Voting. In all roll call votes, the Mayor shall vote last. The roll call for Commissioners' votes shall be in order of position. Beginning January 1 of every year, the Commissioner in Position No. 1 shall vote first, followed by the Commissioner in Position No. 2, then the Commissioner in Position No. 3, then the Commissioner in Position No. 4. The roll call order shall be modified on the first day of each subsequent calendar quarter so that the Commissioner whose position number was first in the roll call order in the previous calendar quarter shall vote last.
- J. Reconsideration.**

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1. It shall be in order for any member who voted with the prevailing side to move for reconsideration. Any member may second the motion. No motion shall be made more than once.
2. No motion for reconsideration shall be made after the ordinance, resolution or act has gone out of the possession of the Council. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the Council.
3. The prevailing side in a motion to remove the emergency clause from an emergency ordinance is the side which prevented the emergency ordinance from being enacted.

**K. Effective Date.**

1. The following ordinances shall take effect immediately upon the passage or at any specified date less than thirty days after passage.
  - a. Ordinances making appropriations and the annual tax levy;
  - b. Ordinances relative to local improvements and assessments; and
  - c. Emergency ordinances.
2. A non-emergency ordinance except as provided in Section 3.02.040 K.1.a. and b. and the Charter for an ordinance granting a franchise shall take effect thirty days after passage unless a later date is fixed on the ordinance in which event it shall take effect at the later date. The filing of a referendum petition shall suspend the effective date of the ordinance.
3. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

**L. Objection to Ordinance.**

1. At any time within ten days after the passage of any ordinance which does not take effect immediately, any member of the Council may file, in writing, objections to the ordinance, which shall be considered and voted by the Council at its next regular meeting.
2. If a majority vote to sustain the objections, the ordinance shall be deemed repealed and shall not take effect unless again passed in the same manner as a new ordinance.

**M. Appointments.**

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1. The Mayor shall make all appointments to Committees unless otherwise ordered by the Council or otherwise provided by Charter or Code.
2. The member first named shall act as chairperson.

**N. Adjournment.**

1. A motion to adjourn shall require an affirmative vote of a majority of the Council Members present and shall be decided without debate.
2. When a motion to adjourn has been put to a vote, and it has failed, it shall not be considered again until some other business has been considered.

**3.02.050 Authority to Adopt Rules, Procedures and Forms.**

(Added by Ordinance No. 177787, effective August 13, 2003.) The Auditor is authorized to adopt rules, procedures, and forms to implement the provisions of Chapter 3.02.

**3.02.060 Rules of Conduct at City Council Meetings, Ejection and Exclusion.**

(Added by Ordinance No. 188280, effective April 14, 2017.)

- A.** To preserve order and decorum, the presiding officer or designee may direct that any person who disrupts any Council meeting, or any person who engages in dangerous or threatening behavior, after first having been warned to cease and desist from such disruption or dangerous or threatening behavior, be ejected or excluded from Council Chambers or such other place as the Council may be in session.
- B.** For purposes of this Section, an ejection is an order made by a Person-in-Charge to immediately leave the meeting, and an exclusion is an order made by the Director of the Bureau of Internal Business Services or designee prohibiting a person from entering or remaining at future meetings for a specified period of time.
- C.** Ejection or exclusion shall be issued in the following manner:
  1. The presiding officer or designee will give a warning to the person engaging in disruptive, dangerous or threatening behavior. If the person engaging in disruptive, dangerous or threatening behavior does not cease that behavior following the warning, the presiding officer or designee will issue an ejection. An ejection shall be for the remainder of the session at which the disruptive, dangerous or threatening behavior has occurred.
  2. For purposes of this Section, a person disrupts a meeting of the Council if the person engages in any conduct that obstructs or impedes the orderly carrying on of the business of the meeting. Such conduct includes, but is not limited to: any conduct that substantially prevents any other person from hearing, viewing or meaningfully participating in the meeting; any conduct

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that substantially interferes with ingress or egress to or free movement within the Council Chambers; shouting over, or otherwise disrupting, any person who is recognized by the presiding officer; any conduct that substantially interferes with City business conducted by City staff present at the session; or failure to obey any reasonable direction of the presiding officer.

- 3.** A direction of the presiding officer is reasonable if it is reasonably related to maintaining order and decorum. A direction of the presiding officer is not reasonable if it is directed to speech or conduct the right to engage in which is, under the circumstances, protected by the federal or Oregon constitution.
  - 4.** For purposes of this Section, behavior is dangerous or threatening if a reasonable person, exposed to or experiencing such behavior, could believe that the person was in imminent danger of physical harm from the behavior. Notwithstanding the provisions of this Section, if the presiding officer reasonably believes that a person's dangerous or threatening conduct constitutes an emergency, the presiding officer is not required to give the person a warning before ordering the person ejected.
- D.** If a person has previously been ejected for dangerous or threatening behavior before the Council within 1 year before the date of the present ejection, or for disruptive behavior on three or more separate occasions within 1 year before the date of the present ejection, the person shall be excluded from Council meetings for 30 days. Written notice of such exclusion shall be given as provided in this Section.
- E.** If a person has been excluded from the Council on one or more occasions within 1 year before the date of the present exclusion, the person shall be excluded from Council meetings for 60 days. Written notice of such exclusion shall be given as provided in this Section.
- F.** The Director of the Bureau of Internal Business Services, or designee, shall give written notice of any exclusion issued under this Section, and the person excluded may appeal the exclusion to the Code Hearings Officer in the manner provided under Section 3.18.030.
- G.** Notwithstanding any other provisions of this Code, the Hearing Officer's review of the question of whether the excluded person in fact engaged in disruptive, dangerous or threatening behavior shall be based upon the audio and video record of the meeting, applying the criteria described in this Section. Under no circumstances shall the presiding officer or any member of the Council be compelled to testify at the hearing, or in any proceeding connected therewith. The exclusion shall be stayed upon the filing of the notice of appeal, but any stayed exclusion shall be counted in determining the length of any subsequent exclusion

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under this Section. If any exclusion is reversed on appeal, the effective periods of any exclusions that are not reversed shall be adjusted accordingly. If multiple exclusions issued to a person are simultaneously stayed, the effective periods for those which are affirmed shall run consecutively.

- H.** It shall be unlawful for any person to be in the Council Chambers or in any other place where the Council is meeting, at any time during which there is in effect an ejection or an exclusion of the person from Council meetings.
- I.** An exclusion issued under this Section does not affect or limit the right of the person excluded to submit written testimony or materials to the Council Clerk for inclusion in the record and for consideration by the Council, or otherwise lawfully to petition or seek redress from the City or its elected officials.
- J.** The provisions of this Section apply to any public meeting of a City board or commission. If a person engages in disruptive, dangerous or threatening behavior at a public meeting of a City board or commission, any Person-in-Charge may eject that person by applying the provisions of this Section.

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**CHAPTER 3.04 - SUBPOENA POWERS**

**Section:**

- 3.04.010 Legislative Subpoena Power.
- 3.04.020 Administering Oaths to Witnesses.
- 3.04.030 Enforcement of Legislative Subpoena.

**3.04.010 Legislative Subpoena Power.**

(Amended by Ordinance No. 188362, effective May 10, 2017.)

- A.** For the purpose of compelling the attendance of witnesses or the production of records, the Council may by resolution direct the Mayor or the Auditor to issue a subpoena under the seal of the City.
- B.** After issuance, the subpoena shall be served in the manner of service as prescribed by State law for delivery of a summons by civil process in a court of competent jurisdiction. A return of service shall be delivered to the authority who issued the subpoena within 10 days after its delivery to the person for service, with proof of service of the subpoena or that the person cannot be found.
- C.** The witness fees and mileage to be paid shall be the same as prescribed by State law for witnesses in the Circuit Court of the State for Multnomah County. Witnesses shall be reimbursed by the City, from funds as directed by Council.
- D.** It is unlawful for any person so subpoenaed and served to neglect or refuse to attend at the proper time and place and to bring the records mentioned in the subpoena, or, having done so, to refuse or neglect to answer such questions as may be applicable to the matter under investigation or to allow the records to be examined, unless the person has first sought and obtained an order quashing the subpoena from a court of competent jurisdiction, in the same manner as provided for in a civil case. Failure to seek and obtain such an order waives any objections or defenses the person may have against compliance with the subpoena, whether or not the person made any specific objection or raised that specific defense in seeking the order to quash
- E.** A witness shall not be required to answer any question or to act in violation of the witness's rights under the constitutions of the State or of the United States.
- F.** For purposes of this Chapter 3.04, "records" shall mean any books, paper, documents or other information, in whatever format or however stored.

**3.04.020 Administering Oaths to Witnesses.**

(Added by Ordinance No. 188362, effective May 10, 2017.) The Presiding Officer of Council may administer oaths to any subpoenaed witnesses in any proceedings under the Council's examination.

**3.04.030 Enforcement of Legislative Subpoena.**

(Added by Ordinance No. 188362, effective May 10, 2017.)

- A.** If a person subpoenaed as provided in Section 3.04.010 fails to appear to testify or fails to produce any records as required, or whenever any person so summoned refuses to answer any question pertinent to the subject under inquiry, the City Attorney may apply to any court of competent jurisdiction for an order to the person to attend and testify, or otherwise to comply with the subpoena.
- B.** The City Attorney's application to the court may seek an order requiring the person against whom the subpoena is directed to comply with the subpoena within three days after service of the order, or within such further time as the court may grant, or to justify the failure within that time.

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**CHAPTER 3.05 - CITY AUDITOR'S AUDIT  
SERVICES DIVISION**

(Chapter replaced by Ordinance No. 170381,  
effective August 16, 1996.)

**Sections:**

- 3.05.010 Independence.
- 3.05.020 Scope of Audits.
- 3.05.030 Annual Audit Plan.
- 3.05.035 Special Audits.
- 3.05.040 Access to Records and Property.
- 3.05.045 Confidential Information.
- 3.05.050 Bureau Response.
- 3.05.060 Audit Reports.
- 3.05.065 Report of Irregularities.
- 3.05.070 Contract Auditors, Consultants and Experts.
- 3.05.080 External Quality Control Review.

**3.05.010 Independence.**

- A. The Audit Services Division is hereby created within the City Auditor's Office, answerable directly to the City Auditor in accordance with City Charter.
- B. The Audit Services Division will adhere to generally accepted government auditing standards in conducting its work and will be considered independent as defined by those standards.
- C. If the Audit Services Division conducts an audit of an activity for which the City Auditor is or was responsible, the audit scope will state that the auditors are not organizationally independent with regard to the entity being audited.

**3.05.020 Scope of Audits.**

- A. The Auditor shall conduct financial and performance audits of all bureaus, offices, boards, activities, functions and agencies of the City of Portland to independently determine whether:
  - 1. Activities and programs being implemented have been authorized by City Charter or Code, state law or applicable federal law or regulations;
  - 2. Activities and programs are being conducted in a manner contemplated to accomplish the objectives intended by City Charter or Code, state law or applicable federal law or regulations;

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3. The activities or programs efficiently and effectively serve the purpose intended by City Charter, Code, state law or applicable federal law or regulations;
4. Activities and programs are being conducted and funds expended in compliance with applicable laws;
5. Revenues are being properly collected, deposited and accounted for;
6. Resources, including funds, property and personnel, are adequately safeguarded, controlled and used in a faithful, effective and efficient manner;
7. Financial and other reports are being provided that disclose fairly and fully all information that is required by law, that is necessary to ascertain the nature and scope of programs and activities and that is necessary to establish a proper basis for evaluating the programs and activities;
8. There are adequate operating and administrative procedures and practices, systems or accounting internal control systems and internal management controls which have been established by management; or
9. Indications of fraud, abuse or illegal acts are identified for further investigation.

- B.** Audits shall be conducted in accordance with Government Auditing Standards for financial and performance audits issued by the Comptroller General of the United States.

**3.05.030 Annual Audit Plan.**

- A.** By the beginning of each fiscal year, the Auditor shall submit an annual audit plan to Council for review and comment. The plan shall include the bureaus, offices, boards, activities, functions and agencies scheduled for audit during the year. This plan may be amended during the year after review with Council members affected by the change. Additionally, the Auditor may spontaneously initiate and conduct any other audit deemed necessary to undertake.
- B.** In accordance with independence provisions of generally accepted government auditing standards, the authority for selection of audit areas shall reside solely with the City Auditor.

**3.05.035 Special Audits.**

- A.** Council members may request that the Auditor perform special audits that are not included in the annual audit plan. After consultation with Council members whose

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work would need to be postponed, special audits may become amendments to the annual audit plan.

- B.** Special audit reports will be handled the same as regular audit reports, except that in personnel matters of a confidential nature, reporting of results may be limited to the Commissioner in Charge and the Mayor.

**3.05.040 Access to Records and Property.**

All officers and employees of the City of Portland shall furnish the Auditor with requested information and records within their custody regarding powers, duties, activities, organization, property, financial transactions and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the Auditor to inspect all property, equipment and facilities within their custody. If such officers or employees fail to produce the aforementioned information, then the Auditor, subject to Council approval, may, without fee, cause a search to be made and exhibits to be taken from any book, paper or record of any such official or employee, excepting personal information, and every office having the custody of such records shall make a search and forward such requested exhibits to the Auditor.

**3.05.045 Confidential Information.**

(Added by Ordinance No. 183217, effective October 30, 2009.) The Auditor shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of records for any unlawful or unauthorized disclosure. The Auditor shall maintain the confidentiality of information submitted in confidence and the identity of the provider of such information to the extent allowed by law, except as the Auditor deems necessary to discharge the Auditor's duties or as directed by the District Attorney pursuant to a public records request or by a court of competent jurisdiction.

**3.05.050 Bureau Response.**

A final draft of each audit report will be forwarded to the audited bureau and the Commissioner in Charge for review and comment before it is released. The bureau must respond in writing specifying agreement with audit findings and recommendations or reasons for disagreement with findings and/or recommendations, plans for implementing solutions to identified problems and a timetable to complete such activities. The response must be forwarded to the Auditor within the time frame specified by the Auditor. The Auditor will include the full text of bureau and Commissioner responses in the report.

**3.05.060 Audit Reports.**

- A.** Each audit will result in a written report.
- B.** Reports are to be issued promptly so as to make information available for timely use by Council, management and other interested parties.

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- C. The Auditor will submit each audit report to the Council and will retain a copy in his/her office as a permanent record.
- D. If appropriate, the audit report shall contain the professional opinion of the Auditor or the contract auditor concerning the financial statements issued by the bureau, board or agency or if the audit is a performance audit, the report will contain the professional conclusions of the audit regarding the management activities audited.
- E. Audit reports issued by the Auditor shall contain:
  - 1. A statement of audit objectives and a description of the audit scope and methodology;
  - 2. A statement that the audit was performed in accordance with generally accepted government auditing standards;
  - 3. A description of all significant instances of non-compliance and abuse and all instances of illegal acts found during or in connection with the audit;
  - 4. A full discussion of audit findings and conclusions, including the cause of problem areas and recommendations for necessary or desirable action;
  - 5. A statement of all significant management controls that were assessed and any significant weaknesses found;
  - 6. Pertinent views of responsible officials concerning audit findings, conclusions and recommendations;
  - 7. A listing of any significant issues needing further study and consideration;
  - 8. A description of noteworthy accomplishments of the audited organization.

**3.05.065 Report of Irregularities.**

If the Auditor detects apparent violations of law or apparent instances of malfeasance or nonfeasance by an officer or employee or information that indicates derelictions may be reasonably anticipated, the Auditor shall report the irregularities to the Commissioner in Charge and the Mayor. If the irregularity is criminal in nature, the Auditor shall immediately notify the City Attorney and the District Attorney in addition to those previously cited.

**3.05.070 Contract Auditors, Consultants, and Experts.**

Within budget limitations, the Audit Services Division may obtain the services of certified public accountants, qualified management consultants, or other professional experts necessary to perform audit services. An audit that is performed by contract must be conducted by persons who have no financial interests in the affairs of the governmental unit or its officers. The Auditor's Audit Services Division will coordinate and monitor

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auditing performed by public accounting or other organizations employed under contract by the City of Portland to assist with audit related activities.

In choosing the outside independent auditors to conduct the City's annual financial statement audit, the Auditor will convene a committee of at least three City bureau managers, including the Auditor or his/her representative to prepare a request for proposal and to screen applicants. The Auditor's selection of a certified public accounting firm for the annual financial audit must be approved by Council. Normally, this contract will be for a three to five year period.

#### **3.05.080 External Quality Control Review.**

The Audit Services Division of the City Auditor's Office shall be subject to peer review at least once every three years by a professional, non-partisan objective group utilizing guidelines adopted by the National Association of Local Government Auditors. The review will evaluate compliance with generally accepted government auditing standards. A copy of the written report of any such independent review shall be furnished to each member of the City Council.

**CHAPTER 3.06 - DEPARTMENTS, BUREAUS  
AND DIVISIONS GENERALLY**

**Sections:**

- 3.06.010 Departments Enumerated.
- 3.06.020 Bureaus and Divisions.
- 3.06.030 Acting Chief of Bureau or Office.

**3.06.010 Departments Enumerated.**

The administrative service of the City shall be divided into the following executive departments:

- A. Department of Public Affairs;
- B. Department of Public Safety;
- C. Department of Public Utilities;
- D. Department of Public Works;
- E. Department of Finance and Administration.

Each department shall be headed by a Commissioner.

**3.06.020 Bureaus and Divisions.**

The various functions and activities of the government of the City shall be assigned to bureaus, divisions, or other administrative units as herein provided by ordinance from time to time. The bureaus and activities assigned thereto shall be distributed to the departments by order of the Mayor.

**3.06.030 Acting Chief of Bureau or Office.**

(Added by Ordinance No. 135664, effective December 6, 1972.) Unless specifically provided otherwise by ordinance, in the absence because of illness, disability, vacation or leave of absence, and upon resignation, retirement or discharge, of the chief of any bureau or office, whose duties are general by virtue of that position, his chief assistant or deputy shall serve as acting chief and perform the duties of chief without additional compensation, until the Council, the Commissioner In Charge or the superior official in charge directs assigns or otherwise or a permanent successor is designated and takes office.

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**CHAPTER 3.08 - TREASURER**

(Chapter replaced by Ordinance No. 151419;  
Amended by Ordinance No. 184539, effective May  
20, 2011.)

**Sections:**

- 3.08.010 Office.
- 3.08.020 Salary - Bond.
- 3.08.030 Duties of City Treasurer.
- 3.08.040 Treasurer Authorized to Deposit in Banks.
- 3.08.050 Liability of Treasurer for Deposit of Funds.
- 3.08.060 Council May Require Additional Security from Banks.
- 3.08.070 City Officers or Agents to Pay Money to the City Treasurer.

**3.08.010 Office.**

(Amended by Ordinance Nos. 158556 and 186746, effective August 6, 2014.) Public Finance and Treasury is a division within the Bureau of Revenue and Financial Services reporting to the Office of Management and Finance and shall consist of the City Treasurer, Debt Manager, Investment Officer, and such employees as the Council may provide.

**3.08.020 Salary-Bond.**

The salary of the City Treasurer shall be fixed by ordinance. A surety bond, payable to the City of Portland, in the sum of not less than \$200,000 shall secure the faithful performance and fidelity of City Treasurer duties. Any conflict between this Section and any other Sections in the City Code shall be interpreted to require the greater of any bond amounts or assurances in favor of the City.

**3.08.030 Duties of City Treasurer.**

(Amended by Ordinance Nos. 158556 and 177246, effective March 7, 2003.) Except as provided in this Chapter, the duties of the City Treasurer shall include the investment of all City funds in accordance with all statutes relating to investment of public funds, and in accordance with the City's current investment policy. The Treasurer may delegate to other City officials any duties or responsibilities assigned to the Treasurer by Charter, Code or statute relating to the foreclosure of delinquent liens.

**3.08.040 Treasurer Authorized to Deposit in Banks.**

(Amended by Ordinance Nos. 158556 and 186746, effective August 6, 2014.) The Treasurer shall have the authority to open or close bank accounts in the name of the City. The Treasurer shall make disposition of City deposits in such a manner as found by the Treasurer to be in the City's best financial interests. City funds in any bank are in the custody of the City Treasurer as required by law. The Treasurer shall be authorized to enter into deposit agreements as may be agreed upon with the bank. Each bank shall be authorized to accept City funds for deposit to any such accounts when tendered by any person without obligation to ascertain that the funds are being deposited in the proper

account. The City Treasurer shall furnish each bank at which an account is maintained, a written statement naming the person or persons authorized to withdraw funds from such account, declaring the persons named therein are authorized assistants in the Public Finance and Treasury Division and certifying the signatures of the persons so named. Each bank should be authorized to honor withdrawals by the City Treasurer or by the person or persons named in such statement until written notice of cancellation or change is delivered to and received by the bank at which the account affected is maintained. In the event of the termination of services or death of the City Treasurer, the Chief Financial Officer shall make a record showing the time of termination and give notice to the banks maintaining a City account. The new City Treasurer shall be responsible for all monies received and disbursed after such time except that outstanding checks may be paid in due course and charged against the proper bank account. Each new City Treasurer shall promptly verify with each bank in which City funds are deposited and ascertain the exact balance and make sure rectification as may be needed because of outstanding checks. Each new City Treasurer shall have and exercise all of the authority of his/her predecessor and may execute any new banking agreements.

**3.08.050 Liability of Treasurer for Deposit of Funds.**

In the event of bank failure or bankruptcy and when deposits have been made as provided herein or authorized by law of the Charter, the Treasurer shall be exempt from all liability for loss of deposits, or bankruptcy or other acts of the bank or bankers to the extent and amount of such deposits.

**3.08.060 Council May Require Additional Security from Banks.**

If the Council deems the securities pledged by any bank insufficient and inadequate security for the City deposits with such bank, other or additional securities to be given by such bank shall be requested and require approval by the Council. If such bank fails to furnish such securities promptly, the Treasurer at once shall withdraw all deposits from such bank and such bank shall cease to be a depository of the City funds. To be reinstated as a depository of City funds requires that the bank deposit securities deemed satisfactory by a vote of the Council.

**3.08.070 City Officers or Agents to Pay Money to the City Treasurer.**

(Amended by Ordinance No. 186746, effective August 6, 2014.) Any officer or agent of this City or other person who shall receive or have possession of any money belonging to the City shall immediately pay the same to the Treasurer who shall receipt the money. Failure to pay to the Treasurer any money received within 24 hours shall be deemed sufficient cause for removal in the absence of excusable failure.

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**CHAPTER 3.10 - OFFICE OF CITY  
ATTORNEY**

(Chapter replaced by Ordinance No. 155956,  
effective June 11, 1984.)

**Sections:**

- 3.10.010 Office of City Attorney.
- 3.10.030 Duties.
- 3.10.040 Chief Deputy City Attorney.
- 3.10.050 Records.
- 3.10.060 Attorney-Client Relationship.
- 3.10.070 Settlements.
- 3.10.080 Outside Counsel Conflicts of Interest.

**3.10.010 Office of City Attorney.**

(Amended by Ordinance No. 165112, effective February 26, 1992.) The Office of the City Attorney shall consist of the City Attorney and such subordinate employees as the Council may provide. The deputies of the City Attorney shall be appointed by the City Attorney in writing and shall continue in service during the City Attorney's pleasure. In the event of a vacancy in the position of the City Attorney, the deputies shall continue in office with a Chief Deputy serving as acting City Attorney until such time as the Council appoints a new City Attorney.

**3.10.020 General Organization.**

(Repealed by Ordinance No. 165112, effective February 26, 1992.)

**3.10.030 Duties.**

(Amended by Ordinance Nos. 156711, 165112 and 181483, effective January 18, 2008.)  
The City Attorney shall have the following duties:

- A.** Appear for, represent, and defend the City, and its boards, commissions, bureaus, officers, employees and persons entitled to representation under the Oregon Tort Claims Act in all appropriate legal forums and matters. However, other than as required by the Tort Claims Act, the City Attorney shall not represent individuals in their personal capacity and shall not represent individuals who, after investigation by the OMF Risk Management Division, are found by the Bureau to have acted outside the scope of their employment or duties or to have committed malfeasance in office or willful or wanton neglect of duty. If the City Charter specifically authorizes a commission to retain or employ its own special legal counsel, then the City Attorney shall not be responsible for representing such commission on matters assigned by the commission to its special legal counsel;
- B.** Review and approve as to form all written contracts, bonds, or other legally binding instruments to which the City is a party. It shall be the responsibility of the City

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officials or employees who prepare such documents to submit the documents to the City Attorney for review;

- C.** Give legal advice and opinions orally and in writing and prepare legal documents and ordinances for the Mayor, any Council member, the City Council, or any board, bureau, committee, commission, or agency of the City;
- D.** Periodically submit to Council reports summarizing the amount, type, and cost of legal services required by the City in the proceeding year and highlighting significant legal cases and trends involving the City;
- E.** Seek to ensure that City employees comply with legal and ethical requirements of public employment by providing advice, direction and opinions
- F.** Seek to prevent legal problems for the City by training, directing and educating City employees about legal issues;
- G.** Institute legal proceedings for the City in any court or tribunal on direction by resolution of the Council, except that the City Attorney may upon approval of the Commissioner In Charge and for good cause shown seek enforcement of any regulation or license requirement including the payment of any fee, penalty, or interest, established by Charter, Code, ordinance, or statute, and collection of any account receivable and may assert a counterclaim, a cross-claim, or a third party claim. The City Attorney may institute appeals on behalf of the City for enforcement of regulations or license requirements including such payments established by Charter, Code, ordinance, or statute, and for collection of any account receivable, and may appeal in any case in which the opposing side first has appealed, as the City Attorney deems advisable. The City Attorney shall institute other appeals on direction by resolution of the Council. The City Attorney may also upon approval of the Commissioner In Charge and for good cause shown file in the appropriate forum a purpose the original or duplicate copies of complaint for interpleader whenever the City shall come into possession of property in which it has no claim and on which multiple claims have been made by other parties.

**3.10.040 Chief Deputy City Attorney.**

(Amended by Ordinance No. 165112, effective February 26, 1992.) The position of Chief Deputy City Attorney is hereby created and the City Attorney is authorized, from time to time to appoint one or more deputies to such positions and designate one Chief Deputy to be in charge of the Office in the absence of the City Attorney.

**3.10.050 Records.**

(Amended by Ordinance No. 165112, effective February 26, 1992.) The City Attorney shall have charge and custody of the Office of the City Attorney and of all legal papers pertaining thereto.

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**3.10.060 Attorney - Client Relationship.**

(Amended by Ordinance Nos. 165112 and 181483, effective January 18, 2008.)

- A. The relationship between the Office of City Attorney and the City shall be an attorney-client relationship, with the City being entitled to all benefits thereof.
- B. Correspondence between the City Attorney and others in the City and the opinions and advice provided by the City Attorney to the City or to any City department, official, or employee are privileged attorney-client communications.
- C. In suits, actions, or other proceedings in which the City Attorney, with the concurrence of the OMF Risk Management Division, accepts the defense of a City official, employee, or other person pursuant to the requirements of the Oregon Tort Claims Act, the relationship between the Office of the City Attorney, and the official, employee, or other person shall be an attorney-client relationship, with the official, employee, or other person being entitled to all the benefits thereof regarding the subject matter of the suit, action, or proceeding.

**3.10.070 Settlements.**

The City Attorney may settle suits, actions, or proceedings as follows:

- A. As the City Attorney deems advisable, after consultation with the affected bureau, if appropriate, in cases of suits, actions, or proceedings seeking enforcement of any regulation or license requirement including payment of any fee, penalty, or interest, established by the Charter, Code, ordinance, or statute, and collection of any account receivable;
- B. With the written approval of the Commissioner In Charge, in cases of any other suits, actions, or proceedings except for settlements requiring payment by the City in excess of \$5,000; and
- C. With the approval by ordinance of the Council in cases of suits, actions, or proceedings requiring payment by the City in excess of \$5,000.

**3.10.080 Outside Counsel Conflicts of Interest.**

(Amended by Ordinance No. 165112, effective February 26, 1992.) The City Attorney is authorized to waive on behalf of the City potential conflicts of interest of private legal counsel retained by the City if the City Attorney determines the waiver to be in the City's interest.

**3.10.090 Indemnities Fund.**

(Repealed by Ordinance No. 165112, effective February 26, 1992.)

**CHAPTER 3.12 - BUREAU OF  
TRANSPORTATION**

(Chapter replaced by Ordinance No. 182389,  
effective January 2, 2009.)

**Section:**

3.12.010 Organization.

**3.12.010 Organization.**

The Bureau of Transportation shall be under the direction and control of the Director of Transportation. The Director shall be responsible for the overall coordination and management of the groups of the Bureau of Transportation to assure the goals of the City Council are met and the mission and goals of the Bureau of Transportation are achieved. This includes responsibility for productivity, responsiveness and effectiveness of the services and programs of the Bureau of Transportation. The Bureau of Transportation shall be charged with the responsibility for the finance, operation, maintenance and improvement of the transportation system and shall be made up of groups under the direction and control of the Director, as set forth in this Chapter. The City Engineer shall be an employee within the Bureau of Transportation. Responsibilities and authorities of the City Engineer provided in this Code shall be performed by a Professional Engineer. The Director of Transportation shall have authority to issue administrative rules and regulations in addition to those specified in the Charter and this Code, as are appropriate to provide for the adequate functioning of the Bureau and to carry out the responsibilities under this Section.

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**CHAPTER 3.13 - BUREAU OF  
ENVIRONMENTAL SERVICES**

(Chapter added by Ordinance No. 155385, effective  
December 8, 1983.)

**Sections:**

- 3.13.010 Purpose.
- 3.13.020 Organization.
- 3.13.030 Mission.
- 3.13.040 Administrative Rules and Procedures.
- 3.13.050 Permitting Authority.

**3.13.010 Purpose.**

(Amended by Ordinance Nos. 163823 and 168321, effective December 30, 1994.) The purpose of this Chapter is to describe the organization, and mission of the Bureau of Environmental Services. This Bureau of Environmental Service, created by Ordinance in 1983, is committed to the proper management, protection, and where practicable enhancement of our natural resources.

**3.13.020 Organization.**

(Amended by Ordinance Nos. 168321, 174830 and 185397, effective July 6, 2012.) The Bureau is administered by the Commissioner in charge and led by the Director of Environmental Services. The Director works with Group Managers and their staff in pursuit of the mission. The organizational structure of the Bureau shall be determined by the Director after consultation with the Commissioner in charge. The Bureau of Environmental Services is responsible for design, construction, operation and maintenance of the sanitary and storm water collection and transport systems, and watershed management. The Director shall have authority to issue administrative rules and regulations in addition to those specified in the Charter and this Code, as are appropriate to provide for the adequate functioning of the Bureau and to carry out the responsibilities under this Code.

**3.13.030 Mission.**

(Amended by Ordinance Nos. 168321 and 174830, effective September 22, 2000.) The Bureau of Environmental Services serves the community by protecting public health, water quality and the environment. To achieve this, the Bureau:

- A. Protects, enhances and restores natural waterways; and
- B. Provides sewage and stormwater services to accommodate current and future needs.

**3.13.040 Administrative Rules and Procedures.**

(Added by Ordinance No. 185397, effective July 6, 2012.)

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- A.** The Director of the Bureau of Environmental Services may adopt, amend and repeal rules, policies, procedures, and forms pertaining to matters within the scope of this Code.
- B.** Any adoption, amendment or repeal of a rule pursuant to this Section requires a public review process which includes a minimum 30-day public comment period and the opportunity for a public hearing. Notice shall be given by publication in a newspaper of general circulation not less than 30 days before adoption. Such notice shall include the location at which copies of the full text of the proposed rules may be obtained and the place and time of a proposed public hearing. The Director is only required to hold the public hearing if requested to do so.
- C.** During the public review process, the Director shall hear testimony or receive written comment concerning the proposed rules and prepare a report of findings and recommendations. The Director shall review findings and recommendations, taking into consideration the comments received during the public review process, and shall either adopt, modify or reject proposals. If a substantial modification is made, the Director may provide additional time for the public review process. Unless otherwise stated, all rules shall be effective upon adoption by the Director and shall be filed in the office of the Director and in the Portland Policy Documents repository described in Chapter 1.07.
- D.** Notwithstanding Subsections 3.13.040 B. and C., the Director may adopt an interim rule without prior notice if failure to act promptly would result in a threat to public health and safety or the environment. Any interim rule adopted pursuant to this Paragraph shall be effective for a period of not longer than 180 days.

**3.13.050 Permitting Authority.**

(Added by Ordinance No. 186902, effective December 26, 2014.) The Director of the Bureau of Environmental Services is authorized to develop and require permits, authorizations, inspections, and other forms of review and approval to implement and assure compliance with those sections of this code that are administered by the Bureau of Environmental Services.

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**CHAPTER 3.15 - OFFICE OF MANAGEMENT  
AND FINANCE**

(Chapter replaced by Ordinance No. 181483;  
amended by Ordinance No. 184539, effective May  
20, 2011.)

**Sections:**

- 3.15.010 Organization.
- 3.15.020 Bureau of Internal Business Services.
- 3.15.030 Business Operations Division.
- 3.15.040 Bureau of Revenue and Financial Services.
- 3.15.050 Bureau of Human Resources.
- 3.15.070 Bureau of Technology Services.
- 3.15.080 Enterprise Business Solution Division.

**3.15.010 Organization.**

(Amended by Ordinance Nos. 185807, 186746 and 187060, effective March 25, 2015.)

- A.** The Office of Management and Finance shall be under the direction and control of the Chief Administrative Officer (CAO) and shall include such other employees as Council may provide. The CAO shall report to the Mayor, but shall serve the entire Council, including providing information and advice to elected officials. The Office of Management and Finance is responsible for providing and coordinating administrative services of the City in support of the operational needs of City bureaus, and other duties as assigned. Administrative services include all those functions that provide products, services and support to City employees and programs that in turn provide direct services to the public. These services include, but are not limited to, the following: accounting, debt management, treasury management, payroll, grant administration, license, tax and fee collection, risk management, facilities and property management, fleet management, human resources and personnel services including employee training and education, technology services, printing and distribution, and procurement services.
- B.** The Office of Management and Finance consists of the Office of the CAO, the Bureau of Internal Business Services, the Bureau of Revenue and Financial Services, the Bureau of Human Resources, and the Bureau of Technology Services.
- C.** The CAO shall be responsible for the overall coordination of the administrative services functions of the City. The CAO shall be authorized to:
  - 1.** Formulate, approve and issue administrative rules and systems for providing City administrative services.

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2. Implement and monitor administrative rules and systems for providing City administrative services.
  3. Determine if any administrative service should be provided by City staff or outside vendors. Bureaus shall use the services of the Office of Management and Finance unless otherwise authorized by the CAO or directed by the City Council.
  4. Determine the classifications, duties and reporting relationships for positions responsible for centralized administrative services including, but not limited to, human resources, procurement and technology services.
  5. Recommend alternatives to Council for providing administrative services.
  6. At Council direction, provide administrative services to any other governmental or private agency.
- D.** The CAO's duties include, but are not limited to:
1. Evaluate the delivery of City administrative services; initiate improvements; and periodically report to Council on services and initiatives.
  2. Provide the City Council with an annual workplan to improve city administrative services. The CAO will periodically meet with City Council to report on efforts to continually evaluate and improve all city administrative services, including those contained in the annual workplan.
  3. Advise the Council and provide staff support to citywide projects and oversight committees including, but not limited to, technology oversight committees.
  4. Participate with the City Budget Director, Mayor and City Council on City budget decisions, and ensure that information necessary to prepare the financial forecast is available to the City Budget Office.
- E.** The Office of the CAO shall be comprised of the Business Operations Division, the Enterprise Business Solution Division, a Policy Team, Spectator Facilities management, and Citywide projects assigned to the CAO.

**3.15.020 Bureau of Internal Business Services.**

(Amended by Ordinance Nos. 187060, 187984 and 188280, effective April 14, 2017.)

- A.** The Bureau of Internal Business Services shall be supervised by a Director who shall report to the CAO. The Bureau of Internal Business Services consists of CityFleet, Facilities Services, Printing and Distribution Services and Risk

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Management. The Bureau of Internal Business Services provides facilities, fleet, printing and distribution and risk management services for the City; manages and maintains the Portland Oregon™ sign and all associated intellectual property; and any other duties assigned by the CAO. The Bureau of Internal Business Services shall be responsible for the CityFleet Operating Fund (PCC 5.04.180), the Facilities Services Operating Fund (PCC 5.04.185), the Printing and Distribution Services Operating Fund (PCC 5.04.200), the Insurance and Claims Operating Fund (PCC 5.04.230), the Worker's Compensation Self Insurance Operating Fund (PCC 5.04.240) and other assigned funds.

**B.** The Bureau of Internal Business Services Director shall be authorized to:

1. Determine the City's equipment or leasing needs and determine appropriate methods of funding and financing such needs.
2. Execute real property agreements including, but not limited to, easements, permits, licenses and leases, and amendments or renewals of such real property agreements.
3. Execute intellectual property license agreements for use of the Portland Oregon™ sign. Develop, adopt and maintain an Acceptable Use policy and fee schedule for licensing of the Portland Oregon™ sign. Maintain, protect, and enforce the City's intellectual property rights in the Portland Oregon™ sign.
4. Coordinate advance payments for building rentals. In cases where building space has been or shall be rented by the City on lease or on a month-to-month basis and the owner requires advance payment of rentals or a security deposit, the Auditor hereby is authorized to audit and allow such advance payment of rentals or security deposit, provided that advance payments of rentals shall be for a period of not to exceed 31 days.
5. Provide oversight of operations, maintenance, management, planning and capital improvements and acquisition for the City and for real properties over which the Office of Management and Finance has assigned or delegated facilities management responsibilities. In carrying out these responsibilities, the Director of the Bureau of Internal Business Services will strive to maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare and safety of all persons at City Property over which Office of Management and Finance has responsibilities, by enforcing Rules of Conduct at City Property and City Property Exclusions in accordance with Chapter 3.18.
6. Has responsibilities over the following City Property:

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- a. Portland City Hall located at 1221 SW Fourth Avenue;
  - b. Portland Building located at 1120 SW Fifth Avenue;
  - c. 1900 Building located at 1900 SW Fourth Avenue;
  - d. Leasehold premises used by the City and managed by the Office of Management and Finance;
  - e. Real property which the Office of Management and Finance manages under intra-bureau, interagency or intergovernmental agreement(s); and,
  - f. City owned real property not specifically assigned to another bureau for property management.
- C. The Commissioner-in-Charge of the Office of Management and Finance is authorized to request the City Attorney to proceed in court as necessary to enforce the provisions of any agreement authorized by Section 3.15.020.
- D. CityFleet shall be supervised by a Fleet Manager who shall report to the Bureau of Internal Business Services Director. CityFleet is responsible for managing all City vehicles and equipment, owned leased or rented by the City. The Fleet Manager shall provide fleet management services as required by the CAO including, but not limited to:
  1. Maintain an inventory of all city-owned, leased, or rented motorized vehicles and equipment, licensed trailers, and wheel-mounted equipment. This does not include fire fighting apparatus.
  2. Operate the City's maintenance and repair facilities now existing or in the future established for maintenance or repair of the above described fleet equipment.
  3. Assist with identifying City vehicle and equipment needs.
  4. Manage the assignment of fleet vehicles and equipment.
  5. Assist in the development of fuel and resource conservation plans.
  6. In cooperation with the Procurement Services Division, purchase, lease or rent vehicles and equipment as defined above. Any proposed lease transactions shall first be reviewed and approved by the City's Debt Manager.

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- E.** Facilities Services shall be supervised by a Facilities Manager who shall report to the Bureau of Internal Business Services Director. The Facilities Manager shall provide facilities management services as required by the CAO including, but not limited to:
1. Provide property management services for the inventory and rental of city-owned real property. Provide property management services for the purchase, sale and replacement of city-owned real property.
  2. Provide facilities maintenance services, including but not limited to, maintenance and repair of City buildings and their related equipment; and the administration of janitorial, maintenance and security contracts.
  3. Provide architectural services including but not limited to architectural design, facilities and space planning, and project management of City capital projects.
- F.** Printing and Distribution Services shall be supervised by a Manager who shall report to the Bureau of Internal Business Services Director. Printing and Distribution Services is responsible for managing all reproduction, mail, distribution and copy services used by the City, and shall be responsible for the equipment needed to provide these services. The Printing and Distribution Manager shall provide printing and distribution management services as required by the CAO including, but not limited to:
1. Provide rapid, convenient reproduction, distribution and mail services, and provide advice and consultation on these services.
  2. In cooperation with the Procurement Services Division, review and approve requests for the lease or purchase of office copiers/printers.
  3. Manage the processing of U.S. mail and pick up and delivery of interoffice mail, packages and equipment.
- G.** Risk Management shall be supervised by a Risk Manager who shall report to the Bureau of Internal Business Services Director. Risk Management is responsible for administering, coordinating and controlling all activities related to commercial and self-insurance including, but not limited to: property and casualty insurance, workers' compensation insurance, liability insurance and the City's right to subrogation on these insurance programs. Risk Management shall obtain a public liability insurance policy or provide the necessary funding through a self-insurance program protecting the City, its officers, agents and employees with limits of not less than the maximum statutory limits of liability imposed on municipalities of the State of Oregon. Risk Management shall monitor and coordinate a citywide loss prevention and control program to minimize potential property, liability, fidelity

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and personnel losses. Risk Management shall maintain records relating to commercial and self-insurance losses or claims filed against the City. It shall execute any claim or proof of loss for damage to City property.

1. The Risk Manager is hereby delegated authority to evaluate and approve applications for self-insurance programs in lieu of commercial insurance requirements in any City agreement including, but not limited to, contracts and permits. Upon approval of a self-insurance program, the insurance coverage obligation in the City agreement shall be automatically amended without further action by the Council, subject to the approved form being filed with the City Auditor or such other bureau as may be charged with keeping the records.
2. The Risk Manager is authorized to act on behalf of the City on all matters related to workers' compensation including, but not limited to: accept, deny or defer claims; authorize payments of workers' compensation benefits in the amounts required by law relating to workers' compensation claims filed with the City; and, subject to the provisions of the City Charter governing settlements, enter into settlements of workers' compensation claims whether it be on a disputed claims disposition agreement or disputed claim settlement basis. Workers' compensation insurance shall be administered in accordance with the laws for the State of Oregon and shall be on a self insurance basis. The City Attorney may represent the City on workers' compensation matters, including litigation or settlement of claims. The City Attorney shall approval all settlements as to form.
3. Subject to the provisions of the City Charter governing settlements, the Risk Manager is authorized to act on behalf of the City of Portland in the investigation, evaluation and settlement of property damage, personal injury, and employment practices claims brought against the City under the Oregon Tort Claims Act and/or under state and federal civil rights laws, including complaints of discrimination filed with the Civil Rights Division of the Oregon Bureau of Labor and Industries, or the Equal Employment Opportunity Commission. In doing this work, the Risk Manager and designees shall be agents of the City Attorney acting on behalf of the City. Settlement of claims and court actions alleging employment discrimination or violations of employees' civil rights shall be subject to concurrence of the Bureau of Human Resources Director.
4. Subject to the provisions of the City Charter governing settlements, the Risk Manager is authorized to make settlements in an amount not exceeding \$5,000.
5. The Risk Manager is authorized to investigate and enter into settlements on fair and moral claims governed by Section 1-107 of the City Charter. Fair

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and moral claims are limited to those for which the City is immune under applicable law, or that are asserted by employees for the replacement of personal property damaged in the course of employment or duties. Fair and moral claims do not include claims, legal in nature, that are barred by the applicable statute of limitations or statute of ultimate repose.

**3.15.030 Business Operations Division.**

Business Operations Division shall be supervised by a Manager who shall report to the CAO. Business Operations is responsible for policy development, communications, specific project management services, and budget and financial services for all bureaus and divisions in the Office of Management and Finance.

**3.15.040 Bureau of Revenue and Financial Services.**

(Amended by Ordinance Nos. 185652, 185807, 186746 and 187060, effective March 25, 2015.)

- A. The Bureau of Revenue and Financial Services (BRFS) shall be supervised by a Director, who shall also serve as the Chief Financial Officer (CFO) of the City. The Director shall report to the CAO, but shall serve the entire Council including providing information and advice to elected officials. The Bureau of Revenue and Financial Services shall consist of the following units: Accounting; Public Finance and Treasury, Revenue, Procurement Services and Grants. The Bureau of Revenue and Financial Services is responsible for treasury and debt management, accounting, procurement, grants management and assigned grant funds, pension oversight, revenue and tax collection, regulatory programs, programs of the Office for Community Technology, and other services or responsibilities the Council or the CAO may assign.
- B. Serving as CFO, the Director shall be responsible for the overall coordination of financial services of the City. The duties shall include, but not be limited to, the following Citywide responsibilities:
  - 1. Financial management and policy development
  - 2. Long-range financial planning and financial sustainability
  - 3. Revenue development and collection activities
- C. The Accounting Division shall be supervised by a Controller who reports to the BRFS and shall have specific authority to:
  - 1. Establish, maintain and enforce Citywide accounting policies, practices, rules and regulations. The Controller shall be the final authority for interpretations of accounting and financial reporting policies and practices.

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2. Authorize reports that disclose the fiscal condition of the City to external users including the Comprehensive Annual Financial Report (CAFR), the Single Audit Report, and other reports required by federal, state and local regulations.
  3. Conduct or contract with public accounting firms to conduct financial and compliance audits and other tests to determine compliance with Citywide accounting and financial reporting policies and current professional standards and adequacy of internal controls over accounting transactions, the cost of which shall be paid by the bureau being audited.
- D.** Public Finance and Treasury Division shall be supervised by the City Treasurer, who shall report to the BRFS Director. The Treasurer shall have those authorities and responsibilities as described in PCC Chapter 3.08. Debt Management within the Public Finance and Treasury Division, shall be supervised by the Debt Manager who shall report to the City Treasurer. Debt Management is responsible for managing the City's debt program to ensure access to capital markets including long- and short-term capital financing programs, providing expert advice to City bureaus and officers regarding placement of debt and capital financing issues, and performing other duties as assigned. The Debt Manager is responsible for assuring that sales or leasing agreements entered into by the City comply with applicable Federal tax exemption regulations for funding and financing.
- E.** The Revenue Division shall be supervised by a Director who shall report to the BRFS Director. The responsibilities of the Revenue Division shall include, but are not limited to:
1. Manage all billing and collection software used by the Revenue Division including, but not limited to, maintenance, defect troubleshooting, problem resolution, development, enhancements and upgrades.
  2. Support end users in diagnosing and resolving system problems.
  3. Conduct business and system process improvements.
  4. Manage, enforce and collect business license taxes.
  5. Manage, enforce and collect transient lodging taxes.
  6. Manage, enforce and collect the Arts Education and Access Income Tax.
  7. Manage and enforce regulatory programs assigned by City Council, including the authority to enact administrative rules and regulations.
  8. Manage and collect assessments and liens, in coordination with the City Auditor's Office.

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9. Perform business management functions including mail processing, receipting and distribution; and perform overall financial accounting of bureau revenues.
  10. Audit functions including the Portland area business license tax returns, transient lodging taxes and internal systems and processes, as well as other special audits as deemed necessary.
  11. In consultation with the requesting bureau, recommend systems for new revenue or fee collection services.
  12. Manage funds as assigned.
  13. Manage, administer and enforce such responsibilities as are assigned to the Office for Community Technology by City Code or the Council, and
  14. Perform such other duties as may be required by ordinance or by the City Council, or which are necessary to implement the purposes of this Chapter.
- F.** The Procurement Services Division shall be supervised by the Chief Procurement Officer (CPO) who shall report to the BRFS Director. The Procurement Services Division shall be responsible for procurement and contractor services as directed by the CAO. The CPO shall be responsible for the duties of the Chief Procurement Officer under the Charter, Code or general law including, but not limited to those described in PCC Section 5.33.040 and PCC Chapter 5.68.

**3.15.050 Bureau of Human Resources.**

(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A.** The Bureau of Human Resources shall be supervised by a Director who shall report to the CAO. The responsibilities of the Bureau of Human Resources shall include coordination and control of the administrative and technical activities relating to maintenance of a comprehensive human resources system for the City, including labor relations and negotiations, promoting diversity and equity in outreach employment and recruitment services, classification and compensation, training and workforce development, human resources systems, payroll, deferred compensation, and employee benefits and wellness. The Bureau of Human Resources shall be responsible for the health benefit plan administration and funding including the Health Insurance Fund.
- B.** The Human Resources Director shall formulate, administer and monitor administrative rules approved by the Council, or the CAO, including provisions for:
1. Recruitment, examination, certification and appointment on the basis of applicants' knowledge, skills and abilities.

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2. Classification and compensation.
  3. Employee behavior and expectations.
  4. Disciplinary guidelines with notice to employees of prohibited practices.
  5. Employee training and development.
- C. In accordance with Oregon law, the Human Resources Director or designee, on behalf of the Council, may enter into agreements with labor organizations, recognizing their exclusive representation of specified classifications within City service.
- D. Dispute Resolution.
1. The Human Resources Director or designee(s) is the official interpreter for the City pertaining to its collective bargaining agreements and any other written compensation and benefits plans and personnel policies established by the Council.
  2. The Commissioner-in-Charge of a bureau shall retain the right to hear individual grievances and or complaints on a case by case basis. In settling such grievances and or complaints, the Commissioner-in-Charge shall do so with the advice and consent of the City Attorney and the Human Resources Director.
  3. If the Commissioner-in-Charge of a bureau does not retain jurisdiction of a grievance and or a complaint within one week of receiving the issues, then the Human Resources Director shall automatically have jurisdiction to settle the issue.
  4. Provision for resolution of disputes is as follows:
    - a. Within one (1) day following the filing of a written grievance under a collective bargaining agreement or complaint under other written personnel policy adopted by Council, the bureau or department recipient of the grievance or complaint shall provide a copy to the Human Resources Director of the written grievance or other complaint document. During the investigation of grievances and complaints, the Human Resources Director or designee(s) shall be an agent of the Office of the City Attorney for purposes of representing the City.
    - b. Where the claim is for wages or other monetary benefit not exceeding \$5,000 per claimant, the supervisor, division manager or bureau director, with the approval of the Commissioner-in-Charge

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of the bureau and of the Human Resources Director, may accept or adjust the claim in settlement on behalf of the City, where settlement is deemed prudent and appropriate, provided that:

- (1)** The Human Resources Director authorizes the settlement in writing and gives written notice to the payroll division or to the benefits program manager involved to draw and issue a check not exceeding \$5,000 per claim for the settlement expense, charged to the appropriate center code, account number or fund;
  - (2)** Payments which are an exception to Section 5.08.020 of the Code, which requires payroll checks to be drawn only for services rendered, shall be made only when the Human Resources Director determines such payment to be in the best interests of the City and the Office of the City Attorney approves. This Section shall be narrowly applied.
  - (3)** The Office of the City Attorney reviews and approves the settlement agreement as being not in conflict with State or Federal laws, applicable ordinances and collective bargaining agreements pertaining to conditions of employment.
- c.** Where a settlement agreement provides for payment of claims for back wages or other monetary benefit in an amount exceeding \$5,000, the settlement shall not be authorized or enforceable unless approved by the City Council by ordinance.
  - d.** The Human Resources Director or designee is authorized to investigate complaints and reports of employment discrimination, in accordance with the Risk Management Section 3.15.020 where applicable. During the investigation of complaints and reports, the Human Resources Director or designee shall be an agent of the Office of the City Attorney for purposes of representing the City.
  - e.** The Human Resources Director will file a report to Council 2 weeks after the end of each month with respect to the settlements entered into pursuant to this section.
- E.** The Human Resources Director shall establish objectives for the Bureau of Human Resources and develop a plan for accomplishing these objectives and carrying out the mission of the Bureau of Human Resources.

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- F.** The Human Resources Director shall design, manage and administer a comprehensive and competitive Classification Plan and Compensation Plan. The Council, or the Human Resources Director by express delegation by ordinance from the Council, shall fix the salaries, compensation and benefits of all officers, agents and employees of the City. No other bureau director or subordinate employee has the authority to change the salaries, compensation or benefits of any City officer, agent or employee.
- G.** The Human Resources Director and the Benefits Manager shall design, manage and administer a comprehensive, competitive and compliant benefits package, including the Deferred Compensation Program, as approved by the Council, including provisions for:
1. Medical, dental and vision coverage
  2. Dependent Care Assistance Plan
  3. Medical Expense Reimbursement Plan
  4. Life Insurance
  5. Long-Term Disability
  6. Employee Assistance Program; and
  7. Deferred Compensation Program

Such provisions shall include employee participation eligibility and enrollment, claims management, procedures for record keeping and responsibility for all applicable reporting and disclosure requirements.

**3.15.060 Revenue Bureau.**

(Repealed by Ordinance No. 186746, effective August 6, 2014.)

**3.15.070 Bureau of Technology Services.**

(Amended by Ordinance Nos. 186746 and 187060, effective March 25, 2015.)

- A.** The Bureau of Technology Services shall be supervised by the Chief Technology Officer (CTO) of the City, and who shall report to the CAO. The Bureau shall be responsible for the Technology Services Fund (PCC 5.04.500). The CTO shall have specific authority to:
1. Enter into nondisclosure agreements between the City and prospective vendors in order for City employees to review proprietary information on products and technologies that are, or might be, considered for use by the City. A nondisclosure agreement is one that prohibits the release of

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proprietary or confidential information, whether held by the City or the vendor, and does not include any monetary consideration.

2. In consultation with the bureau that is the custodian of record, enter into data grant agreements between the City and grantees in order for Bureau employees to share City Geographical Information Systems data. A data grant agreement is one in which the City will grant the use of pertinent GIS data to agencies, organizations or individuals (grantees) for research projects or projects performed under contract with the City. Data grant agreements may include direct cost reimbursements to the City.
- B.** Except as specifically exempted by the CTO, the Bureau shall manage, establish policies and standards, and provide technical support for all City-owned technology systems. Technology systems include, but are limited to, information and electronic communications systems. It shall:
1. Provide citywide technology strategic planning and consulting services, including project scoping, budget preparation and analysis, system planning and procurement, resource allocation and project management for technology projects.
  2. Design, implement and manage all technology hardware and software including system security measures.
  3. Manage all citywide radio, video, data communications, microwave, wireless communications and telephone systems and equipment owned by the City.
  4. Design, implement and manage all citywide voice, video and data applications.
  5. Manage all end user technology support services, including Help Desk and Desktop Support services.
  6. Manage citywide Geographic Information Systems.
  7. Provide all Internet and Intranet services to City bureaus, offices, boards and commissions.
  8. In cooperation with the Procurement Services Division of the Bureau of Internal Business Services, review and approve the purchase of all technology software, hardware and professional consulting services. Any proposed technology lease transaction shall first be reviewed and approved by the City's Debt Manager.

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9. Provide technical expertise and information to technical oversight committees for City technology projects.
10. Provide all telephone services to City bureaus; coordinate with telephone vendors; order new facilities and equipment for city-owned or leased systems; plan telephone systems; and resolve all telephone problems.
11. Manage the City's official website.
12. Manage and authorize all City domain name registrations and renewals.

**3.15.080 Enterprise Business Solution Division.**

(Added by Ordinance No. 187060, effective March 25, 2015.) The Enterprise Business Solution (EBS) Division shall be supervised by a Manager who shall report to the CAO. EBS is responsible for managing technology systems used to standardize and manage the City's business affairs and providing Citywide services in, but not limited to, the areas of fiscal services, procurement, and human resources services.

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**CHAPTER 3.16 - CITY BUDGET OFFICE**

(Chapter added by Ordinance No. 185807, effective  
December 12, 2012.)

**Sections:**

- 3.16.010 Organization.
- 3.16.020 Authority of Council.

**3.16.010 Organization.**

The City Budget Office shall be under the direction and control of the City Budget Director and shall include such other employees as Council may provide. The City Budget Director shall report to the Mayor. The City Budget Director shall serve and perform the duties of the City's budget officer, as defined in Oregon Revised Statutes, or shall name a designee to perform these duties. The City Budget Office is responsible for:

- A.** Coordinating development and administration of the City's budget, including capital budgeting and the development of budget recommendations for all City bureaus and funds;
- B.** Financial planning and operational review of the City's utilities, including administration and maintenance of an independent utility review function that provides City Council with an annual review of utility rates and economic impacts;
- C.** Long range financial forecasting for the City's funds, including oversight of the General Fund;
- D.** Preparing General Fund Five-Year Forecasts at least twice each fiscal year. The General Fund Five-Year Forecasts shall be released and made publicly available on or before December 31st and on or before April 30th;
- E.** Collaborating with the Office of Management and Finance on the development of financial forecasts and providing forecasting information to the Chief Administrative Officer when requested;
- F.** Monitoring expenditures and revenues for the City and all Bureaus and providing this information to Commissioners and the Chief Administrative Officer when requested;
- G.** Developing and analyzing financial policy and performance measurement systems and providing this information to Commissioners and the Chief Administrative Officer when requested;
- H.** Providing Council with financial information that informs the City's deliberations on collective bargaining agreements, and assisting the Bureau of Human Resources with the costing of collective bargaining agreements;

- I. Performing other duties as assigned.

**3.16.020 Authority of Council.**

The City Budget Director shall be appointed by the Commissioner in Charge of the City Budget Office, but shall serve the entire Council, including providing information and advice and making available for inspection the books and records of the City Budget Office to any Elected Official making a request for the same as soon as practical.

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**CHAPTER 3.18 - RULES OF CONDUCT FOR  
CITY PROPERTY**

(Chapter added by Ordinance No. 188280, effective  
April 14, 2017.)

**Sections:**

- 3.18.010 Designation of Persons-in-Charge.
- 3.18.020 Rules of Conduct at City Property.
- 3.18.030 City Property Exclusions.

**3.18.010 Designation of Persons-in-Charge.**

- A.** For purposes of ordering persons to leave City Property, the following are Persons-in-Charge:
  - 1. Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau.
  - 2. Any person providing security services in any City Property pursuant to any contract with the City, or with any person, firm or corporation managing a City Property on the City's behalf.
  - 3. Bureau property or facility manager, or designee.
  - 4. With respect to facility or space assigned to a City bureau or City office, the director or manager of the City bureau or City office, or designee.
  - 5. Any person specifically designated in writing by the Office of Management and Finance Chief Administrative Officer or by the Bureau of Internal Business Services Director.
  - 6. Any person with exclusion authority under the Code.
  - 7. The Mayor, a Commissioner or Auditor, or designee of these elected officials.
- B.** Delegation to a designee shall be made in writing. Any person so designated shall be a Person-in-Charge as that term is defined in ORS 164.205(5) until the delegation is terminated or the designated person ceases to be an employee or officer of the City of Portland. Copies of delegation will be provided to the City Attorney's Office and to the bureau property or facility manager.
- C.** Upon request, the City shall provide a copy of the Person-in-Charge designation or delegation list to the District Attorneys of Multnomah, Clackamas and Washington counties.

- D.** For purposes of this Section, City Property shall include any real property either owned by the City or in which the City has a property interest or property management responsibility.
- E.** For purposes of ordering persons to leave a public meeting of a City board or commission, the following are Persons-in-Charge:
  - 1.** The presiding officer of the public meeting of a City board or commission.
  - 2.** Any person providing security services at the public meeting of a City board or commission.
  - 3.** Any person designated as a Person-in-Charge in Subsection 3.18.010 A.
- F.** The authority granted to a Person-in-Charge by this Chapter are in addition to, and not in lieu of, any other authority granted under this Code.

**3.18.020 Rules of Conduct at City Property.**

(Corrected under authority of PCC Section 1.01.035 on June 2, 2017.)

- A.** To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare and safety of all persons at City Property, the Rules of Conduct in this Section apply and are to be enforced at all City Property except where specific rules of conduct or prohibitions have been adopted for designated real property the City owns or has a property interest or property management responsibilities.
- B.** The Rules of Conduct for City Property are as follows:
  - 1.** No person shall engage in any activity that would constitute a violation of federal, state or local law or regulation.
  - 2.** No person may deface, damage or destroy City Property or City-owned personal property.
  - 3.** No person shall enter, attempt to enter or remain in any areas of City Property designated as secured or restricted, or closed to public access.
  - 4.** No person shall engage in activity that disrupts or interferes with: the normal operation or administration of City business at City Property; lawful use by City employees and authorized users at City Property; or City permitted activities.
  - 5.** No person shall refuse or fail to obey any reasonable direction of a Person-in-Charge of a City Property. A direction of a Person-in-Charge is reasonable: if it directs a person to obey or to cease a violation of any law

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or regulation; if it is otherwise reasonably related to the protection of the health, welfare or safety of the person or any other person at the City Property, or to the prevention of damage to property; or if it is reasonably necessary to preserve the peace or to prevent the disruption of City operations or permitted activities, including dangerous or threatening behavior as defined in the Code.

6. No person shall possess any object specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another. Objects prohibited under this Paragraph include, but are not limited to, any firearm, pellet gun, spring-loaded weapon, stun gun or taser, any knife having a blade that projects or swings into position by force of a spring or by centrifugal force, any knife with a blade longer than 3-½ inches, any dirk, dagger, ice pick, sling shot, slungshot, metal knuckles, nunchaku, studded hand coverings, swords, straight razors, tear gas, tear gas weapon, mace, pepper mace or similar deleterious agent, saps, sap gloves, hatchets or axes. The prohibitions of this Paragraph do not apply to handguns lawfully carried by persons exempt from local regulation under ORS 166.173. The prohibitions of this Paragraph do not apply to any thing possessed or used to carry out actions authorized by any contract or permit at the City Property.
7. No person shall smoke or carry any lighted smoking instrument at City Property in violation of Chapter 8.65. Smoking instrument additionally includes inhalant delivery system that delivers nicotine in the form of vapor or aerosol, and electronic cigarette, personal vaporizer, or electronic nicotine delivery system. Smoking additionally includes inhaling or exhaling from a smoking instrument.
8. No person shall make use of facility materials, equipment, furniture, or fixtures of a City Property in a manner inconsistent with their customary or designated uses, or in a manner likely to cause property damage or personal injury to the actor or others.
9. No person shall interfere or obstruct free passage of City employees or authorized visitors in or on City Property, including but not limited to placing objects that impede free passage.
10. No person shall use City Property for unauthorized storage of personal property or leave personal property unattended.
11. No person shall make or continue a noise disturbance as defined under Chapter 18.04, or operate sound producing device or sound producing equipment except as permitted by the property manager of the City Property. Bullhorns and megaphones are not permitted in the interior of

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any building on City Property, or within the loggia or portico of any structure on City Property, except as permitted by the property manager for the City Property.

12. No person shall sell, distribute or deliver any alcoholic beverage on City Property, except as permitted by the property manager for the City Property.
13. No person shall sell, distribute or deliver any controlled substances on City Property. This does not prohibit a person from providing caretaking functions or assisting another in taking legally prescribed medication. Controlled substance shall have the meaning provided in Chapter 475 of the Oregon Revised Statutes.
14. No person may bring animals onto City Property, or leave animals tethered or unattended at City Property, except as permitted by the property manager for the City Property. This does not preclude entry by service animals defined under the Americans with Disabilities Act while performing services or task the animals are trained to do, animals employed in official performance of police or rescue activities, or animals authorized for entry by the property manager for the City Property.
15. No person shall solicit for or conduct business at City Property except as permitted by the property manager for the City Property.
16. No person shall use any wheeled devices, including but not limited to unicycles, bicycles, skateboards, roller skates, motorized or non-motorized scooters, inside the property boundary of City Property. All persons must dismount at City Property boundary. No bicycles and motorized wheel devices are allowed in the interior of any building on City Property except as permitted by the property manager of the City Property. The prohibition in this Paragraph does not apply to persons with mobility devices for mobility disability or medical purposes, child strollers or baby carriages.
17. No person shall use City Property for housing or camping except as permitted by the property manager for the City Property and provided such use conforms with land use, zoning, building and other property regulations.
18. No person shall misuse or damage the City's technology systems or network, including its telecommunication equipment and data.
19. No person shall enter, attempt to enter or remain in any areas of City Property for purposes other than to conduct legitimate business with City offices or tenants located at City Property, to enjoy the publicly accessible amenities at a City Property when the City Property is open to the public, or to lawfully assemble for social or public interaction at portions of City

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Property specifically designated for such assembly. The director of the bureau with property management responsibility for the City Property may adopt space use policy to manage conditions for property use including but not limited to establishing a reservation protocol, priority regarding uses and users, hours of use, and fees for use.

- C. The director of the bureau with property management responsibility over a City Property, or designee, is authorized to adopt additional rules of conduct for any specified City Property managed by the bureau. The proposed additional rules of conduct shall be posted at the City Property where such proposed rules would apply, and shall be deemed part of the Rules of Conduct for the City Property. The proposed rules shall be final and effective no sooner than seven days after posting. Upon approval of the Commissioner in Charge, a bureau director may adopt interim additional rules of conduct without prior notice upon a finding that failure to act promptly will result in prejudice to the City's interest. Interim additional rules of conduct are final and effective upon posting at the City Property affected for a period not longer than 30 days. The bureau director shall submit final rules to the Auditor for filing in the Portland Policy Documents repository within two business days after the rules become effective.

**3.18.030 City Property Exclusions.**

- A. The exclusion procedures in this Section shall be used for City Property subject to the Rules of Conduct in Section 3.18.020. If a person violates any Rule of Conduct at City Property described in Section 3.18.020 while in or upon City Property, any Person-in-Charge may eject and direct the person to leave the City Property for a period of 24 hours. In addition, the director of the bureau assigned property management responsibility for the City Property where the violation occurred, or designee, may issue an exclusion for any period of time up to 1 year from City Property.
- B. Notwithstanding this Section, if public meetings of the City Council, or of City Boards and Commissions are held in a City Property, ejection and exclusion from the public meeting must comply with Section 3.02.060.
- C. In determining the appropriate length of exclusion under this Section, the person issuing the exclusion shall consider: the seriousness of the conduct that led to the exclusion; prior instances of violations of the Rules of Conduct at City Property by the person to be excluded; the availability of alternative means for the person to conduct business with City officials and offices; and any other facts or circumstances that the person issuing the exclusion deems relevant.
- D. The notice of exclusion shall be in writing, given to the person excluded and signed by the Person-in-Charge. It shall specify the dates and places of exclusion. It shall

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contain a warning of consequences for failure to comply with the notice of exclusion and information concerning the right to appeal the exclusion.

- E.** A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with the provisions of Title 22 of the Code to have the notice of exclusion rescinded. Notwithstanding the provisions of Title 22, the appeal to the Code Hearings Officer shall be filed within 5 days of issuance of the notice of exclusion, unless extended by the Code Hearings Officer for good cause shown. The sworn statement of the Person-in-Charge who issued the notice of exclusion shall be used as evidence on appeal, unless the appellant requests, in writing, the presence of the Person-in-Charge at the appeal hearing.
- F.** A person receiving a notice of exclusion may request a limited modification from the Person-in-Charge issuing the exclusion for the purpose of attending a City Council or other public meeting or conducting specific business with a City official or office located at a City Property identified in the exclusion notice. The request must be in writing and must identify good cause for the desired modification. The Person-in-Charge may deny the request if the business with the City official or office may be conducted through alternate means or deferred until the exclusion period ends, or may deny the request on any reasonable basis. If modification is allowed, the Person-in-Charge may impose reasonable conditions for the limited entry, and may include a requirement that the person arrange with the Person-in-Charge to be escorted into and out of the location where the meeting is to be held or the business is to be conducted.

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**CHAPTER 3.20 - BUREAU OF POLICE**

**Sections:**

- 3.20.010 General Organization.
- 3.20.020 Council to Organize and Make Rules and Regulations.
- 3.20.030 Authority of Chief of Police.
- 3.20.040 Duties of the Chief of Police
- 3.20.050 Subordinate Officers.
- 3.20.070 Fees to be Paid Over to Treasurer.
- 3.20.080 Policemen Receiving Gifts and Employing Attorneys - Penalty for Violation.
- 3.20.110 Duties of Police Force.
- 3.20.120 Council in Emergency to Appoint Temporary Policemen.
- 3.20.130 Record of Daily Arrests.
- 3.20.140 Police Review Board.
- 3.20.150 Fingerprints, Photographs and Records of Identification.
- 3.20.160 Police Chief to Make Rules and Regulations.
- 3.20.170 Uniforms.
- 3.20.180 Appointment and Removal of Police Reserves
- 3.20.190 Application, Oath of Office, Compensation and Equipment of Police Reserves.
- 3.20.200 Membership Card and Star of Police Reserves.
- 3.20.210 Police Reserves Exempt from Civil Service.
- 3.20.230 Medical Examinations.
- 3.20.240 Membership.
- 3.20.360 Fees for Report on Police Records.
- 3.20.370 Accountability and Disposition of Fees.

**3.20.010 General Organization.**

(Amended by Ordinance Nos. 136814, 138453 and 159113, effective October 23, 1986.)  
The Bureau of Police shall consist of the Chief of Police and such other employees as the Council may provide. The Bureau shall be responsible for the enforcement of law and order. The Chief of Police shall be the Commanding Officer of the police force and shall direct the police work of the City. The Chief of Police shall be directly responsible to the Commissioner In Charge for the proper functioning of the Bureau. For administrative purposes the Bureau shall be made up of the following branches, each of which shall be commanded by a Deputy Chief and have personnel and such duties as may be assigned by the Chief of Police, subject to the approval of the Commissioner In Charge.

- A. Operations Branch;
- B. Investigations Branch;
- C. Operations Support Branch;
- D. Administrative Support Branch.

The Deputy Chiefs serve under the command of the Chief.

**3.20.020 Council to Organize and Make Rules and Regulations.**

The Bureau of Police of the City shall be organized by the Council and the members appointed as provided by the Charter, subject to the civil service rules of the Charter. To that end the Council may make all necessary or convenient rules and regulations for the organization and conduct of the police force, for the care and management of the City prison, for receiving and hearing complaints against any member of the force, for the removal or suspension of any member of the force, and for the forfeiture of all or any portion of the wages that may be due any member of such force on account of misconduct or negligence in the discharge of his duties; all the powers of the City connected with and incident to the appointment, discipline, and government of its police shall be vested in the Council, except as otherwise provided by Charter.

**3.20.030 Authority of Chief of Police.**

The Chief of Police, after having taken the oath of office, shall thereafter, under the direction of the Commissioner of Finance and Administration, have command and control of the police force of the City.

**3.20.040 Duties of the Chief of Police.**

(Amended by Ordinance No. 138453; effective July 27, 1974.) The Chief of Police is a peace officer and must execute all processes directed to him by any magistrate of this State in criminal matters. He may make arrests for breach of peace or commission of crime within the limits of the City with or without a warrant as peace officers do under the laws of this State. He must exercise a vigilant control over the peace and quiet of the City. He shall exercise such additional powers as may be conferred upon him by the ordinances of the City to enable him to carry out the objects and purposes of this Charter.

**3.20.050 Subordinate Officers.**

(Amended by Ordinance Nos. 136814, 138453 and 159113, effective October 23, 1986.) The Deputy Chiefs, Captains and other ranks or grades of police within the Bureau of Police shall possess like power and authority as the Chief of Police with respect to peace officer powers, except as herein provided. The Chief of Police shall have control over the Deputy Chiefs, Captains and all other employees of the Bureau of Police when they are on duty, and shall see that the City ordinances and rules, orders and regulations for the government of the police force are observed and enforced. He/she shall have power to recommend for suspension to the Commissioner In Charge any subordinate officer, member or employee for a violation of the same as prescribed by the Civil Service rules.

**3.20.070 Fees to Be Paid over to Treasurer.**

The Chief of Police or any other officer of the police force, when acting under or enforcing any law or statute other than a City ordinance, may collect and receive the same fees and compensation as are allowed to a constable for like services, and if collected he shall pay the same over to the City Treasurer, as provided in the case of fees which may be received

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by the municipal judge; but no fees shall be taxed against Multnomah County for services rendered by either Chief of Police or municipal judge.

**3.20.080      Policemen Receiving Gifts and Employing Attorneys -Penalty for Violation.**

No member of the police force shall for his own benefit, under any pretense whatever, receive or share in any present, fee, gift or emolument for public service other than the regular salary and pay, except by the consent of the Council and Chief of Police, publicly given. Nor shall any member share in or receive any gift, fee, or reward from any person who may become bail for any arrested, accused, or convicted person who may become surety for any such, on appeal from or review of the judgment or decision of any court or magistrate, or any fee, gift, or reward in any case from an attorney at law who may prosecute or defend any person arrested or prosecuted for any offense in Multnomah County. Nor shall any member, directly or indirectly, interest himself or interfere in any manner whatever in the employment of any attorney to aid in the defense of any person arrested or accused. For any violation of either of the foregoing provisions the person so offending shall be immediately removed from the police force.

Upon complaint of any person alleging a violation of this Section the Council shall summon the officer accused before it and shall hold a summary hearing with power to subpoena witnesses and to compel the production of all necessary evidence. If it finds that a violation of this Section has been committed by such officer he shall immediately be dismissed from the force and shall be ineligible for reappointment.

**3.20.110      Duties of Police Force.**

The police force of the City shall at all times of the day and night within the boundaries of the City preserve the public peace, prevent crime, arrest offenders, protect rights of persons and property, guard the public health, preserve order, remove nuisances existing in streets, roads, public places, and highways, report all leaks and other defects in water pipes and sewers, and street lights not burning to the proper authorities, provide a proper force at every fire in order that thereby the firemen and property may be protected, protect strangers and travelers at the steamboat and ship landings and railroad stations, and generally obey and enforce all ordinances of the City Council and criminal laws of the State and of the United States.

**3.20.120      Council in Emergency to Appoint Temporary Policemen.**

The Council in case of any mob, riot, pestilence, or on days of public demonstration may appoint such temporary policemen as it may deem necessary, who shall have all the powers and perform all the duties of regular policemen. Such appointments shall not continue beyond the emergency.

**3.20.130      Record of Daily Arrests.**

The Bureau of Police shall keep a daily arrest docket and a municipal court transcript in substantially the following form:

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<b>POLICE ARREST DOCKET AND MUNICIPAL COURT TRANSCRIPT</b> City of Portland, Oregon DEPARTMENT OF FINANCE AND ADMINISTRATION Bureau of Police						
<u>Name of Defendant</u>	<u>Address of Defendant</u>	<u>Arresting Officer</u>	<u>Complainant</u>	<u>Charge</u>	<u>Where</u>	<u>Age</u>
<u>Nativity</u>	<u>Occupation</u>	<u>Bail</u>	<u>Plea</u>	<u>Fine</u>	<u>Days</u>	<u>Remarks</u>

The arrest docket may be printed in any size as may be determined by the Chief of Police and shall be a part of the original record of the Bureau of Police and shall be preserved and kept in the custody of the Bureau of Police.

**3.20.140 Police Review Board.**

(Replaced by Ordinance No. 183657; Amended by Ordinance Nos. 183995 and 186416, effective February 7, 2014.)

- A.** Purpose. The Police Review Board (“Board”) is an advisory body to the Chief of Police (“Chief”). The Review Board will make recommendations as to findings and proposed officer discipline to the Chief of Police.
- B.** Powers of the Board:
  - 1.** Review incidents and investigations. The Board shall review incidents and investigated complaints of alleged misconduct by non-probationary sworn officers (“officers”) who are employed by the Portland Police Bureau (“Bureau”) in the following cases:
    - a.** The supervising Assistant Chief, the Director of the Independent Police Review Division of the Auditor (“IPR”) or the Captain of the Internal Affairs Division of the Bureau (“IAD”) controverts the findings or proposed discipline of the Reporting Unit (“RU”) manager pursuant to Code Section 3.21.120.
    - b.** Investigations resulting in a recommended sustained finding and the recommended discipline is suspension without pay or greater.
    - c.** The following incidents involving use of force:
      - (1)** All officer involved shootings.
      - (2)** Physical injury caused by an officer that requires hospitalization.



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- (a)** Citizens shall be appointed for a term of no more than three years. Citizens may serve two full terms plus the remainder of any unexpired vacancy they may be appointed to fill.
  - (b)** All citizen members must meet at least the following qualifications to participate on the PRB:

    - (i)** Pass a background check performed by the Bureau.
    - (ii)** Participate in Bureau training to become familiar with police training and policies.
    - (iii)** Sign a confidentiality agreement.
    - (iv)** Participate in ride alongs to maintain sufficient knowledge of police patrol procedures.
  - (c)** The Chief or the City Auditor may recommend that City Council remove a citizen member from the pool for the following reasons:

    - (i)** Failure to attend training
    - (ii)** Failure to read case files
    - (iii)** Objective demonstration of disrespectful or unprofessional conduct
    - (iv)** Repeated and excessive unavailability for service when requested.
    - (v)** Breach of confidentiality
    - (vi)** Objective demonstration of bias for or against the police
    - (vii)** Objective demonstration of conflict of interest
- (2)** One peer member of the same rank/classification as the involved officer; peer member will be selected from a pool of Bureau representatives pre-approved by the Chief.

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- (3) The Assistant Branch Chief who is the supervisor of the involved officer.
      - (4) The Director of IPR (or designee).
      - (5) A Commander or Captain who is the supervisor of the involved officer (RU Manager).
    - b. Advisory members
      - (1) The Office of Accountability and Professional Standards manager.
      - (2) Representative from Bureau of Human Resources.
      - (3) Representative from City Attorney's Office.
      - (4) The Internal Affairs Division Manager.
      - (5) Review Board Coordinator.
      - (6) Representative of Commissioner in Charge of the Bureau ("Commissioner in Charge").
      - (7) Representative of the Training Division.
      - (8) The Assistant Chief(s) that are not the supervisor of the involved member.
    - c. Representatives/Individuals that may also be present during the presentation of the case include:
      - (1) Bargaining Units
      - (2) Involved Member
2. However, when the incident to be reviewed by the board involves the following use of force incidents, one additional citizen member drawn on a rotating basis from the pool of current Citizen Review Committee members, as those members are described in Code Section 3.21.080, and one additional peer member shall serve on the Board, for a total of seven voting members. A quorum of six voting members, including two citizen members, and the RU manager or designee, and four Advisory members is required to be present to make recommendations to the Chief.
  - a. All officer involved shootings.



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concerns on behalf of the Board and submit the statement to the Chief within two weeks of the Board meeting date.

**F. Board Recommendations**

- 1.** The Board shall prepare a statement of its recommended findings and proposed discipline, if any, in every case for submission to the Chief. Such statement shall include:
  - a.** The Board's recommended findings and a brief explanation of the Board's rationale for its recommendation, and a record of the Board's vote.
  - b.** In the event that the Board is not unanimous, the statement shall contain a portion detailing the minority's recommendation.
- 2.** The Board facilitator shall write the Board's statement of recommended findings and proposed discipline and a summary of any policy training and/or investigation issues or concerns on behalf of the Board and submit the statement to the Chief.
  - a.** IPR and the Bureau will develop a Bureau Directive setting forth the timeliness provisions of the statement.

**G. Appeal of Board Recommendation.**

- 1.** As provided in Code Chapter 3.21, once the Board has prepared a statement of proposed findings relating to complaints of alleged misconduct of an officer during an encounter involving a citizen, the complainant or involved officer may have the opportunity to appeal the recommended findings to the Citizen Review Committee.
- 2.** Until the appeal period allowed by Code Chapter 3.21 has expired, and if an appeal is filed, until there is a final decision by the Citizen Review Committee or Council, the Chief may not issue proposed discipline or make recommendations to the Commissioner in Charge.
- 3.** The Director of IPR, the Chief of Police, or Commissioner in Charge may request an expedited hearing by the Citizen Review Committee of an appeal when deemed necessary due to the nature of the underlying complaint.

**H. Action by Chief of Police and Commissioner in Charge.** After receiving the Board's statement described above and after the appeal period allowed by Code Chapter 3.21 has expired, or if an appeal is filed, after the Chief receives the Citizen Review Committee or the Council's recommendation in accordance with Code Chapter 3.21:

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1. In the following cases, the Chief shall make a recommendation regarding the appropriate findings and level of discipline to the Commissioner in Charge:
    - a. Investigations resulting in a sustained finding and the proposed discipline is suspension without pay or greater.
    - b. The following incidents involving use of force:
      - (1) All officer involved shootings.
      - (2) Physical injury caused by an officer that requires hospitalization.
      - (3) All in custody deaths.
      - (4) Less lethal incidents where the recommended finding “out of policy”.
  2. In the cases described in Subsection 1 above, the Commissioner in Charge shall make the final decision on findings and discipline, consistent with obligations under state and federal law, Portland City Charter and collective bargaining agreements.
  3. In all other cases, unless the Commissioner in Charge exercises authority over the case, the Chief shall make the final decision on proposed findings and discipline, consistent with obligations under state and federal law, Portland City Charter and collective bargaining agreements.
  4. In all cases where the Chief’s and Police Commissioner’s final discipline is outside of the range recommended by the discipline guide, the Chief and Police Commissioner shall provide an explanation in the final discipline letter of the reason or reasons for imposing discipline outside of the recommended range. The Chief and Police Commissioner shall not be required to disclose information that is confidential or otherwise protected against disclosure. The cumulative report of discipline imposed outside of the recommended range shall be included in the PPB semi-annual report.
- I.** Public reports. As often as deemed necessary by the Board, but at least twice each calendar year, the Board shall publish public reports summarizing its statements of findings and a summary of any training and/or investigation issues or concerns. Except as provided otherwise in this Subsection, the reports shall keep confidential and not include involved officers’ names, the names of witnesses, or the name of any complainants. The reports shall be written by the Board facilitator. The reports

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may not be released before a final decision, including discipline if any, is made by the Chief or Commissioner in Charge.

1. The public reports shall include the following for each case brought before the Board:
  - a. Allegation(s) heard by the Board.
  - b. A factual summary of the case.
  - c. Summary of the Board's discussion.
  - d. Record of the Board's vote, including recommended findings and discipline.
  - e. Training and policy recommendations, including whether the recommendations were accepted by the Chief.
  - f. The final decision of the Chief or Commissioner in Charge.
2. The public reports shall include the names of involved officers and witnesses in cases of officer involved shootings or in custody deaths where the names of such persons have previously been publicly released in connection with the incident, unless confidentiality or non-disclosure is required by statute, a court order, an administrative order, or a collective bargaining agreement. Where the names have not been previously released, the report may include the names if the public interest requires disclosure or if nondisclosure would undermine the public's confidence.

#### **3.20.150 Fingerprints, Photographs and Records of Identification.**

The Chief of Police shall maintain at police headquarters suitable means and appliances for taking and preserving fingerprints, photographs, and descriptions of persons. He shall take or cause to be taken, recorded, and preserved one or more fingerprints and photographs, and a description of each person arrested and booked for the commission of a felony. Of each person arrested and booked for the commission of a misdemeanor or violation of a penal ordinance or Charter provision, he may, but is not required to, take and preserve one or more fingerprints, photographs, and a description. Such prints, photographs, and description shall be made a matter of permanent record when evidence showing previous conviction or convictions of any crime, misdemeanor, or violation of a penal ordinance or Charter provision shall have been obtained.

#### **3.20.160 Police Chief to Make Rules and Regulations.**

The Chief of Police shall have authority, subject to the approval of the Commissioner In Charge, to issue such administrative rules and regulations in addition to those embodied in the Charter and this Code, as are necessary to govern the conduct of the members of the Bureau of Police, and to provide for the adequate functioning of the Bureau.

**3.20.170 Uniforms.**

The following rules shall apply to uniforms for employees appointed to the Bureau of Police who are members of the Fire and Police Disability and Retirement System:

- A. The Chief of Police shall, subject to the approval of the Commissioner In Charge, prescribe specifications for police uniforms and establish rules, regulations and conditions of wearing thereof;
- B. Upon report from the Commissioner In Charge of the Bureau of Police, the Council shall designate which items of the uniform specified by the Chief of Police under subdivision (1) above shall be furnished by the City to those employees required to wear the prescribed uniform in performance of their normal and usual police duties. Each new employee shall be furnished a complete set of designated items of uniform. All other employees shall be furnished designated items of uniform on the basis of replacement when needed as determined by the Chief of Police. Items furnished by the City shall remain property of the City; and the Chief of Police shall establish rules, regulations, and conditions for issuance and control thereof;
- C. The Chief of Police shall have the authority to designate duty assignments which require dress other than the prescribed uniform. For such designated duty, no items of uniform shall be furnished, and those employees affected shall receive an annual cash clothing allowance in lieu of items of uniform furnished by the City. Clothing allowances shall be paid in accordance with Section 5.08.070.

**3.20.180 Appointment and Removal of Police Reserves.**

(Amended by Ordinance No. 143623, effective June 13, 1977.) The Chief of Police is authorized, subject to the approval of the Commissioner In Charge, to appoint new members to the police reserve from time to time as need therefore arises and to accept the resignations and discontinue appointments from time to time in accordance with his judgment concerning the public welfare and safety subject to the approval of the Commissioner In Charge; provided that the total number of such reserves at any time shall not exceed 200.

- A. Within the ranks of the police reserve the Chief of Police shall designate which members of the reserve shall serve as a special duty reserve unit. Members of the special duty reserve unit shall assist the Bureau in performing Sunshine Division, charitable, search and rescue and other non-law enforcement related functions.

**3.20.190 Application, Oath of Office, Compensation and Equipment of Police Reserves.**

(Amended by Ordinance Nos. 143623 and 164223, effective May 29, 1991.) Each new member of the police reserve shall make an application on a blank form provided by the Chief of Police, giving such data concerning his age, weight, identification, residence, occupation, previous experience in police work, if any, citizenship, and other data as the Chief of Police may find necessary or convenient, including fingerprinting for better identification. Members of such police reserve shall be entitled to no compensation unless

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specifically authorized and provided by the Council. Upon appointment each member shall take an oath of office similar to the oath required of regular members of the Bureau of Police, and such oath shall be filed with the City Auditor. Regular members of the reserve shall serve during the pleasure of the Chief and shall wear a uniform prescribed by the Chief of Police. They shall perform the duties and take training as directed by the Chief of Police. They shall observe the rules of department and conduct applicable to regular police officers. They shall, in the performance of their duties, be subject to the orders of commanding officers of the regular and reserve police force of the City. They shall, at all times, cooperate with regular police officers in the performance of their duties. While on any authorized assignment they shall be covered by the City's self-insurance as authorized under the provisions of the Oregon State Workers' Compensation Act. The insurance shall be in a form approved by the City Attorney. It is unlawful for any person whose appointment has been terminated, to retain possession or refuse to return any badge, identification or equipment issued to such person after demand for the return has been made by the Mayor, Chief of Police or anyone acting under and by the authority of the Mayor or Chief of Police. Members of the special duty police reserve shall be subject to police duty only when special occasion therefor arises. Each member shall provide his own equipment, subject to the approval of the Chief of Police, and shall make such reports as the Chief of Police may require.

#### **3.20.200 Membership Card and Star of Police Reserves.**

The Chief of Police is authorized to furnish each member of the police reserve with a membership card signed by the Chief of Police and signed by the member for identification purposes, and shall also furnish each member with a police star.

#### **3.20.210 Police Reserves Exempt from Civil Service.**

No member of the police reserve shall be regarded as a City employee or subject to civil service regulations.

#### **3.20.230 Medical Examinations.**

(Amended by Ordinance No. 134934, effective July 20, 1972.) Whenever the Chief of Police is in doubt concerning the physical or mental ability of a member of the Bureau of Police to perform full police duties, the Chief shall require that member, upon written notice, to submit to a medical examination. The examination shall be conducted without expense to the member. Unexcused failure to take an examination required by this Section, after reasonable notice, shall be cause for the member's dismissal.

#### **3.20.240 Membership.**

(Amended by Ordinance No. 136679, effective July 1, 1973.) The Bureau of Police shall consist of: a Chief of Police and all other full time members of the regular police force, and shall include all members of the women's protective division, and police matrons; and all such members shall be classed and considered as regular members of the Bureau of Police. All members of the Women's Protective Division, and all police matrons, are hereby required to comply with the rules and regulations of the Civil Service Board respecting physical examinations. The present police matrons shall (if they have not already done so)

take and file with the City Auditor the oath of office required of members of the Bureau of Police, before they shall have full status as such members.

**3.20.250 Badges.**

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

**3.20.260 Block Home Applicants, Background Investigation Required.**

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

**3.20.270 Maintenance of Property Room.**

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

**3.20.280 Receipts for Property.**

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

**3.20.290 Records.**

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

**3.20.300 Prisoner's Property.**

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

**3.20.310 Evidence Property.**

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

**3.20.320 Miscellaneous Property and Storage Charges.**

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

**3.20.330 Storage Charge on Prisoner's Property.**

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

**3.20.340 Storage Charge on Evidence Property.**

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

**3.20.350 Lien and Foreclosure.**

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

**3.20.360 Fees for Report on Police Records.**

(Amended by Ordinance No. 153909, effective November 22, 1982.) The Bureau of Police shall establish a schedule of fees and procedures for obtaining copies of reports, searching arrest records, accident photographs, fingerprinting, and all similar records services it performs. Except upon court subpoena, reasonable limitations may be placed upon the amount of information made available, the use for which it may be requested, and the persons entitled to receive it. The schedule of fees and procedures established under this Section shall not be effective until approved by the Commissioner In Charge of the Bureau of Police. No fee shall be charged to those agencies (or their representatives) who request such services for official use and who have as a primary organizational responsibility the

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apprehension, prosecution, or the direct supervision of the parole or probation, of criminal offenders.

**3.20.370 Accountability and Disposition of Fees.**

(Amended Ordinance No. 153909, effective November 22, 1982.) The Chief of the Bureau of Police shall ensure that a full and complete record of all fees collected under that authority of this Chapter is kept and that all fees so collected are remitted to the City Treasurer as provided by Section 3.08.140. The City Treasurer shall credit the amounts so received to the General Fund.

**3.20.380 Conveyances Seized for Drug Transport.**

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

**3.20.390 Multnomah County Deputy Sheriffs Authorized the Arrest or Cite for Violations of City Code Provisions.**

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

**CHAPTER 3.21 - CITY AUDITOR'S  
INDEPENDENT POLICE REVIEW**

(Chapter replaced by Ordinance No. 175652;  
amended by Ordinance No. 188331, effective May  
19, 2017.)

**Sections:**

- 3.21.010 Purpose.
- 3.21.020 Definitions.
- 3.21.030 Independent Police Review.
- 3.21.040 Director Selection.
- 3.21.050 Staff and Delegation.
- 3.21.060 Office Facilities and Administration.
- 3.21.070 Powers and Duties of IPR.
- 3.21.080 Citizen Review Committee.
- 3.21.090 Powers and Duties of the Committee.
- 3.21.100 Council Role.
- 3.21.110 Intake.
- 3.21.120 Handling Complaints.
- 3.21.130 Communications.
- 3.21.140 Filing Requests for Review.
- 3.21.150 Case File Review.
- 3.21.160 Hearing Appeals.
- 3.21.170 Monitoring and Reporting.
- 3.21.180 Increasing Public Access.
- 3.21.190 Response of Chief.
- 3.21.200 Limitation on Power.
- 3.21.210 Subpoenas.
- 3.21.220 Bureau Witnesses.

**3.21.010 Purpose.**

(Amended by Ordinance No. 188331, effective May 19, 2017.) The City hereby establishes an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to act on complaints against Police Bureau personnel for alleged misconduct, and recommend appropriate changes of Police Bureau policies and procedures toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of community policing services. This office shall be known as the Independent Police Review.

**3.21.020 Definitions.**

(Amended by Ordinance Nos. 176317, 183657, 186416 and 188331 effective May 19, 2017.) In this Chapter:

- A. “Appellant” means either:

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- 1.** A person who has filed a complaint with IPR and subsequently requested review of the investigation or
  - 2.** A member about whom a complaint has been filed with IPR and who has subsequently requested review by the Committee of the investigation.
- B.** “Bureau” means the Bureau of Police of the City of Portland, Oregon.
- C.** “Chief” means the Chief of the Bureau.
- D.** "Citizen" or “community member” means any person who is not an employee of the Bureau.
- E.** “Commissioner In Charge” means the Commissioner In Charge of the Bureau.
- F.** “Committee” means the Citizen Review Committee, which is appointed by City Council members to assist IPR in the performance of its duties and responsibilities pursuant to this Chapter.
- G.** “Complaint” means a complaint by a citizen, the Director, a member or other employee of the Bureau of alleged member misconduct.
- H.** "Complainant" means any person who files a complaint against a member of the Portland Bureau.
- I.** "Director" means the director of the Independent Police Review or the Director’s designee.
- J.** "Finding" means a conclusion reached after investigation as to whether facts show a violation of Bureau policy.
- K.** "Early Warning System" means the Bureau's method of identifying officers exhibiting a pattern of behavior that signals potential problems for both the Bureau and public, as explained in General Order 345.00.
- L.** “IAD” means the Internal Affairs Division of the Bureau, whose responsibilities and procedures are described in Section 330.00 of the Manual of Rules and Procedures of the Bureau, as amended from time to time.
- M.** "IPR Investigator" means an investigator of the Independent Police Review.
- N.** "IPR" means the Independent Police Review.
- O.** "Member" means a sworn employee of the Bureau or a supervisor of sworn employees. An “involved” member is a member about whom a complaint has been submitted to IPR or the Bureau.

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- P.** “Misconduct” means conduct by a member which conduct violates Bureau regulations or orders, or other standards of conduct required of City employees.
- Q.** “Request for Review” means a request by an appellant that the Committee review an IAD or IPR investigation of alleged member misconduct.
- R.** “RU (Responsibility Unit) Manager” means a commanding officer or manager of a Bureau division, unit or precinct.
- S.** “Supported by the Evidence.” A finding regarding a complaint is supported by the evidence when a reasonable person could make the finding in light of the evidence, whether or not the reviewing body agrees with the finding.
- T.** “Police Review Board” means the board established by Code Section 3.20.140.
- U.** "Policy-related issue" means a topic pertaining to the Police Bureau's hiring and training practices, the Manual of Policies and Procedures, equipment, and general supervision and management practices, but not pertaining specifically to the propriety or impropriety of a particular officer's conduct.
- V.** “Supervisory Investigation” means a formal, non-disciplinary process where the involved member’s supervisor is tasked with reviewing a complaint stating a member provided poor quality of service or committed a rule violation that if sustained would not result in corrective action greater than command counseling, as defined by the Bureau’s discipline guide.

**3.21.030 Independent Police Review Division.**

(Amended by Ordinance No. 188331, effective May 19, 2017.) There is established by the City Council the Independent Police Review, a division within the Auditor's Office.

**3.21.040 Director Selection.**

(Amended by Ordinance No. 186416, effective February 7, 2014.) The City Auditor shall select the Director of IPR in accordance with any applicable civil service regulations and other laws. The Director shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems of administration, and public policy, and shall have a working knowledge in criminal justice commensurate to the powers and duties of the office.

**3.21.050 Staff and Delegation.**

(Amended by Ordinance No. 186416, effective February 7, 2014.)

- A.** The Director may appoint other personnel necessary to carry out the provisions of this chapter, when in keeping within the adopted budget for the IPR.
- B.** The Director may delegate to a designee any or all duties or responsibilities.

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**3.21.060 Office Facilities and Administration.**

- A. The City shall provide suitable office facilities for the Director and staff in a location convenient for the public but separate from the Bureau.
- B. The IPR office shall be located within the City Auditor's office, and be accountable to the City Auditor. The Director shall comply with City purchasing procedures but shall have sole discretion in choosing consultants to assist with investigations.

**3.21.070 Powers and Duties of IPR.**

(Amended by Ordinance Nos. 176317, 183657, 185076, 186416 and 188331, effective May 19, 2017.) The Director's powers and duties are the following:

- A. Intake. IPR shall receive complaints and select the appropriate manner to address the complaint.
- B. Report on complaint activities. IPR shall track and report on the disposition of complaints to the public, IAD, the Chief, and the Council and monitor and report measures of activity and performance of IAD and IPR. IPR will also monitor and track trends relating to member history and complaint type as well as frequency, consistency and adequacy of discipline imposed. In performing these duties, IPR shall have access to Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for IPR to perform its duties. IPR shall also have direct access to original database sources as permitted by state and federal law.
- C. Access to Police data and data sources. IPR shall have access to Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for IPR to perform its duties. IPR shall also have direct access to original database sources as permitted by state and federal law.
- D. Initiate, monitor and conduct investigations. IPR is authorized to initiate, monitor and conduct administrative investigations. IPR is authorized to identify complaints or incidents involving members that are of community concern which merit additional involvement of the Director and to review evidence and IAD investigation efforts, participate in investigations with IAD investigators, or conduct the investigations in conjunction with or independent of the Bureau. The Bureau shall notify the Director that it intends to conduct an administrative investigation into misconduct before initiating the investigation. IPR will conduct these investigations in accordance with Human Resources Administrative Rules regarding process and investigation of complaints of discrimination.
- E. Compel review. In accordance with the procedures of Code Section 3.20.140, the Director may compel review by the Police Review Board of any recommended

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findings of or recommendation for discipline by an RU Manager or Commanding Officer resulting from a Bureau or IPR administrative investigation of a member. The Director may compel review by the Police Review Board on the basis of recommended discipline whether or not discipline was recommended as a result of the investigation.

- F.** Communicate with Complainants. IPR will be the primary contact with the complainant regarding the status and results of the complaint; to assist IAD in communicating with the Member.
- G.** Arrange hearings of appeals. IPR will explain the appeal options to complainants and schedule hearings before the Committee and Council.
- H.** Recommend policy changes. IPR will evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems. Policy change recommendations shall be published for public review.
- I.** Outreach. IPR will widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.
- J.** Access to records. Notwithstanding any other provision of City law, IPR shall have access to and be authorized to examine and copy, without payment of a fee, any bureau records, including records which are confidential by city law, and police databases, subject to any applicable state or federal laws. The Director shall not have access to legally privileged documents held by the City Attorney or Attorney-Client communications held by the City Attorney clients. The Director shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure.
- K.** Adoption of rules. IPR shall adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Director's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Director may not levy any fees for the submission or investigation of complaints.
- L.** Review of closed investigations. IPR shall hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. IPR shall issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The Director and the Citizen Review Committee shall address any policy-related or quality of investigation issues that would warrant further review.
- M.** Additional public reports. The Director may issue public reports related to member misconduct trends and Bureau disciplinary practices.

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- N. Conduct investigative interviews of Bureau employees.
- O. All Bureau employees shall be truthful, professional and courteous in all interactions with IPR. No member shall conceal, impede or interfere with the filing, investigation or adjudication of a complaint.
- P. The Auditor may work through the City Attorney's Office to hire outside counsel when the Auditor and City Attorney agree that outside legal advice is necessary and advisable.

**3.21.080 Citizen Review Committee.**

(Amended by Ordinance Nos. 177688, 185076, 186416 and 188331, effective May 19, 2017.)

- A. The Committee shall consist of eleven citizens. Five members shall constitute a quorum of the Committee. Decisions shall be made by a majority of Committee members present and constituting a quorum. However, adoption or amendment of rules of procedures or protocols requires an affirmative vote of six members. The Committee members shall be appointed as follows:
  - 1. The Director shall solicit applications from the Office of Neighborhood Involvement, the seven Neighborhood Coalition offices, Mayor and commissioners' offices, PPB advisory committees, and the general public.
  - 2. The City Auditor shall appoint a committee that shall recommend to the Auditor the appropriate number of nominees to fill impending vacancies. The selection committee shall consist of three CRC representatives, either past or not applying for reappointment, two members of the community, and the Director. Three of the selection committee members, including one CRC representative and the Director, shall serve as the interview panel.
  - 3. Selection criteria shall include a record of community involvement, passing a criminal background check performed by an agency other than the Bureau, and absence of any real or perceived conflict of interest. The selection committee will nominate individuals who are neutral, unbiased, and capable of making objective decisions. The Mayor and commissioners may each submit an applicant meeting these qualifications.
  - 4. The Auditor shall recommend nominees to Council for appointment.
  - 5. In the event a majority of the Council fails to appoint a person nominated under the provisions of City Code Section 3.21.080 the Auditor shall initiate the process again within 30 days after the Council action.

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6. In selecting Committee members, consideration shall be given to the current composition of the Committee and appointments should be made that will cause the group to best reflect the demographic make-up of the community.

**B.** The Committee members shall:

1. Participate in orientation and training activities that may include review of Bureau and IPR procedures, participation in Bureau training to become familiar with police training, policies and investigative practices, including Police Review Board process, participate in ride-alongs with officers, to maintain sufficient knowledge of police patrol procedures.
2. Each serve a term of three years, subject to reappointment by Council. Upon expiration of the term, a committee member shall serve until reappointed or replaced.
3. Attend committee meetings or provide an explanation in advance for an absence.
4. Serve staggered terms to better ensure continuity. Four members of the Committee shall be appointed to one year terms in July 2001.
5. Select a chair from among their members. Adopt such operating policies and procedures as necessary to carry out their duties.
6. Sign a confidentiality agreement.
7. Serve on the Police Review Board when the Board reviews use of force cases as defined in Chapter 3.20. Committee members shall serve on the Police Review Board on a rotating basis for no more than two terms of three years.

**3.21.090 Powers and Duties of the Committee.**

(Amended by Ordinance Nos. 177688 and 185076, effective December 14, 2011.)

**A.** The Committee's duties and powers are the following:

1. Conduct meetings. To schedule and conduct at least four meetings per year for the purpose of exercising the authority delegated to it in this chapter. Quarterly meetings and hearings conducted pursuant to the Chapter shall be subject to the Oregon Public Meetings Law, ORS 192.610 through 192.710. The number of Committee members required for a quorum shall be five.
2. Gather community concerns. To participate in various community meetings to hear concerns about police services.

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3. Recommend policy changes. To evaluate complaint, investigative practices, and other information to make policy recommendations to the Chief of Police, the Director, and the Council to prevent and rectify patterns of problems.
4. Advise on operations. To review methods for handling complaints and advise on criteria for dismissal, mediation, and investigation.
5. Hear appeals. To hold hearings of complainant or member appeals as defined in City Code Section 3.21.160; to recommend referral to a final hearing before Council; to publicly report its findings, conclusions and recommendations.
6. Outreach to public. To advise and assist the Director to disseminate information about IPR and Committee activities to organizations in the community; to present reports to Council.
7. Create other committees. To create special purpose subcommittees or committees including other citizens to address particular short-term issues and needs.

**3.21.100 Council Role.**

- A. Council shall review applications of nominees to the Committee and vote whether to approve each appointment.
- B. Council shall hear final appeals as specified in 3.21.160.

**3.21.110 Intake.**

(Amended by Ordinance Nos. 179162, 186416 and 188331, effective May 19, 2017.)

- A. The Director shall receive complaints from any source concerning alleged member misconduct. The Director shall make reasonable accommodation when complainants cannot file their complaint at the IPR office. All allegations of use of excessive force shall be subject to a full and completed investigation resulting in findings, unless there is clear and convincing evidence to IPR that the allegation has no basis in fact.
  1. A community member may file a complaint or commendation regarding alleged member misconduct with IPR, Internal Affairs, a Police Bureau Precinct, the Police Commissioner, or with any Bureau member.
    - a. All complaints regardless of intake point will be forwarded to IPR or Internal Affairs and entered into the Administrative Investigation Management database.



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been filed under a collective bargaining agreement or City personnel rules; or with respect to employee or applicant discrimination complaints.

- C. The Director, when requested, shall protect the confidentiality of complainants, members or witnesses consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Director to carry out his or her duties, or to comply with applicable collective bargaining agreements, or the disclosure of records is directed by the District Attorney. When considering a request for public records, the Director shall consult with appropriate Bureau personnel and obtain approval from the Bureau prior to disclosure of records under the Oregon Public Records Law.
- D. No member of the community or the Police Bureau shall face retaliation, intimidation, coercion, or any adverse action for reporting misconduct or cooperating with a misconduct investigation.

**3.21.120 Handling Complaints.**

(Amended by Ordinance Nos. 179162, 183657, 186416 and 188331, effective May 19, 2017.) To ensure appropriateness and consistency in handling complaints the Director shall work with the Committee to establish procedures for taking action based upon the characteristics of the complaint.

- A. Mediation. The complainant, the Member who is the subject of the complaint, and Bureau administration must all agree before mediation can be conducted. A complaint that undergoes mediation shall not be investigated. A mediation may be suspended if, in the opinion of the mediator, there is no reasonable likelihood of reaching resolution.
- B. Complaint Types:
  - 1. Complaint Type I: IPR is the intake point for complaints from community members and others regarding the conduct of members during an encounter involving a community member. Type I complaints involve alleged misconduct of a member during an encounter involving a community member.
  - 2. Complaint Type II: A complaint about alleged member misconduct that does not occur during an encounter involving a community member is a Type II complaint. Such a complaint may be initiated by another Bureau employee or supervisor, or may be based on information obtained from another law enforcement agency, an employee of governmental agency acting in an official capacity or a community member. These complaints may be filed with the Bureau or with IPR.

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3. Complaint Type III: A complaint may be initiated by the Director at the discretion of the Director that an administrative investigation is warranted. IPR can initiate a complaint whether or not the alleged misconduct occurred during an encounter involving a community member and is not dependent on a community or Bureau member filing a complaint.
  - a. IPR will initiate and conduct administrative investigations in accordance with Human Resources Administrative Rules regarding process and investigation of complaints of discrimination.
  - b. If a criminal investigation has been initiated against the involved member, or during the course of an IPR administrative investigation a basis for conducting a criminal investigation arises, IPR shall advise the City Attorney and/or District Attorney prior to initiating or continuing an administrative investigation. IPR shall take all steps necessary to meet constitutional requirements and comply with existing provisions of City labor agreements.
4. Complaint Type IV: When Bureau supervisors generate complaints about poor member performance or other work rule violations. RU managers are responsible for intake and investigation of allegations of Type IV cases.
5. For all complaint types, the Bureau shall notify IPR prior to the termination of any administrative investigation that has not been assigned for recommended findings.

**C. Initial Handling and Investigation of Type I Complaints**

1. Once IPR receives a Type I complaint regarding alleged misconduct of a member during an encounter involving a community member, IPR will:
  - a. Gather information about the complaint through an intake interview;
  - b. Assign an IPR/IAD Case Number;
  - c. Make a case handling decision; and
  - d. Send a letter to the complainant summarizing the complaint and the Director's case handling decision.
2. If IPR determines an investigation is appropriate, IPR will identify the complainant's allegations and either:
  - a. Recommend that the Bureau/IAD conduct an investigation

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IPR shall gather information from the complainant and forward it to the Bureau/IAD. IPR shall monitor the on-going Bureau investigation. The Director may determine that a Bureau/IAD investigation should also involve IPR personnel. When forwarding the complaint to the Bureau/IAD the Director shall notify the Captain of IAD of the extent that IPR personnel must be included in the investigation. Bureau/IAD personnel shall schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.

IPR personnel shall have an opportunity to review and comment on draft reports regarding a Bureau/IAD investigation to ensure accuracy, thoroughness, and fairness. The investigation cannot be closed or sent to the RU manager without IPR's determination that the investigation is complete.

To facilitate review, IAD shall tape record all interviews with witnesses, including members of the Bureau, conducted during an IAD investigation and shall make those tapes, or accurate copies, available during a review of an IAD investigation.

In carrying out its functions, the IPR may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.

**b.** IPR may conduct an independent investigation.

The Director shall have discretion to initiate and conduct an independent investigation of alleged member misconduct. The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member.

IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. The Director shall notify the Captain of IAD that IPR has undertaken an investigation and the reason.

To facilitate review, IPR shall tape record all interviews with witnesses, including members of the Bureau, conducted during an investigation and shall make those tapes, or accurate copies, available during a review of an investigation.

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The Director shall provide the Captain of IAD and the Police Chief with a report on the investigation, and present the IPR investigation to the RU manager for preparation of findings and proposed discipline. At the completion of the investigation and any appeal process the records of the investigation shall be transferred to the IAD offices for retention.

3. Referral. IPR may refer a complaint regarding quality of service or other rule violations that likely would not result in discipline according to the Bureau. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.
4. Dismissal. After an initial investigation, IPR may decline to take further action on a complaint. If IPR declines a complaint, IPR will send a dismissal letter to the complainant. IPR will also notify the involved officer(s) and their commanding officer within 30 calendar days of the dismissal. The Director may dismiss the complaint for the following reasons:
  - a. Another remedy exists that would resolve the complainant's issue.
  - b. The complainant delayed too long in filing the complaint to justify present examination;
  - c. Even if all aspects of the complaint were true, no act of misconduct would have occurred;
  - d. The complaint is trivial, frivolous or not made in good faith;
  - e. Where there is clear and convincing evidence that the involved member did not engage in misconduct.
  - f. The complainant withdraws the complaint or fails to complete necessary steps to continue with the complaint.
  - g. IPR was unable to identify the involved member.
  - h. Lack of jurisdiction.

**D. Initial Handling and Investigation of Type II Complaints**

1. If a Type II complaint is filed with IPR, IPR will gather information about the complaint and make a case handling decision. When appropriate, IPR will assign an IPR/IAD case number. Before disposing of a complaint of alleged misconduct or initiating an investigation, IPR shall notify the Bureau in writing how it intends to process the complaint and whether it

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intends to refer the case to the Bureau/IAD to conduct an investigation or conduct an independent investigation as set forth below. IPR will make an entry regarding the allegations in the Administrative Investigation Management (AIM) or other appropriate database which can be reviewed by the Director.

2. If a Type II complaint is filed within the Bureau, Bureau/IAD staff will create an intake worksheet and assign an IPR/IAD case number for use by IAD. Before disposing of a complaint of alleged misconduct or initiating an investigation, the Bureau/IAD shall notify the Director in writing how it intends to process each complaint and whether it intends to conduct an internal investigation. In addition, the Bureau/IAD will make an entry regarding the allegations in the Administrative Investigation Management (AIM) database or other appropriate database which can be reviewed by the Director.
3. Bureau/IAD Investigation. If the Type II complaint is filed with IPR, IPR shall gather information from the complainant and forward it to the Bureau/IAD. IPR shall monitor the on-going investigation. The Director may determine that a Bureau/IAD investigation should also involve IPR personnel. When forwarding the complaint to the Bureau/IAD, the Director shall notify the Bureau/Captain of IAD of the extent that IPR personnel must be included in the investigation. Bureau/IAD personnel shall schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.

IPR personnel shall have an opportunity to review and comment on draft reports and recommended findings regarding a Bureau/IAD investigation to ensure accuracy, thoroughness, and fairness. The investigation can not be closed or sent to the RU manager without IPR's determination that the investigation is complete.

To facilitate review, IAD shall tape record all interviews with witnesses, including members of the Bureau, conducted during an IAD investigation and shall make those tapes, or accurate copies, available during a review of an IAD investigation.

In carrying out its functions, the IPR may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.

4. IPR independent investigation. The Director shall have discretion to initiate and conduct an independent investigation of alleged member misconduct.

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The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member. The IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. The Director shall notify the Bureau/Captain of IAD that IPR has undertaken an investigation and the reason.

To facilitate review, IPR shall tape record all interviews with witnesses, including members of the Bureau, conducted during an investigation and shall make those tapes, or accurate copies, available during a review of an investigation.

The Director shall provide the Captain of IAD and the Police Chief with a report on the investigation, and present the IPR investigation to the RU manager for preparation of findings and proposed recommended discipline. At the completion of the investigation the records of the investigation shall be transferred to the IAD offices for retention.

5. Referral. IPR may refer a complaint regarding quality of service or other rule violations that likely would not result in discipline according to the Bureau. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.

**E. Initial Handling and Investigation of Type III Complaints**

Upon opening a Type III IPR initiated complaint investigation. IPR staff will create an intake worksheet and assign an IPR/IAD case number. If a Type III case involves alleged member misconduct during an encounter involving a community member, the case will be handled following the same procedures as a Type I complaint. If a Type III case involves alleged member misconduct that does not occur during an encounter involving a community member, the case will be handled following the same procedures as a Type II complaint.

**F. Initial Handling and Investigation of Type IV Complaints**

RU managers are responsible for intake and investigation of allegations of Type IV cases. The RU manager will provide the Director a summary of the complaint and a summary of any subsequent investigation of a sworn member. The Director may refer the matter to IAD for further investigation, conduct additional investigation, or controvert the RU manager's recommendations and compel review by the Police Review Board after receiving the completed investigation.

**G. Type I, II, III & IV Post-Investigative Case Handling Procedures:**

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1. Adequacy of investigation. When an investigation of any type of complaint is conducted by IAD or other designated PPB division, after the investigation, including recommended findings, is complete, IAD will provide the Director with a copy of and provide unrestricted access to the entire investigation file. Upon review of the file, the Director or designee must determine whether or not the investigation is adequate, considering such factors as thoroughness, lack of bias, objectivity, and completeness. If the Director determines that the investigation is not adequate, the investigation shall be returned to the IAD or other designated division within the Bureau explaining the determination and providing direction. Such direction shall include, but not limited to, rewriting portions of the summary, gathering additional evidence, conducting additional interviews, or re-interviewing officers or civilians. The investigation can not be closed or sent to the RU manager without IPR's determination that the investigation is complete. Upon receipt of IPR's determination that the investigation is complete, IAD shall send the investigation to the appropriate RU Manager.
2. Submission of recommended findings or proposed discipline. The RU manager will review the investigation for any type of complaint when the investigation is conducted by IAD, other designated PPB division or IPR and submit recommended findings and proposed discipline to the supervising Assistant Chief. The supervising Assistant Chief will circulate the recommended findings and proposed discipline to the Director and the Captain of IAD. After receipt of the recommended findings and proposed discipline, the supervising Assistant Chief, the Director or the Captain of IAD may controvert the RU Manager's recommended findings and/or proposed discipline. All controverts shall be documented in a memo that clearly articulates that the reviewer wishes to controvert and provides an adequate explanation for the writer's basis for disagreeing with the recommended finding or discipline.
3. Police Review Board meeting. If the recommended findings and/or proposed discipline are controverted, the Bureau shall schedule a Police Review Board meeting on the complaint. As specified in Code Section 3.20.140, the Police Review Board shall also hold a meeting for review of a case if it involves an officer-involved shooting, physical injury caused by an officer that requires hospitalization, an in-custody death, a less lethal incident where the recommended finding is "out of policy" or if the investigation resulted in a recommended sustained finding and the proposed recommended discipline is suspension without pay or greater.
4. Notification and Appeals of Type I and III complaints without Police Review Board meeting. In Type I cases, and Type III cases where the alleged misconduct occurred during an encounter involving a community

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member, if the recommended findings are not sent to the Police Review Board for a meeting, the Director shall send a letter to the complainant explaining the disposition of the complaint and add any appropriate comment regarding the reasoning behind the decision. IPR will notify the complainant that they have a right to request a review of the Bureau's recommended findings to the Committee and provide an appeal form. The Bureau will notify the involved member regarding the disposition of the complaint. The Bureau will notify the involved member of the right to request a review of the recommended findings to the Committee. The Bureau will be responsible for providing the member and union representative with the appeal form. A copy of the communications sent by IPR and IAD will be placed into the AIM database or other appropriate database for both IPR and IAD review.

5. Notification and Appeals of Type I and III complaints after Police Review Board hearing. In Type I cases and Type III cases where the alleged misconduct occurred during an encounter with a community member and the recommended findings are sent to the Police Review Board for a meeting, the Director shall send a letter to the complainant explaining the disposition of the complaint and add any appropriate comment regarding the reasoning behind the decision. IPR will notify the complainant that they have a right to request a review of the recommended findings to the Committee and provide an appeal form. The Bureau will notify the involved member regarding the proposed findings of the Police Review Board. The Bureau will notify the involved member of the right to request a review of the recommended findings to the Committee. The Bureau will be responsible for providing the member and union representative with the appeal form. A copy of the communications sent by IPR and IAD will be placed into the AIM database or other appropriate database for both IPR and IAD review.
6. No appeal of Type II and certain Type III complaints. In Type II cases and Type III cases that involve alleged member misconduct that does not occur during an encounter involving a community member, the recommended findings may not be appealed to the Committee.
7. Nothing in this section prohibits the Bureau from terminating the employment of a probationary officer without following the procedures of this Section.
8. The Police Commissioner and the City Auditor shall be notified and provided with explanatory information in all cases where an administrative investigation exceeds 129 days, and the information posted on the City's website.

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**3.21.130 Communications.**

The IPR shall ensure that the complainant and member complained about are informed of the progress and status of the complaint or appeal. Communication may be accomplished orally or by first class mail.

**3.21.140 Filing of requests for review.**

(Amended by Ordinance Nos. 183657 and 187136, effective June 19, 2015.)

- A. Any complainant or member who is dissatisfied with an investigation of alleged member misconduct that occurred during an encounter with a community member may request a review.
- B. The request for review must be filed within 14 calendar days of the complainant or member receiving IPR's notification regarding disposition of the case. The Director may adopt rules for permitting late filings. When good cause has been established, the Director may accept late filings. Good cause includes, but is not limited to:
  - 1. Appellant has limited English language proficiency.
  - 2. Appellant has physical, mental or educational issues that contributed to an untimely request for review.
- C. A request for review must be filed in writing personally, by mail or email with the IPR Office, or through other arrangements approved by the Director.
- D. The request for review shall include:
  - 1. The name, address, and telephone number of the appellant;
  - 2. The approximate date the complaint was filed (if known);
  - 3. The substance of the complaint;
  - 4. The reason or reasons the appellant is dissatisfied with the investigation.
- E. The complainant or member may withdraw the request for review at any time.

**3.21.150 Case File Review.**

(Replaced by Ordinance No. 187136; Amended by Ordinance No. 188331, effective May 19, 2017.)

- A. When the Director receives and accepts a timely request for review, a Case File Review and Appeal Hearing shall be scheduled before the Committee. The Director will notify the CRC Executive Committee upon receipt of a request of review. The Case File Review shall take place prior to the Appeal Hearing either on the same day or on an earlier date.

- B.** The Case File Review will be an opportunity for the Committee to assess the completeness and readiness of the investigation for an Appeal Hearing. Public comment will be allowed before the Committee has made a decision whether a case is ready for an Appeal Hearing. In the event that the Committee conducts a Case File Review and Appeal Hearing on the same day, public comment will be allowed before the Committee has made its recommendation to the Bureau.
- C.** During either the Case File Review or Appeal Hearing, the Committee may direct, by majority vote, additional investigation by either IAD and/or IPR.
  - 1.** Only Committee members who have read the case file are eligible to vote.
  - 2.** The Committee will have one opportunity to direct additional administrative investigation, all other requests will be at the discretion of either IAD or IPR.
  - 3.** The request for additional investigation may include multiple areas of inquiry.
  - 4.** All additional investigation will be conducted in a timely manner, with the Committee given regular updates.
- D.** If the committee agrees no further investigation and consideration of the evidence appears warranted, the committee shall vote on when to hold an Appeal Hearing.

**3.21.160 Hearing Appeals.**

(Amended by Ordinance Nos. 185076 and 188331, effective May 19, 2017.)

- A.** An Appeal Hearing shall be conducted after a majority vote of the Committee to hold such a hearing at the case file review or other meeting of the full Committee. Public comment will be allowed before the Committee has made its recommendation to the Bureau.
  - 1.** At the Appeal Hearing the Committee shall decide by majority vote:
    - a.** To recommend further investigation by IAD or IPR; or
    - b.** If the finding is supported by the evidence. In a case where the majority of the voting members of the Committee affirms that the Bureau's recommended findings are supported by the evidence, the Director shall close the complaint; or
    - c.** If the finding is not supported by the evidence. In a case where a majority of the voting members of the Committee challenges one or more of the Bureau's recommended findings by determining that one or more of the findings is not supported by the evidence, and

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recommends a different finding, the Director shall formally advise the Bureau in writing of the Committee recommendation.

- (1)** If the Bureau accepts the recommendation, the Bureau shall formally advise the Director in writing, and the Director shall close the case.
- (2)** If the Bureau does not accept the recommendation, the Bureau shall formally advise the Director in writing, and the Director shall schedule the case for a conference hearing.
  - (a)** At the conference hearing, if the Committee, by a majority vote, is able to reach an agreement with the Bureau on the recommended findings, the Director shall close the case.
  - (b)** If, by majority vote, the Committee can not reach an agreement with the Bureau on the recommended findings, the Committee shall vote whether to present the appeal to City Council.
  - (c)** If, by majority vote, the Committee decides to present the appeal to City Council, the Director and the Committee Chair will schedule an appeal hearing before City Council. The Committee shall appoint one of its members to present its recommended findings during the appeal to City Council.

**2.** In its hearing the Council shall decide:

- a.** If the finding is supported by the evidence. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint; or
  - b.** If the finding is not supported by the evidence. The Council shall decide what the finding is. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint.
- B.** In reviewing the investigation, the Committee may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Committee may receive any oral or written statements volunteered by the complainant or the member or other officers involved or any other citizen. The complainant or member may

appear with counsel. When the Committee's review process develops new information, the Committee may consider the new information when determining if additional investigation is warranted, but the Committee may not incorporate the new information in the evidentiary record the Committee considers when determining if a finding is supported by the evidence.

- C. In reviewing the investigation, the Council may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, any documents accumulated during the investigation, the recording of the Committee's case file review and appeal hearing, the Committee's Case File review Worksheet, and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Council may receive any oral or written statements volunteered by the complainant or the member about whether or not they believe the finding is or is not supported by the evidence in the record. No new evidence may be introduced in the hearing. The complainant or member may appear with counsel.
- D. Witnesses.
  - 1. The Committee and Council may require within its scope of review the investigators and Captain of IAD and the Director to appear and answer questions regarding the investigation and may also require the responsible Bureau Commander to answer questions regarding the basis and the rationale for a particular decision.
  - 2. Other Witnesses. Other witnesses shall not be required to appear involuntarily before the Committee.
  - 3. Council may utilize the full powers granted by Section 2-109 of the Charter, including the power to compel the attendance and testimony of witnesses, administer oaths and to compel the production of documents and other evidence. The power to compel the attendance and testimony of witnesses in accordance with City Code Section 3.21.160 D.3. shall not be delegated by the Council to the Committee.

**3.21.170 Monitoring and Reporting.**

(Amended by Ordinance No. 181483, effective January 18, 2008.)

- A. The Director shall develop a data system to track all complaints received, develop monthly reports to inform IAD and the Chief regarding IAD workload and performance, and inform complainants and members regarding the status of complaints and appeals.
- B. The Director shall use complaint and OMF Risk Management Division data to support the Bureau's Early Warning System.

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- C.** The Director shall work with the Committee to develop recommendations to modify Bureau policies and procedures in order to prevent problems, improve the quality of investigations, and improve police-community relations.
- D.** The Director shall work with the Committee to develop quarterly and annual summary reports for the Chief, Commissioner in Charge, Council and public on IPR and IAD activities, policy recommendations, and Bureau follow-through on recommendations. The report may include analysis of closed files which were not appealed, but it is not the intent that the files be reopened.

**3.21.180 Increasing Public Access.**

(Amended by Ordinance No. 186416, effective February 7, 2014.)

- A.** The Director shall work with the Committee to make complaint forms available in formats and locations to reach as many community members as possible.
- B.** The Director shall work with the Committee to develop programs to educate the public about IPR and the importance of reporting problems.
- C.** The Director shall work with the Committee to develop programs to educate Bureau personnel on the complaint process, mediation, and IPR activities. Bureau personnel shall be informed that IPR is the primary means for citizens to file complaints.
- D.** IPR, Committee and Bureau shall develop guidelines for situations when a commander or supervisor in a precinct is directly contacted by a complainant with a complaint. In general, they may intervene and attempt to resolve the complaint themselves, but they must also inform complainants that they can still file with IPR if they do not achieve satisfaction.

**3.21.190 Response of Chief.**

(Amended by Ordinance No. 186416, effective February 7, 2014.)

- A.** The Chief, after reviewing a report provided by IPR under City Code Section 3.21.170, shall respond promptly to IPR in writing, but in no event more than 60 days after receipt of the report. The response shall indicate what, if any, policy or procedural changes are to be made within the IAD or the Bureau.
- B.** If the Chief fails to respond within 60 days after receipt of the Committee Report, the Auditor shall place the matter on the Council Calendar, for consideration by City Council, within 15 days thereafter.

**3.21.200 Limitation on Power.**

The Committee and Director are not authorized to set the level of discipline for any member pursuant to any request for review made under this Chapter. However, this Section shall

not be construed to limit the authority granted to City Council by the City Charter, City Code, state statutes, and other applicable law.

**3.21.210 Subpoenas.**

(Added by Ordinance No. 183657; Amended by Ordinance No. 186416, effective February 7, 2014.) IPR shall have the authority to issue subpoenas for the purpose of compelling witness testimony or the production of documents, photographs, or any other evidence necessary for IPR to fully and thoroughly investigate a complaint or conduct a review.

IPR personnel will not subpoena a sworn Bureau member employed by the Portland Police Bureau, but is authorized to direct Bureau members to cooperate with administrative investigations as described in Sections 3.21.120 and 3.21.220.

Any person who fails to comply with a subpoena will be subject to contempt proceedings as prescribed by State law; provided that such persons shall not be required to answer any question or act in violation of rights under the constitutions of the State or of the United States.

**3.21.220 Bureau Witnesses.**

(Added by Ordinance No. 186416, effective February 7, 2014.)

- A. A Bureau employee shall attend investigative interviews conducted by IPR, cooperate with and answer questions asked by IPR during an administrative investigation of a member conducted by IPR. If an employee refuses to attend an investigative interview after being notified to do so by IPR or refuses to answer a question or questions asked by IPR during an investigative interview, the Police Chief or Police Commissioner shall direct the employee to attend the interview and answer the question or questions asked.
- B. All IPR interviews of Bureau employees shall be conducted in conformance with legal requirements and collective bargaining provisions.
- C. Prior to being interviewed, a Bureau employee will be:
  - 1. Notified of the time, date, and location of the interview.
  - 2. Informed of the right to bring a union representative to the interview.
  - 3. Read a statement, issued under the authority of the Police Chief or Police Commissioner, that the employee is directed to attend the interview, cooperate during the interview and answer all questions fully and truthfully and, if the employee fails to attend the interview, cooperate during the interview or answer any questions fully and truthfully, the employee will be subject to discipline or discharge
  - 4. Provided with any other information or protections required by any applicable collective bargaining agreement.

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- D.** A representative of the Police Bureau shall attend IPR interviews of Bureau employees for the purpose of reading the statement referenced in Subsection C. and to provide any assistance required by IPR.

**CHAPTER 3.22 - PORTLAND FIRE &  
RESCUE**

(Chapter amended by Ordinance No. 180917,  
effective May 26, 2007.)

**Sections:**

- 3.22.010 General Organization.
- 3.22.020 Organized by Council - Subject to Civil Service.
- 3.22.030 Council Powers.
- 3.22.040 Care of Property by Council.
- 3.22.050 Duties of Chief Engineer.
- 3.22.060 Destroying Buildings to Check Fire.
- 3.22.070 Appointment of Temporary Employees.
- 3.22.080 Assignment of Disabled Members.
- 3.22.090 Rules and Regulations and Administrative Orders.
- 3.22.100 Uniforms.
- 3.22.110 Fire Suppression and/or Prevention Contracts.
- 3.22.120 Renewal Notices.
- 3.22.130 Contract Form to be Approved by City Attorney.
- 3.22.140 Mutual Assistance Agreements.
- 3.22.150 Use of Fire Boats for Pumping Water Out of Boats and Barges.
- 3.22.160 Fees for Pumping Water from Imperiled Vessels.
- 3.22.170 Distribution of Awards Earned by Members of Portland Fire & Rescue.
- 3.22.180 Forested and Wildland Interface Areas Fire Protection Plan.

**3.22.010 General Organization.**

(Amended by Ordinance Nos. 136677, 149110, 150993, 158149, 160883 and 182105, effective September 12, 2008.) Portland Fire & Rescue shall consist of the Chief Engineer (generally referred to as the Chief of the Bureau) and such other employees as the Council may provide. The mission of Portland Fire & Rescue shall be to safely protect life, property, and the environment by providing excellence in emergency services, training and prevention. Portland Fire & Rescue shall be comprised of the following divisions:

- A.** The Emergency Operations Division, which shall be responsible for the saving of life and property from fire or other disaster, emergency medical services, hazardous materials incidents, conducting a fire loss control program, training and other miscellaneous public services;
- B.** The Fire Prevention Division, which shall be responsible for fire prevention inspections and Code enforcement (Title 31), fire and life safety plans review, fire and arson investigation, enforcement of harbor regulations (Title 19), and conducting an educational fire prevention program;

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- C. The Management Services Division, which shall be responsible for budget and finance, long range capital planning and program development, special projects, manual and automated management information systems, planning and administrative support services, and supplying logistical support which shall include facility and vehicle maintenance, operational supplies and services;
- D. The Training and Safety Division, which shall be responsible for initial training of all newly hired firefighters, on-going training to maintain and improve the skills of all personnel, safety and risk management programs, accident and injury investigation and analysis, researching and developing new technologies and practices, and promoting training and educational opportunities for career development of all Bureau personnel.

**3.22.020 Organized by Council - Subject to Civil Service.**

(Amended by Ordinance No. 160883, effective June 9, 1988.) Portland Fire & Rescue of the City shall be organized by the Council and the members appointed as provided by the Charter, subject to the Civil Service rules of the Charter, and thereafter, subject to the restrictions contained in the Charter. All the powers of the City connected with and incident to the appointment, discipline, and government of its Portland Fire & Rescue shall be vested in the Commissioner In Charge of Portland Fire & Rescue .

**3.22.030 Council Powers.**

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Council shall have the power and it is hereby made its duty to organize, govern, and conduct a Portland Fire & Rescue for effective service within the City, and to that end may authorize the appointment of a Chief Engineer (Fire Chief) and as many other officers and employees as in its opinion are necessary. It shall have the power to make, or power to delegate authority to the Commissioner In Charge of Portland Fire & Rescue to make, all necessary or convenient rules and regulations for the organization and conduct of the Bureau, for receiving and hearing complaints against any members, and for the removal or suspension of any member of the Bureau. The Civil Service rules prescribed in the Charter shall apply to every officer and member of the Bureau and shall govern the actions of the Council in its organization and government of the Bureau.

**3.22.040 Care of Property by Council.**

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Council shall have the custody and management of all the public property, including the fire alarm telegraph, pertaining to Portland Fire & Rescue. It shall have power and authority, subject to the limitations and appropriations made and expenditures authorized by the Council, to purchase and acquire all necessary apparatus, including fireboats, engines, hose, hose carriages, and all other personal property which the exigencies of an efficient Portland Fire & Rescue may require. It shall have power and authority to sell and dispose at public sale under the provisions of the Charter relating to sales of public property of any portion of said personal property whenever the same is not required, or when it may be considered by the Council unfit for service in the Bureau. The proceeds of any such sale shall be paid by

the purchaser to the Treasurer of the City, who shall issue a proper receipt therefor, and all such monies shall be credited to the General Fund of the City.

**3.22.050 Duties of Chief Engineer.**

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Chief Engineer (Fire Chief) shall diligently observe the condition of the apparatus and property and workings of the Bureau and make an annual report in writing to the Commissioner In Charge of Portland Fire & Rescue. The Chief Engineer (Fire Chief) shall also make recommendations from time to time with regard to the needs of the Bureau as he may deem proper.

**3.22.060 Destroying Buildings to Check Fire.**

The Chief Engineer, or, in his absence, any Assistant Chief Engineer, may during a conflagration, cause to be cut down, or otherwise removed, any buildings or structures for the purpose of checking the progress of such conflagration.

**3.22.070 Appointment of Temporary Employees.**

The Council, in case of any general conflagration or great emergency, may appoint such temporary employees as it may deem necessary and to whom Civil Service rules shall not apply.

**3.22.080 Assignments of Disabled Members.**

Members and officers of a higher grade who have done faithful service and have been disabled so as to unfit them for serving in the position occupied when so disabled may be assigned to other duties suitable to their physical abilities and shall always have preference in such assignments.

**3.22.090 Rules and Regulations and Administrative Orders.**

(Amended by Ordinance No. 160883, effective June 9, 1988.) The rules and regulations of Portland Fire & Rescue shall be promulgated by the Chief Engineer, subject to approval by the Commissioner In Charge of the Bureau, and the Chief Engineer shall have authority to issue general and special orders which shall be administrative in nature and shall be in addition to or supplemental to the rules and regulations as promulgated by the Chief Engineer and approved by the Commissioner In Charge. The rules and regulations and the general or special orders shall govern the conduct of the members of Portland Fire & Rescue and shall be designed for the efficient and effective functioning of the Bureau.

**3.22.100 Uniforms.**

(Amended by Ordinance No. 160883, effective June 9, 1988.) The following rules shall apply to uniforms for employees appointed to Portland Fire & Rescue who are members of the Fire and Police Disability and Retirement System:

- A. The Chief of the Bureau shall, subject to the approval of the Commissioner In Charge, prescribe specifications for fire uniforms and establish rules, regulations and conditions of wearing thereof.

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- B.** Upon report of the Commissioner In Charge of Portland Fire & Rescue, the Council shall designate which items of the uniform specified by the Chief of the Bureau under subdivision A above shall be furnished by the City to those employees required to wear the prescribed uniform in performance of their normal and usual fire duties. Each new employee shall be furnished a complete set of designated items of uniform. All other employees shall be furnished designated items of uniform on the basis of replacement when needed as determined by the Fire Chief. Items furnished by the City shall remain property of the City. The Fire Chief shall establish the rules, regulations and conditions for issuance and control thereof;
- C.** The Chief of the Bureau shall have the authority to designate duty assignments which require dress other than the prescribed uniform. For such designated duty, no items of uniform shall be furnished, and those employees affected shall receive an annual cash clothing allowance in lieu of the items of uniform furnished by the City. Clothing allowances shall be paid in accordance with Section 5.08.070.

**3.22.110 Fire Prevention and Suppression Contracts.**

(Amended by Ordinance Nos. 132356, 160840, and 160883, effective June 9, 1988.) The Commissioner In Charge of Portland Fire & Rescue and the City Auditor hereby are authorized to enter into contracts under the provisions of the State Rural Fire Protection District Act. Contracts authorized by this Section are subject to the following conditions:

- A.** The City shall provide both fire prevention and fire suppression services and will not provide fire suppression services only.
- B.** Payment for services by individuals and private organizations, having no tax levying authority under State law, shall be in advance, excepting those contracts in excess of \$25,000, which may be paid on a quarterly basis in advance. The Auditor shall execute such contracts only upon receipt of such payment;
- C.** Contracts with political subdivisions of the State shall be entered into only upon certification to the Auditor by the governing body of such political subdivision that there will be assessed upon the taxpayers of such political subdivision an amount not less than:

  - 1.** The contract price.
  - 2.** Unpaid balances, if any, owing the City on previous fire prevention and suppression contracts.
  - 3.** An estimated amount sufficient to compensate for the delinquencies, based upon previous experience.

The Auditor shall execute such contracts only upon receipt of such certification, unless specially authorized by ordinance. Payment upon such contracts shall be

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due in equal semi-annual installments on or before January 1 and June 1 of the year in which the contract is in effect;

**D.** As used in this Section:

1. **“Effective year”** means the fiscal year in which the contract is operative,
2. **“Previous year”** means the fiscal year first preceding the effective year.
3. **“Property owner’s assessed value”** means the assessed value in the previous year of land, improvements and personal property of the individual, organization or political subdivision contracting for City fire prevention and suppression, provided, however, that for political subdivisions, the City Auditor shall decrease such assessed value to adjust for changes in boundaries which become effective during the previous year as the result of annexations to the City. If property or a portion thereof, which is included in the determination of property owner’s assessed valuation, be outside Multnomah County, the assessed value shall be adjusted so as to bear the same ratio to true cash value as the ratio of assessed value to true cash value in Multnomah County, as determined by the State Tax Commission.
4. **“Assessed value of City property”** means the assessed value, in the previous year, of land, improvements and personal property in the City. The assessed value of those portions of the City lying outside Multnomah County shall be adjusted so as to bear the same ratio to true cash value as the ratio of assessed value to true cash value in Multnomah County, as determined by the State Tax Commission.
5. **“Cost to City taxpayers”** means the sum, to the nearest dollar, of:
  - a. Portland Fire & Rescue General Fund budget of the previous year,
  - b. A portion of the budget for Fire and Police Disability and Retirement Fund based upon the ratio of the number of firemen to the number of policemen employed on January 1 of the previous year, and;
  - c. Ten percent of the total of a. and b. to allow for payroll taxes and other expenditures outside the Portland Fire & Rescue General Fund budget;

**E.** The charge for City fire suppression and fire prevention services by contract authorized under this Section shall be computed by the following formula:

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(Cost To City Taxpayers)  
Multiplied by  
(Property Owner's Assessed Value)  
Divided by  
(Assessed Value of City Property)

- F. Each application for a fire suppression and/or fire prevention contract under this Section, and for renewal of a previous contract under this Section, shall be forwarded to the Chief of Portland Fire & Rescue. The Chief shall attach thereto his report upon the accessibility, water supply, distance from the City fire equipment, and other conditions pertaining to the area to be protected. The Chief shall then submit the application to the Commissioner In Charge of Portland Fire & Rescue for approval or disapproval before a contract is entered into.

**3.22.120 Renewal Notices.**

(Amended by Ordinance No. 132356, effective April 1, 1971.) On or near February 15 of each year the Auditor shall mail to each individual, organization and political subdivision then under contract with the City for fire suppression and/or fire prevention, letter stating the dollar amount the City will charge for renewal of the contract in the next succeeding fiscal year. This amount will be computed by the formula in Section 3.22.110. The letter, if directed to a political subdivision contracting under Section 3.22.110 B, will also state the amount owed the City and then in arrears, if any, under preceding contracts or the contract then in effect. Such letter shall not operate as a waiver or estoppel of the right of the City to refuse renewal of any contract under Section 3.22.110 B because of delinquencies or other good cause.

**3.22.130 Contract Form to be Approved by City Attorney.**

All contracts executed in accordance with the provisions of this Chapter shall be approved as to form by the City Attorney.

**3.22.140 Mutual Assistance Agreements.**

(Amended by Ordinance No. 160883, effective June 9, 1988.) The Mayor and the Commissioner In Charge of Portland Fire & Rescue may enter in agreements with agencies of the federal government and with political subdivisions of a state in which each party agrees to provide mutual assistance, in the form of men and equipment, in combating large fires within the boundaries of the other party or parties to such agreements.

**3.22.150 Use of Fire Boats for Pumping Water Out of Boats and Barges.**

(Amended by Ordinance No. 160883, effective June 9, 1988.) Upon the approval of the Chief of Portland Fire & Rescue and of the Commissioner In Charge, the fire boats of Portland Fire & Rescue may be used for the purpose of pumping out water from boats and barges which ply the Willamette or Columbia rivers.

**3.22.160 Fees for Pumping Water from Imperiled Vessels.**

(Amended by Ordinance No. 160883, effective June 9, 1988.) The fees for the emergency pumping services permitted by Section 3.22.150 shall be \$200 per hour. The owner, owner's agent, or master of the vessel requesting the nonfire emergency pumping service shall be advised that the pumping fee shall be \$200 per hour before a fire boat is dispatched to the emergency location. The fire boat officer, on arrival, shall obtain written agreement from the owner, owner's agent or master of the vessel in peril to pay the City \$200 per hour for salvage pumping before beginning operations. When the service of the fire boat is completed, the Chief of Portland Fire & Rescue shall certify to the Commissioner In Charge the exact time employed by the fire boat, and the Commissioner shall thereupon make a final charge for such service and require payment of such charge by the applicant. In the event salvage efforts fail, and if so recommended by the Chief Engineer (Fire Chief), the Commissioner In Charge of Portland Fire & Rescue may reduce or omit the pumping fee.

**3.22.170 Distribution of Awards Earned by Members of Portland Fire & Rescue.**

(Amended by Ordinance No. 160883, effective June 9, 1988.) All awards earned by members of Portland Fire & Rescue participating in Rose Festival activities shall go to the personnel and improvements of the fire engine quarters where such companies are housed.

**3.22.180 Forested and Wildland Interface Areas Fire Protection Plan.**

(Amended by Ordinance Nos. 160127, 160883, 168127 and 182389, effective January 2, 2009.)

**A. General Provisions.**

1. Title. This plan shall be known as the Forested and Wildland Interface Areas Protection Plan of the City.
2. Scope. This plan is primarily designed for the detection and suppression of forest and brush fires in forested, rural and urban areas of the City, and in all areas with which the City has contracted to furnish fire protection. Additionally, the fire suppression provisions of this plan may be activated when a fire outside the City becomes a threat to areas within.
3. Purpose. The purpose of this plan is to establish operational responsibilities of departments and bureaus of the Portland municipal government and supporting agencies within the scope of this plan.
4. Participation required. Participation is required of the Bureaus of Parks, Portland Fire & Rescue, Police, Waterworks, General Services and Maintenance Operations.
5. Participation voluntary. Voluntary participation by nongovernmental agencies, having emergency capabilities in areas of disaster relief, is

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authorized and encouraged; provided, however, that each voluntary agency shall submit an operational program to this plan as hereinafter provided.

**B. Plan Coordination.**

1. **Coordinator.** The Chief of Portland Fire & Rescue is known as the coordinator of this plan. He shall see that the operational programs of departments, bureaus and supporting agencies are submitted and made a part of this plan and kept current from year to year.
2. **Operational Programs.** The head of each participating bureau, office and/or agency shall submit an operation program to the Coordinator and keep him/her informed of changes at all times. Such operational programs shall be a part of this plan. They shall include the names and telephone numbers of key alerting personnel, a listing of other personnel by number and job classification, and a listing of all mobile and special equipment. Additionally, operational programs of Portland Fire & Rescue and the Bureau of Parks shall contain descriptive details of routine maintenance and regulatory responsibilities. The operational programs shall be respectively identified as follows:

PROGRAM I:	Bureau of Parks
PROGRAM II:	Portland Fire & Rescue
PROGRAM III:	Bureau of Police
PROGRAM IV:	Portland Water Bureau
PROGRAM V:	General Services
PROGRAM VIII:	Maintenance Operations
PROGRAM IX:	Reserved for Nongovernmental
PROGRAM X:	Reserved for Nongovernmental

**C. Command Responsibility for Fire Fighting.**

1. In all forested and rural areas lying within the City, and in all areas for which the City has a contract to furnish fire protection, overall command of fire fighting operations shall be the responsibility of the Chief of Portland Fire & Rescue.
2. Operating units will in all cases be under the direct control of their own commanders or foremen, superintendents, etc. However, such units will function in conformity with the tactical fire-fighting plan established by the sector commander to whom they are assigned.

**D. Activation and Response.**

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1. All participants and resources listed in the plan will be activated in accordance with the plan at the request of the Incident Commander.
2. All participants in the plan will send liaison personnel to the field headquarters, support command headquarters, and the Emergency Operations Center as requested by the Incident Commander.

**E. Personnel alerting.**

1. The Bureau of Emergency Communications will initiate the alerting of participating services as outlined in the plan. The person contacted is then to complete the calls required by his/her bureau, office or agency.
2. For the purpose of alerting as required in 1 above, the head of each participating service shall establish and maintain master-call lists or a key-alerting system.

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**CHAPTER 3.24 - PORTLAND WATER  
BUREAU**

(Chapter replaced by Ordinance No. 182053,  
effective August 15, 2008.)

**Sections:**

- 3.24.010 Organization.
- 3.24.020 Administration.
- 3.24.030 Customer Service Group.
- 3.24.040 Engineering Services Group.
- 3.24.050 Finance and Support Services Group.
- 3.24.060 Maintenance and Construction Group.
- 3.24.070 Operations Group.
- 3.24.080 Resources Protection and Planning Group.

**3.24.010 Organization.**

The Portland Water Bureau will be under the direction and control of the Administrator of the Portland Water Bureau. The Bureau will be charged with the responsibility for the finance, operation, maintenance and improvement of the City's water distribution system and will be made up of the work groups set forth in this Chapter. The Administrator shall coordinate and manage the Bureau's work groups in a manner that achieves the Bureau's mission and meets the goals established by the City Council.

**3.24.020 Administration.**

The Administrator's Office is responsible for policy planning, leadership, direction, and operation of the Bureau. The Administrator's Office also manages security for the distribution system, property management, organization development, Bureau human resources management, public information/involvement, long-range planning, government and community relations, legislative activities, and liaison with the Commissioner-in-Charge and City Council.

The Administrator of the Portland Water Bureau is authorized to enforce the provisions of Portland City Code Chapters 17.36 Sewer User Charges and 21.16 Rates and Charges addressing delinquent water, sewer and stormwater management charges, collections, adjustments and refunds.

The Administrator of the Portland Water Bureau may issue administrative rules and regulations pursuant to Section 21.24.080 Administrative Rules, Procedures and Forms.

**3.24.030 Customer Service Group.**

The Customer Service Group manages billing and collection services for the Portland Water Bureau including but not limited to, establishment of new accounts, close out of terminated accounts, meter reading, meter inspection services, leak repair notification, bill generation, payment application, remittance processing, approval of adjustments and refunds, delinquent account notification, collection of delinquent accounts by all legal means, termination of service for delinquency, resumption of water service and such other

duties as requested by the Administrator. The Group will also be responsible for responding to ratepayer inquiries, hearing appeals of the matters for which the Group is responsible and managing financial assistance programs.

When performing these responsibilities for the Bureau of Environmental Services, the Group's authority may be defined by written agreement and Administrative Rules.

**3.24.040 Engineering Services Group.**

The Engineering Services Group is responsible for planning, design, and construction of the Water System. In addition, this group serves as customer liaison for new service installation, drafting (including geographic information system), surveying, inspecting, and maintaining records on distribution system improvements. This group manages the Bureau's emergency management program. This group also has responsibility for developing facility standards, asset management, contract management, and developing and managing the Bureau's Capital Improvement Projects (CIP). Administrative oversight of the Hydroelectric Power function is conducted within this group.

**3.24.050 Finance and Support Services Group.**

The Finance and Support Services Group provides financial planning, rate setting, budgeting, accounting, payroll, auditing, financial analyses, and fiscal monitoring functions for the Bureau. It also provides clerical support for Bureau staff in the Portland Building. This includes the interfaces to City financial and personnel systems, and other Bureau-specific software systems.

**3.24.060 Maintenance and Construction Group.**

The Maintenance and Construction Group is responsible for repair, operation, and maintenance of the distribution system. Installation, operation, and maintenance functions related to mains, services, valves, hydrants, and leak detection are performed by this group. This work includes direct services and related support for control valves, carpentry, purchasing and stores operation, and loss control programs. This group manages the Bureau's two apprentice programs. The emergency crew provides response for outside normal work hour requirements, including main breaks and other emergency responses.

**3.24.070 Operations Group.**

The Operations Group is responsible for the operation and maintenance of water supply and treatment from the Watershed and the Columbia South Shore Well Field (CSSWF). This group operates and maintains the conduits, terminal storage reservoirs, tanks, pump stations, water treatment facilities, pressure regulators, an accredited Laboratory, and the Water Control Center. Work responsibilities include water quality protection, regulatory compliance, laboratory services, system metering, and addressing water quality customer complaints. This group is also responsible for the operation and maintenance of the decorative fountains.

**3.24.080 Resources Protection and Planning Group.**

The Resource Protection and Planning Group is responsible for Watershed and Columbia South Shore Well Field (CSSWF) management and coordination with federal, state and

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local partners to protect the quality of both of Portland's drinking water sources. This responsibility includes addressing legislative and regulatory issues and performing integrated resource planning, comprehensive planning on major issues, supply and demand analysis, and coordination of the Regional Water Providers Consortium. This Bureau work group is also responsible for the Bureau's business, residential and multifamily water conservation programs and Bureau sustainability efforts.

**CHAPTER 3.26 - BUREAU OF PARKS**

**Sections:**

- 3.26.010 Organization Generally.
- 3.26.020 Executive and Clerical Division.
- 3.26.030 Park Maintenance and Operation Division.
- 3.26.040 Nursery and Planting Division.
- 3.26.050 Public Recreation Division.
- 3.26.080 Sale or Exchange of Surplus Animals, Birds or Reptiles.

**3.26.010 Organization Generally.**

The Bureau of Parks shall consist of the Superintendent of Parks who shall be in charge, and such other employees as the Council may provide. The Bureau of Parks shall be made up of the divisions set forth in this Chapter.

**3.26.020 Executive and Clerical Division.**

The Executive and Clerical Division, supervised by a Principal Clerk or other competent person, shall maintain the necessary records with regard to payrolls, requisitions, and cost accounting for the Bureau of Parks, and in addition shall have control over the women's comfort stations maintained by the Bureau of Parks.

**3.26.030 Park Maintenance and Operation Division.**

The Park Maintenance and Operation Division, supervised by an Assistant Superintendent of Parks or other competent person, shall have charge of the care, upkeep, and repair of park property in the Zoo, parks, and playgrounds of the City including all swimming tanks. This Division shall also have control over the trucks owned by the Bureau of Parks.

**3.26.040 Nursery and Planting Division.**

(Amended by Ordinance No. 184522; Amended by Ordinance Nos. 185448 and 186053, effective January 1, 2015.) The Nursery and Planting Division, supervised by a Director of Park Plantings or other competent person, shall have control over the gardening and nursery functions and properties of the Bureau of Parks, including the greenhouse, nursery, golf courses, and floral displays.

Removal of trees, permits for removal of trees, removal of limbs of trees and reports in regard to trees shall be subject to the rules and requirements of Title 11. The City Forester shall be responsible for the application and enforcement of provisions of the Tree Regulations in Title 11, as further specified within that Title.

**3.26.050 Public Recreation Division.**

The Public Recreation Division, supervised by a Director of Recreation, shall have charge of the public recreational program and property of the Bureau of Parks, including activities at community houses, summer playgrounds, swimming tanks and summer camps.

**3.26.060 Municipal Stadium Division.**

(Repealed by Ordinance No. 185569, effective September 28, 2012.)

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**3.26.080 Sale or Exchange of Surplus Animals, Birds or Reptiles.**

The Superintendent of Parks, with the approval of the Commissioner In Charge, hereby is authorized to trade, sell or exchange surplus animals, birds or reptiles, with public or private zoos throughout the United States or Canada, provided that the value of such animal, bird or reptile so traded, sold, or exchanged does not exceed the sum of \$1,000. The Superintendent of Parks, in connection with such transaction, hereby is authorized to pay necessary handling charges incident to such trade, sale or exchange.

**3.26.090 Solar Friendly Trees.**

(Repealed by Ordinance No. 184522; Amended by Ordinance Nos. 185448 and 186053, effective January 1, 2015.)

**CHAPTER 3.27 - PORTLAND PARKS AND  
RECREATION BOARD**

(Chapter added by Ordinance No. 176002, effective  
October 10, 2001.)

**Sections:**

- 3.27.010 Purpose.
- 3.27.020 Definitions.
- 3.27.030 Members and Terms.
- 3.27.040 Organization and Meetings.
- 3.27.050 Duties.
- 3.27.060 Staff Liaison and Support.

**3.27.010 Purpose.**

The Portland Parks and Recreation Board is hereby established, for the following purposes: to ensure that the vision and recommendations of the Parks 2020 Vision are at the forefront of discussions about park and recreation issues and trends over time, in all areas of the city; to advocate for parks on a city and regional basis to ensure that parks, natural areas, open spaces and recreation facilities are advanced in city and regional planning and design; to provide continuity when transitions occur in the leadership of Portland Parks and Recreation and on the City Council; and to provide a forum for public discussion and decision-making about park issues, bringing a city-wide and long-term perspective to neighborhood-based issues.

**3.27.020 Definitions.**

As used in this Chapter, unless the context requires otherwise, the following definitions apply:

- A. "Board" means the Portland Parks and Recreation Board.
- B. "Bureau" or "Portland Parks and Recreation" means the Bureau of Parks and Recreation of the City of Portland, or whatever agency is given responsibility for the City's system of parks and recreation.
- C. "Commissioner" means the Commissioner in Charge of Portland Parks and Recreation.
- D. "Council" means the City Council of the City of Portland, Oregon.
- F. "Director" means the Director of Portland Parks and Recreation, or the Bureau head, however designated.

**3.27.030 Members and Terms.**

(Amended by Ordinance No. 184647, effective June 8, 2011.)

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- A.** Voting Members. The Portland Parks Board shall consist of a minimum of nine (9) and a maximum of fifteen (15) voting members appointed by the Mayor in consultation with the Commissioner, and confirmed by the Council. Members shall serve without compensation for terms of three years. No member shall be appointed to more than two full consecutive terms. A member appointed initially to a term of less than three years may thereafter be re-appointed to two consecutive three-year terms. A member otherwise may be re-appointed after at least one full year following completion of the member's two consecutive terms. The initial appointments shall be staggered in order to provide for a proportional turnover of terms each year. Members shall be appointed who demonstrate a commitment to Portland Parks and Recreation and to the mission of the Board. Members are expected to bring a system-wide perspective to the Board, and shall not represent individual interests or areas of the City. However, the membership of the Board shall strive to reflect the demographic and geographic diversity of the City.
- B.** Ex Officio Members. The Board may, in its discretion, appoint such ex officio members as, in the judgment of the Board, will assist it in carrying out its functions. Such ex officio members shall be appointed in a manner to be determined by the Board. Ex officio members shall not have the right to vote. Ex officio members shall not be subject to the term limitations of Subsection A. of this Section, but the Board may, by rule or regulation, provide for terms and other conditions of service of ex officio members as it may deem necessary or desirable.

**3.27.040 Organization and Meetings.**

The Board shall adopt such rules of procedure as it deems necessary to the conduct of its duties. The Board shall elect each year a Chair and such other officers as the Board may from time to time establish. The Board shall meet at least quarterly, and may meet more often. The Board Chair, in consultation with the Commissioner and the Director, shall set the agenda for Board meetings.

**3.27.050 Duties.**

The Board shall:

- A.** Advise the Council, the Commissioner and the Director on policy matters pertaining to Portland Parks and Recreation, using the Parks 2020 Vision as its guide.
- B.** Advise the Council, the Commissioner and the Director on the preparation and contents of the annual Portland Parks and Recreation budget request.
- C.** Review plans and policies, either existing or being developed, by other City bureaus, boards and commissions or by other government agencies, that affect parks and recreation in the City of Portland, and advocate for the advancement of parks, natural areas, open spaces and recreation facilities and services in City and regional planning and design.

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- D.** Engage in such public outreach, education and advocacy, to the extent permitted by law, as the Board determines necessary or advisable in order to provide a forum for public discussion and decision-making about park and recreation issues.
- E.** Prepare and submit to the Council an annual report which shall summarize the Board's activities during the year and which shall identify the major issues facing Portland Parks and Recreation and the Board's recommendations for addressing them in the coming year.

**3.27.060 Staff Liaison and Support.**

The Director shall be the staff liaison to the Board, and shall, to the extent budgeted funds are available therefor, provide the Board with staff assistance necessary to the discharge of its duties.

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**CHAPTER 3.28 - BUREAU OF HEALTH**

**Sections:**

- 3.28.010 Transfer of Functions.
- 3.28.020 Executive and Clerical Division.
- 3.28.030 Communicable Disease Control Division.
- 3.28.040 Tuberculosis Control Division.
- 3.28.050 Venereal Disease Control Division.
- 3.28.060 Laboratory Division.
- 3.28.070 School Hygiene Division.
- 3.28.080 Emergency Hospital Division.
- 3.28.090 Pure Food Sanitation Division.
- 3.28.100 Division of Mental Health.
- 3.28.110 Division of Home Health Care.

**3.28.010 Transfer of Functions.**

During the term of a contract presently existing between the City and Multnomah County whereby functions of the City's Bureau of Health are being performed by the County, and the County Health Officer is acting as the City Health Officer, and all Bureau of Health Employees, are now County employees, the Multnomah County Department of Medical Services shall perform the functions heretofore performed by divisions of the City Health Bureau, as set forth in this Chapter.

**3.28.020 Executive and Clerical Division.**

The Executive and Clerical Division shall maintain the central office and all necessary records thereof, including all statistics relating to births and deaths as required by law.

**3.28.030 Communicable Disease Control Division.**

The Communicable Disease Control Division shall exercise the power of quarantine and detention and shall adopt such other measures as will prevent the spreading or aid in the prevention of communicable diseases such as typhoid fever, smallpox, tuberculosis, scarlet fever and others.

**3.28.040 Tuberculosis Control Division.**

The Tuberculosis Control Division shall provide clinical services for diagnosis and a visiting nurse service to make sure that the lessons of prevention are carried out by the patients under actual home conditions.

**3.28.050 Venereal Disease Control Division.**

The Venereal Disease Control Division shall provide clinical services for diagnosis, control, and prevention of venereal disease.

**3.28.060 Laboratory Division.**

The Laboratory Division shall conduct tests and examinations for bacteria content and such other laboratory services as the other divisions request.

**3.28.070 School Hygiene Division.**

The School Hygiene Division shall be responsible for the prevention of communicable diseases in the schools through promoting vaccination against smallpox and the use of toxoid against diphtheria, and through ascertaining that children sick with communicable diseases are excluded. This Division shall also conduct examinations of school children at regular intervals for the purpose of discovering defects which may be remedied and shall notify the parents regarding the need for attention to vision, infections, nutrition, and postural defects and diseases.

**3.28.080 Emergency Hospital Division.**

The Emergency Hospital Division is designed to take care of those who are injured or who are taken sick suddenly, and have no means of providing for themselves the medical and hospital care they need, or who are ineligible for care by Multnomah County because they are not residents.

**3.28.090 Pure Food Sanitation Division.**

The Pure Food and Sanitation Division shall be divided into the following Sections:

- A. The Milk Inspection Section, which shall provide inspection of the milk supply, including the source, transportation, handling, and preparation for distribution;
- B. The Meat Inspection Section, which shall provide inspection of meat in an effort to keep unwholesome meats and meat products from the market;
- C. The Sanitation Inspection Section, which shall provide general sanitation inspection services, such as restaurant inspection, food inspection, market inspection, food handler's examinations, inspections of hospitals and certain manufacturing plants, and the inspection of housing conditions, including ventilation, lighting and sanitation fixtures.

**3.28.100 Division of Mental Health.**

The Division of Mental Health shall provide psychiatric consultation with school children and adults, assist the emergency hospital in the handling of persons with mental health problems, act as liaison between the Bureau of Health and mental health institutions and organizations, and generally provide a mental health service for the City.

**3.28.110 Division of Home Health Care.**

The Division of Home Health Care shall provide the limited nursing services such as but not limited to prescribed treatment, application of dressings, irrigations, exercises and baths and home health aide services including but not limited to nonprofessional care of ill or injured persons, food marketing or other needed shopping or errand, preparation and serving of meals and light housekeeping.

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**CHAPTER 3.30 - BUREAU OF  
DEVELOPMENT SERVICES**

(Chapter replaced by Ordinance No. 175237,  
amended by Ordinance No. 176955, effective  
October 9, 2002.)

**Sections:**

- 3.30.005 Organization.
- 3.30.010 Duties of the Bureau of Development Services.
- 3.30.020 Responsibility for the Development Services Center and Development Review.
- 3.30.030 Development Review Advisory Committee.
- 3.30.040 Administration and Enforcement.
- 3.30.045 Administrative Rulemaking Procedures.
- 3.30.050 Special Jurisdiction.
- 3.30.060 Nuisance Abatement Contracts.
- 3.30.070 Inspections.
- 3.30.080 Stop Work Orders.

**3.30.005 Organization.**

(Amended by Ordinance No. 176955, effective October 9, 2002.) The Bureau of Development Services shall be under the supervision of the Director. The Director shall be directly responsible to the Commissioner in Charge.

**3.30.010 Duties of the Bureau of Development Services.**

(Amended by Ordinance Nos. 176955, 180330, 182671, 182962, 186216, 184522, 185448 and 186053, effective January 1, 2015.) The Bureau of Development Services shall be responsible for:

- A.** The administration and enforcement of provisions of the Tree Regulations, Title 11, as further specified in that Title.
- B.** The administration and enforcement of:
  - 1.** Building Regulations, Title 24.
  - 2.** Plumbing Regulations, Title 25.
  - 3.** Electrical Regulations, Title 26.
  - 4.** Heating and Ventilating Regulations, Title 27.
  - 5.** Floating Structures, Title 28.
  - 6.** Property Maintenance Regulations, Title 29.

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7. Signs and Related Regulations, Title 32.
  8. Original Art Murals, Title 4.
  9. State of Oregon Regulations regarding manufactured dwellings.
  10. Other regulations enacted by the State of Oregon and adopted by the City Council and assigned to the Bureau.
- C. The application and enforcement of the provisions of Planning and Zoning Regulations, Title 33 as delegated by the Director of the Bureau of Planning and Sustainability.
- D. The examination and checking of applications, plans, specifications and supporting documentation required as a prerequisite to the approval of land use actions and permits for development.
- E. The coordination of related permits with other bureaus and offices as required to manage the Development Services Center.
- F. The issuance of approvals and permits required for the construction, installation, repair, or alteration of land, buildings or equipment.
- G. The inspection of sites, buildings or other structures and equipment for compliance with plans and specifications and with applicable Code provisions and laws; and
- H. Other duties as assigned to the Bureau.

**3.30.020 Responsibility for the Development Services Center and Development Review.**  
(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. The Bureau of Development Services shall be responsible for the operation and management of the City's Development Services Center.
- B. The Bureau of Development Services has management responsibility for assigned personnel through direct assignment or through interagency agreements, and manages the daily operation of the Center.

**3.30.030 Development Review Advisory Committee.**  
(Amended by Ordinance Nos. 176955, 178954, 184046 and 184183, effective November 26, 2010.)

- A. **Purpose.** The Development Review Advisory Committee is a citizen advisory body, representing those with interests in the outcome of policies, budgets, regulations, and procedures that affect development review processes. The purpose of the Committee is to foster a timely, predictable and accountable development

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review process that implements the City's goals for land use, transportation, housing, economic development, neighborhood livability and the environment. The Committee advocates for and supports consistent and fair application and implementation of regulations. The Committee provides public input into the development review process by:

1. Providing leadership and expertise on issues affecting development;
2. Providing feedback to Bureaus, Review Bodies, and City Council on the impact of potential regulations and administrative rules on the development review process, taking into consideration the full range of City goals and objectives;
3. Providing recommendations for regulatory, code, and administrative rule changes affecting the development review process;
4. Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's development goals;
5. Recommending customer service, permitting, process, and compliance improvements to Bureaus, Review Bodies, and/or City Council;
6. Serving as an advisory board to Development Review Directors and Bureaus on development review processes and procedures;
7. Providing input to ensure budgets of development review agencies are adequate to meet service goals and desired system outcomes.

**B. Membership.** The Development Review Advisory Committee shall consist of seventeen members. The members shall be appointed by the Commissioner-in-Charge of the Bureau of Development Services and confirmed by the City Council. The members shall be selected to provide representation of those persons concerned about planning, design and development. The areas of interest of members shall include, but not be limited to, development, planning, construction contracting, public works, design professions, neighborhood interests, business interests, historic preservation, environmental organizations, and institutional properties. Members shall be appointed so that the Committee consists of one member from organizations representing each of the following groups, or if organizations do not exist, an individual advocate for the representative group will be appointed:

1. Frequent development review customers
2. Citywide neighborhood interests
3. Design professionals

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4. Environmental conservation and green building
5. Historic preservation
6. Home builders
7. Home remodelers
8. Land use planning professions
9. Large developers
10. Large construction contractors
11. Low-income housing developers
12. Major facilities landowners
13. Minority construction contractors and development professionals
14. Neighborhood Coalition Land Use Committees
15. Small businesses
16. Planning and Sustainability Commission, as designated by the Planning and Sustainability Commission President, and serves as an ex officio member of the Committee.
17. Public works permit customers

**C. Appointments and Terms.** Appointment to the Development Review Advisory Committee shall be for a three-year term. If a position is vacated during a term, it shall be filled for the unexpired term. Members of the Development Review Advisory Committee shall serve no more than two, complete three-year terms.

**D. Meetings, Officers, and Subcommittees.**

1. The Development Review Advisory Committee shall meet at least five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with adopted rules of procedure. Seven members shall constitute a quorum. A quorum shall be necessary to make decisions that represent the position of the Development Review Advisory Committee and to conduct any other Committee responsibilities. The election of officers shall take place at the first meeting of each calendar year.

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2. The officers of the Committee shall consist of a Chairperson and a Vice-chairperson. The chairperson shall be responsible for conducting the meetings of the committee. The vice chairperson shall act as chair when the chairperson is not available.
  3. The Development Review Advisory Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose. Subcommittee actions require the affirmative vote of at least three members.
- E. Attendance.** Members of the Development Review Advisory Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year.
- F. Compensation.** Development Review Advisory Committee members shall serve without compensation.

**3.30.040 Administration and Enforcement.**

(Amended by Ordinance Nos. 175327, 176955, 183793, 186564 and 186736, effective August 29, 2014.) In order to carry out the duties as set forth in Section 3.30.010, the Director of the Bureau of Development Services may:

- A.** Adopt, amend and repeal administrative rules, policies, procedures and forms for the enforcement of applicable Code provisions and laws.
- B.** Establish enforcement fees or penalties for non-compliance.
- C.** Establish enforcement priorities based on the number of budgeted enforcement personnel, public safety and welfare factors, and any priorities established by City Council.
- D.** Gain compliance by:
  1. Instituting an action before the Code Hearings Officer in the manner provided for by Title 22 of this Code.
  2. Causing appropriate action to be instituted in a court of competent jurisdiction.
  3. Issuing a code violation citation directly to the contractor or person responsible for carrying out the work. Any person receiving a citation for violating the provisions of the City Code administered by the Bureau of Development Services shall be subject to a fine of up to \$1,000 for each citation issued.

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4. Taking other lawful action.
  5. Revoking a Type B home occupation permit for failure to comply with the regulations of City Code Chapter 33.203 or revoking a Type A accessory short-term rental permit for failure to comply with the regulations of City Code Chapter 33.207 by using the following procedures:
    - a. If the Director determines that cause for revocation of a permit exists, the Director shall provide written notice thereof to the permittee. The notice shall contain a brief description of the facts supporting the revocation, the date the revocation shall become final and a notice of the permittee's right to appeal the revocation.
    - b. The notice shall be mailed by certified mail, return receipt requested, and regular mail to the permittee. The notice shall be effective upon three days after mailing.
    - c. The revocation shall become final and effective ten days after the notice is effective, unless an appeal is filed.
    - d. Any permittee whose permit has been revoked may appeal the revocation to the Code Hearings Officer pursuant to the provisions of City Code Chapter 22.10. The filing of an appeal shall stay the effective date of the revocation until the appeal is determined in a final decision by the Code Hearings Officer.
- E.** Impose fees or penalties for non-compliance, provide notification, and allow for appeals by:
1. Initiating the notification procedures provided in Section 29.60.050.
  2. Imposing monthly enforcement fees or penalties for each property that meets the following conditions:
    - a. The property is the subject of a notice of violation by the Bureau of Development Services; and
    - b. A response period of 30 days has passed since the effective date of the initial notice of violation; and
    - c. The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
  3. Doubling the penalties if the violations are not corrected within three months from the initial notice of violation.

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4. Imposing an additional penalty as set forth in the Enforcement Fee and Penalty Schedule against any property for which a code enforcement proceeding is initiated before the Code Hearings Officer pursuant to the provisions of Title 22 of this Code.
5. All required fees or penalties are listed in the Enforcement Fee and Penalty Schedule adopted by City Council. Fees or penalties may be updated annually or on an as needed basis. The approved Enforcement Fee and Penalty Schedule will be available at the Bureau of Development Services Center and on the bureau's Web site.
6. When a property meets the conditions for charging any Council approved fee or penalty for noncompliance, the Director shall file a statement with the City Auditor identifying the property, the amount of the fee or penalty and the date upon which the charge should be assessed. The City Auditor shall notify the property owner of the amount of the assessed fees and penalties, and a 10 percent City Auditor charge. The City Auditor shall record the total amount as a lien in the Docket of City Liens. The City Auditor shall maintain the lien record until the lien and all associated interest and costs are paid in full, and the Director certifies that all violations listed in the original or subsequent notice of violation have been corrected.
7. Providing for administrative procedures as set forth in Subsections 29.70.010 C. through E.
8. Providing for administrative review and the opportunity for appeal to the Code Hearings Officer as set forth in Section 29.80.010.
9. Allowing exceptions as provided in Section 29.60.100.

**3.30.045 Administrative Rulemaking Procedures.**

(Added by Ordinance No. 186564, effective June 13, 2014.)

- A. The Director has been delegated the authority to adopt and administer administrative rules appropriate to perform the duties set forth in Section 3.30.010 of this Title. Such administrative rules shall be adopted according to the procedures in this Section.
- B. Permanent rules.
  1. Prior to the adoption of a permanent rule, the Director shall:
    - a. Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than thirty days before adoption of the administrative rule. The notice shall include the place and time of a proposed public hearing; a brief description of

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the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit comments; and the location where copies of the full set of the proposed rules may be obtained. A copy of the notice will be provided to the Office of Neighborhood Involvement at least thirty days before adoption. The Director is only required to hold the public hearing if a written request is filed seeking a hearing.

- b.** During the public review process, the Director shall hear testimony and receive written comments regarding the proposed rules.
- c.** The Director will review the testimony and comments and may either adopt the proposed rule, modify it or reject it.
- d.** If the Director makes a substantial modification to the proposed rule, the Director may provide additional time for public review and comment prior to adoption.

- 2.** Unless otherwise stated, all rules will be effective upon adoption by the Director.

**C.** Interim rules.

- 1.** The Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will result in prejudice to the public interest.
- 2.** Interim rules will be effective for a period of not longer than 180 days.
- 3.** The Bureau of Development Services shall post public notice of the interim rule not more than 30 days after adoption by posting on its website and shall send notice to the Office of Neighborhood Involvement. Such notice shall identify the location at which copies of the full set of the interim rules may be obtained.

- D.** All final and interim rules shall be filed in the office of the Director. Copies of all final and interim rules will be made available to the public at the Development Services Center.

**3.30.050 Special Jurisdiction.**

(Amended by Ordinance Nos. 176585, 176955 and 182456, effective December 24, 2008). The Bureau of Development Services shall have authority to enforce Section 14A.20.070, and Subsections 16.10.200 L., 16.20.120 H., and 16.20.130 I., 16.20.160 and Sections 16.20.170, 16.70.450 and 16.70.800. The Bureau shall have authority to issue parking citations and order the towing and storage and/or removal of such vehicles and objects. In

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addition, violations of Section 16.20.160 are also subject to the Bureau of Development Services enforcement remedies as described in Subsection 3.30.040 C.

**3.30.060 Nuisance Abatement Contracts.**

(Amended by Ordinance No. 176955, effective October 9, 2002.) When authorized elsewhere in this Code to abate a nuisance, the Bureau of Development Services may either abate the nuisance with City personnel as may be provided by this Code, or when necessary, the Bureau of Development Services, acting through its Director, may contract with eligible contractors for the performance of nuisance abatement services pursuant to the procedures established in Sections 3.30.040 through 3.30.060 of this Code.

**3.30.070 Inspections.**

- A.** Definitions. The terms used in this Section shall be defined as provided in this subsection, unless the context requires otherwise:
- 1.** Building Regulations means any city code title listed in 3.30.010, or any other safety or health statute, ordinance, regulation, rule, standard or order the Director is authorized to enforce.
  - 2.** Property means real property and all improvements or structures on real property, from property line to property line.
- B.** Warrants. Whenever an inspection is necessary to enforce any of the provisions authorized by this Title, or whenever the Director has reasonable cause to believe that there exists in any building or upon any property any condition which makes such property substandard as defined in any building regulations, the Director may request any Circuit Court judge to issue an inspection warrant for the inspection or investigation of any building or upon any property as required or authorized by city code or by statute. The inspection warrant is an order authorizing a safety or health inspection or investigation to be conducted at a designated building or property.
- C.** Grounds for Issuance of Inspection Warrants; Affidavit.
- 1.** Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the building or property to be inspected or investigated, and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

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2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is cause to believe that a condition of nonconformity with any building regulations exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with any building regulations.

**D. Procedure for Issuance of Inspection Warrant.**

1. Examination. Before issuing an inspection warrant, the judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.
2. Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly the person or persons authorized to execute the warrant, the property to be entered, and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any other time of the day or night.

**E. Execution of Inspection Warrants.**

1. Occupied Property. Except as provided in subsection 2. of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
2. Unoccupied Property. In executing an inspection warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the search warrant shall be conspicuously posted on the property.
3. Police Assistance. In issuing an inspection warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the

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described property to remove any person or obstacle and assist the building inspector or representative of the bureau inspecting the property in any way necessary to complete the inspection.

4. Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 5 working days from its date of execution, unless such judge before the expiration of such time extends the time for five days. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

**3.30.080 Stop Work Orders.**

(Amended by Ordinance Nos. 176955, 186564 and 187432, effective December 4, 2015.)

- A. When it is necessary to obtain compliance with this Title, or any violations of provisions administered by the Bureau of Development Services, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not resume until such time as the Director give specific approval in writing. The stop work order will be in writing and will include:
  1. The date of the order is issued;
  2. Permit or registration number, where applicable;
  3. Site address, legal description or project location that is subject to the stop work order;
  4. A description of violations observed; and
  5. The conditions under which the work may resume.
- B. The stop work order will be posted by the Director at a conspicuous location at the site. In addition, a copy of the order will either be personally delivered or sent to the property owner (and any person authorized to act on the owner's behalf, if identified) by regular first-class mail.
- C. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
- D. A stop work order is effective upon posting.
- E. When an emergency condition exists, the Director may issue a stop work order orally. The Director will then issue a written notice as provided under Section A., above, within one working day.

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- F.** The Director may issue a stop work order for work commenced without a required permit.
- G.** The Director may impose a penalty as set forth in the Enforcement Fee and Penalty Schedule adopted by the City Council when a stop work order is issued. The stop work order penalty may be assessed daily for each day the violation or condition giving rise to the order continues.
- H.** Review of Stop Work Order by the Director.
  - 1.** If a property owner (and any person authorized to act on the owner's behalf) has received a stop work order as described in this Section and the property owner (and any person authorized to act on the owner's behalf) believes the order has been issued in error, the property owner (and any person authorized to act on the owner's behalf) may request that the order be reviewed by the Director. The property owner (and any person authorized to act on the owner's behalf) must submit a written request to the Director within 15 calendar days of the date of the order. The written request shall be submitted together with all evidence that supports the request. Work subject to a stop work order may not be resumed until approved according to Subsection A. of this Section. Following review, the Director will issue a written determination. The Director's determination will be served on the property owner (and any person authorized to act on the owner's behalf) by regular mail.
  - 2.** A property owner (and any person authorized to act on the owner's behalf) may appeal the Director's written determination to the Code Hearings Officer in accordance with Portland City Code Chapter 22.10.
  - 3.** Nothing in this Chapter limits the authority of the Director to initiate a code enforcement proceeding under Title 22.

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**CHAPTER 3.32 - BUREAU OF LICENSES**

(Chapter repealed by Ordinance No. 179566,  
effective October 1, 2005.)

**CHAPTER 3.33 - BUREAU OF PLANNING  
AND SUSTAINABILITY**

(Chapter added by Ordinance No. 182671, effective  
May 15, 2009.)

**Sections:**

- 3.33.010 Purpose.
- 3.33.020 Organization.
- 3.33.030 Functions.

**3.33.010 Purpose.**

The purpose of this Chapter is to describe the organization and functions of the Bureau of Planning and Sustainability.

**3.33.020 Organization.**

The Bureau is administered by the Commissioner in charge and led by the Director of Planning and Sustainability. The organizational structure of the Bureau shall be determined by the Director of the Bureau after consultation with the Commissioner in charge.

**3.33.030 Functions.**

(Amended by Ordinance No. 184046, effective September 10, 2010.) The Bureau of Planning and Sustainability is responsible for planning, implementing, and managing complex programs and projects related to sustainability, urban design, land use, and long range planning.

The Bureau of Planning and Sustainability:

- A.** Works with the City Council, Planning and Sustainability Commission, and the community to define shared values and develop a cohesive vision for the future of Portland;
- B.** Maintains, modifies, and updates a Comprehensive Plan to guide the development and redevelopment of the city;
- C.** Ensures that City policies, implementation tools, and zoning designations are consistent with the Comprehensive Plan, the Metro Functional Plan, Statewide Planning Goals, and other requirements. Implementation tools include Title 33, Planning and Zoning, portions of other City Titles, and a range of programs and policies;
- D.** Maintains, modifies, and updates Title 33, Planning and Zoning, and the City Zoning Map;

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- E.** Develops, modifies and updates city sustainability principles, climate protection strategies, and green building and other sustainability policies and programs including sustainable government, renewable energy, energy efficiency, sustainable industries, and sustainable food systems; and evaluates the implementation and effectiveness of these policies and programs;
- F.** Develops, modifies and updates economic, environmental, housing, historic preservation, and community development policies and programs; updates demographic data; advocates for and advances quality sustainable urban design; works to ensure natural resource enhancement; and supports thriving neighborhoods and business communities; and evaluates the implementation and effectiveness of these policies and programs;
- G.** Convenes meetings of the Planning and Development Directors to coordinate planning and development activities of the City of Portland;
- H.** Provides City input into and coordination with regional and statewide planning and development activities;
- I.** Administers the City's solid waste and recycling rules and programs;
- J.** Provides support for:
  - 1.** The activities of the Planning and Sustainability Commission;
  - 2.** The legislative activities of the Portland Historic Landmarks Commission and the Portland Design Commission.
- K.** Carries out other tasks and functions as required by the City Council or Commissioner in Charge.

**CHAPTER 3.34 - BUREAU OF PURCHASES  
AND STORES**

(Chapter repealed by Ordinance No. 174410,  
effective May 3, 2000.)

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**CHAPTER 3.36 - PORTLAND HOUSING  
BUREAU**

(Chapter added by Ordinance No. 186028, effective  
May 15, 2013.)

**Sections:**

- 3.36.010 Purpose.
- 3.36.020 Organization.
- 3.36.030 Functions.

**3.36.010 Purpose.**

The purpose of this Chapter is to describe the duties and responsibilities of the Portland Housing Bureau.

**3.36.020 Organization.**

The Portland Housing Bureau is administered by the Commissioner-in-Charge and led by the Director of the Portland Housing Bureau. The organization is structured to carry out its functions.

**3.36.030 Functions.**

The Portland Housing Bureau is responsible for housing policy, its implementation, and the distribution and oversight of public and other funds that address the housing interests of the City, and related programs and services.

**A. The Portland Housing Bureau:**

1. Works with the City Council, other bureaus, and the community to develop a vision for housing in the City of Portland;
2. Convenes government, community and stakeholders to coordinate planning for addressing homelessness, housing, and related activities;
3. Develops, modifies, evaluates and updates City policy in accordance with planning priorities;
4. Develops, modifies and updates community programs related to housing;
5. Distributes funds in accordance with planning, policy and program priorities to advance the City's interests in housing;
6. Monitors the City's investment in Portland's affordable housing infrastructure for compliance with funding goals and the proactive management of the assets;

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7. Monitors programs funded through the Bureau for compliance with funding goals;
8. Identifies the resources required to support the City's housing policies, programs, and priorities;
9. Provides support for the Portland Housing Advisory Commission (Chapter 3.38);
10. Carries out other tasks and functions as required by the City Council or Commissioner-in -Charge.

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**CHAPTER 3.38 - PORTLAND HOUSING  
ADVISORY COMMISSION (PHAC)**

(Chapter replaced by Ordinance No. 184329,  
effective December 15, 2010.)

**Sections:**

- 3.38.010 PHAC Established.
- 3.38.020 PHAC Mission.
- 3.38.030 Duties.
- 3.38.040 Membership.
- 3.38.050 Staffing.
- 3.38.060 Consolidated Plan Consortium.
- 3.38.070 Cooperation.

**3.38.010 PHAC Established.**

Upon adoption of this ordinance by the City of Portland, the Portland Housing Advisory Commission (PHAC) is established. The PHAC is designated as the primary public forum for discussion of housing policy, strategy, and resources in the City of Portland.

**3.38.020 PHAC Mission.**

The mission of the PHAC is to advise the Director of the Portland Housing Bureau (PHB), the Housing Commissioner, and the Portland City Council on housing and homelessness policy, strategy, and resource issues, promote improvements within the Portland Housing Bureau and the larger housing system, highlight opportunities for influence between the City housing system and other systems, as well as provide a forum for public input on housing and homelessness issues.

**3.38.030 Duties.**

The PHAC is delegated to carry out the following functions:

- A.** Housing Policy and Planning.
  - 1. Provide a sounding board on Portland housing policy issues.
  - 2. Promote improvements within PHB.
  - 3. Identify opportunities where PHB might influence the larger housing system to become more streamlined and to better align system resources, to support PHB's mission.
  - 4. Advise PHB on City priorities for affordable housing development.
  - 5. Monitor and periodically recommend updates to PHB's Strategic Plan.

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6. Monitor and annually recommend updates to the Consolidated Plan Priorities for allocation of federal housing and community development resources.
  7. Recommend annual production and performance goals to carry out PHB's Strategic Plan and the Consolidated Plan.
  8. Press PHB to implement its commitment to equity in all facets of its work.
- B. Budget Review and Recommendations.**
1. Function as the Budget Advisory Committee for the Portland Housing Bureau.
  2. Assist PHB to align its resources from all sources to its mission and priorities.
  3. Identify opportunities for PHB to influence other public agency budgets and proposed work programs in furtherance of its mission.
- C. Resource Development.** Assist PHB to identify and recommend ways to increase the resources available to maintain and expand the supply and availability of affordable housing and necessary support services through new initiatives and programs.
- D. Program Development and Evaluation.**
1. Advise PHB on the effectiveness of housing programs at meeting PHB's mission.
  2. Advise on strategies for investment of public resources in furtherance of the PHB's mission.
- E. Public-Private Partnerships.**
1. Advise PHB on strategies to improve access to public and private sources of financing for affordable housing initiatives. Sources of financing include banks, philanthropic institutions and other socially-motivated investors, the State Housing Trust Fund, Block Grant and entitlement funders, and bond issuing agencies.
  2. Foster housing production by identifying opportunities to streamline the regulatory process.

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3. Actively encourage the support, personal commitment, and participation of highly respected community leaders in furthering the City's affordable housing agenda.

**F. Community and Intergovernmental Relations.**

1. Provide a forum for members of the community to provide comment about community needs and priorities.
2. Advise PHB on its legislative agenda to increase federal and state support for housing and supportive services.
3. Advise PHB on opportunities to coordinate regional housing policy with the Metropolitan Service District and other local governments.
4. Advise PHB on opportunities to coordinate policy development with local housing and social service groups.
5. Assist PHB to extend and deepen its community partnerships.
6. Assist PHB to integrate the perspectives of Urban Renewal Advisory Committees (URACs), and advise it on other ways it can engage the URACs to inform its broader agenda.
7. Periodically review PHB's broader public involvement strategy and implementation to make sure that community members and stakeholders have many opportunities to participate in PHB's work.
8. Advise PHB on its external communications strategy to make sure that it supports PHB's mission.
9. Periodically review PHB's information and referral strategy to make sure that it operates effectively and recommend changes.

**3.38.040 Membership.**

- A. The PHAC shall consist of at least twelve and no more than fifteen members.
- B. The City of Portland shall appoint all members.
- C. Membership appointment shall achieve a balanced citizen-based perspective embracing a high level of knowledge of and expertise in market-rate and rent-restricted housing development and finance, asset management, homeownership, and housing access and stabilization services.

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- D.** Membership appointment shall take into account the income, racial, ethnic, cultural, and geographic diversity of the community.
- E.** Members will be expected to transcend their individual interests and affiliations to focus on the big picture.
- F.** For the initial appointments to PHAC, the following terms will apply: six members shall be appointed for a term of two years; and six for a term of three years.
- G.** All subsequent appointments to the PHAC shall be for terms of two years.
- H.** Members appointed for one two-year term shall be eligible to renew for one additional two-year term.
- I.** Members shall serve without compensation. However, the City may authorize reimbursement of the reasonable expenses of the members for carrying out the work of the PHAC.
- J.** The PHAC shall adopt rules of procedure (bylaws) as necessary for the governance of its proceedings.

**3.38.050      Staffing.**

PHB staff shall be provided for the ongoing functions of the PHAC. The Bureau shall provide notice of PHAC meetings to liaison staff representing the other key implementing and policy agencies in the local housing delivery system.

**3.38.060      Consolidated Plan Consortium.**

The Portland Housing Bureau shall continue to lead the Portland Consortium that includes the City of Gresham and Multnomah County, for the purpose of applying for federal housing and community development entitlement funds, and funding for homeless programs and services. PHB shall also continue to lead the same Consortium in preparing the Analysis of Impediments to Fair Housing and its periodic updates. PHB shall continue to provide staffing for these efforts, according to funding agreements reached among the participating jurisdictions.

**3.38.070      Cooperation.**

All city boards, bureaus, and agencies of any kind shall cooperate with the PHAC and shall provide information at the Commission's request.

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**CHAPTER 3.40 - BUREAU OF GENERAL  
SERVICES**

(Chapter repealed by Ordinance No. 174410,  
effective May 3, 2000.)

**CHAPTER 3.44 - BUREAU OF CIVIC  
AUDITORIUM**

(Chapter repealed by Ordinance No. 173369,  
effective May 12, 1999.)

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**CHAPTER 3.46 - BUREAU OF INSECT  
CONTROL**

**Section:**

3.46.010 County to Perform Duties.

**3.46.010 County to Perform Duties.**

During the terms of a contract presently existing between the City and Multnomah County whereby functions of the City's Bureau of Insect Control are being performed by the County and all Bureau of Insect Control employees are now County employees, the Multnomah County Department of Medical Services shall perform the functions heretofore performed by the Bureau of Insect Control.

**CHAPTER 3.52 - BUREAU OF COMPUTER  
SERVICES**

(Chapter repealed by Ordinance No. 174410,  
effective May 3, 2000.)

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**CHAPTER 3.53 - BUREAU OF RISK  
MANAGEMENT**

(Chapter repealed by Ordinance No. 174410,  
effective May 3, 2000.)

**CHAPTER 3.54 - LOSS CONTROL AND  
PREVENTION**

(Chapter added by Ordinance No. 156028, effective  
May 31, 1984.)

**Sections:**

- 3.54.010 Definitions.
- 3.54.020 OMF Risk Management Division Responsibility and Authority.
- 3.54.030 Bureau Responsibility and Authority.
- 3.54.040 Loss Control and Prevention Advisory Committee - Responsibility and Authority.

**3.54.010 Definitions.**

(Amended by Ordinance No. 158966, effective October 6, 1986.) Unless the context indicates otherwise, words used in this Chapter shall have the following meanings:

- A. “Bureau”** means any City bureau, office, commission, or committee.
- B. “Committee”** means the Loss Control Advisory Committee, consisting of the Risk Manager as Chairperson, the Mayor and each Commissioner, the City Auditor, the City Attorney, the Director of the Office of Fiscal Administration, and the Personnel Director, or their designees.
- C. “Loss Control Program” and “Program”** mean a Citywide program consisting the loss control components of the City’s bureaus. “Loss control component” and “component” mean the written rules, regulations, and plan developed by each bureau and reviewed by the Committee, providing for both procedural and physical risk identification, measurement, and control in the bureau’s activities. Components may address any methods for loss prevention and control, including without limitation, accident reporting, accident review, hearing conservation, eye safety, respiratory protection, vehicular safety, industrial injuries and return to work, personal protective equipment, volunteer coverage, property loss management, and tort early warning.

**3.54.020 OMF Risk Management Division Responsibility and Authority.**

(Amended by Ordinance Nos. 158966 and 181483, effective January 18, 2008.) The OMF Risk Management Division shall have the following responsibility and authority in the area of City loss control and prevention:

- A.** Develop guidelines, instructions, and a model plan to assist bureaus in developing loss prevention and control components;
- B.** On final review by the Committee of components submitted by the bureaus, file the City-wide program with the City Auditor and issue the program for implementation by affected bureaus;

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- C. Advise and assist affected bureaus in the implementation of components or parts thereof;
- D. Monitor the effectiveness of components, and collect, analyze, and report annually to the Committee and City Council data showing the status of the components and the performance of bureaus implementing the components.

**3.54.030 Bureau Responsibility and Authority.**

(Amended by Ordinance Nos. 158966 and 181483, effective January 18, 2008.) Each City bureau shall have the following responsibility and authority:

- A. Develop a written loss control component which shall include detailed and specific objectives, methods, and techniques for preventing injuries, illnesses, and other events leading to workers' compensation, liability, and property loss claims;
- B. Include in the component specific performance objectives to permit monitoring and reporting on the Bureau's performance in reducing claims;
- C. Submit the proposed component to the Committee for review;
- D. On completion of review by the Committee and approval by the OMF Risk Management Division, implement the component;
- E. Annually review its component, make any appropriate revisions, and submit any revisions of the component to the Committee for its review.

**3.54.040 Loss Control and Prevention Advisory Committee - Responsibility and Authority.**

(Added by Ordinance Nos. 158966 and 181483, effective January 18, 2008.) The Loss Control and Prevention Advisory Committee shall have the following responsibility and authority:

- A. In conjunction with bureau managers, develop and propose for approval by the City Council goals for each bureau or appropriate groups of bureaus for the frequency and severity of workers' compensation and liability losses.
- B. Obtain from each bureau its proposed written loss control component;
- C. Review each component to ensure that it is appropriate, adequate, thorough, and consistent with components developed by other bureaus;
- D. Suggest revisions, if appropriate, and return the component to the bureau for consideration or revisions;
- E. Upon final review of components, provide them to the OMF Risk Management Division for approval and implementation by bureaus.

**CHAPTER 3.57 - INDUSTRIAL INJURY  
RETURN TO WORK POLICY**

(Chapter repealed by Ordinance No. 176302,  
effective April 5, 2002.)

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**CHAPTER 3.58 - VEHICLE LOSS CONTROL  
POLICY**

(Chapter repealed by Ordinance No. 176302,  
effective April 5, 2002.)

**CHAPTER 3.60 - ZOO COMMISSION**

(Chapter repealed by Ordinance No. 173369,  
effective May 12, 1999.)

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**CHAPTER 3.62 - BOXING COMMISSION**

**Section:**

3.62.010 Certain City Officials to Render Certain Services.

**3.62.010 Certain City Officials to Render Certain Services.**

(Amended by Ordinance No. 173369, effective May 12, 1999.) The Council finds that by the provisions of ORS Chapter 463 certain functions are to be performed by the Council and certain City officers; now, therefore, the City officials are hereby permitted and authorized to exercise the functions therein stated for and on behalf of the State as herein provided.

**CHAPTER 3.64 - ART COMMISSION**

(Chapter repealed by Ordinance No. 136980,  
effective July 13, 1973.)

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**CHAPTER 3.66 - CIVIC AUDITORIUM  
ADVISORY COMMITTEE**

(Chapter repealed by Ordinance No. 160034,  
effective August 13, 1987.)

**CHAPTER 3.67 - PERFORMING ARTS  
ADVISORY COMMITTEE**

(Chapter added by Ordinance No. 152285, effective  
September 17, 1981.)

**Sections:**

- 3.67.010      Creation and Organization.
- 3.67.020      Procedure and Rules of Committee.
- 3.67.030      Duties.

**3.67.010      Creation and Organization.**

(Amended by Ordinance No. 153332, effective June 9, 1982.) There hereby is created an Advisory Committee to the Commissioner In Charge of the Portland Center for the Performing Arts to be known as the Performing Arts Center Advisory Committee. The Committee shall consist of 13 voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members and shall designate the Chairman. Each member shall serve at the pleasure of the Commissioner In Charge. Upon completion for occupancy of all the facilities composing the Portland Center for the Performing Arts, the Performing Arts Center Advisory Committee shall be disbanded. In case of vacancy by death, incapacity to serve, or resignation, the Commissioner In Charge shall appoint a successor to serve the remainder of the vacant term. The Commissioner In Charge, or that person's representative, shall be an ex officio member of the Committee, but shall not be entitled to vote.

**3.67.020      Procedure and Rules of Committee.**

The Performing Arts Center Advisory Committee shall establish its own rules, bylaws and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold meetings at the call of the Chairman.

**3.67.030      Duties.**

The Performing Arts Center Advisory Committee shall be responsible for raising funds and advising the Commissioner In Charge in the planning, programming, design and construction phases of the Portland Center for the Performing Arts.

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**CHAPTER 3.68 - FORMAL JAPANESE  
GARDEN COMMISSION**

**Sections:**

- 3.68.010 Created.
- 3.68.020 Powers and Duties.
- 3.68.030 Meetings.
- 3.68.040 Officers.
- 3.68.050 Rules - Quorum.
- 3.68.060 Vacancy - Removal.

**3.68.010 Created.**

There hereby is created a Formal Japanese Garden Commission for the City. The Commission shall consist of the Mayor, the Commissioner In Charge of the Bureau of Parks, the President of the Japan Society of Oregon, the President of the Japanese Ancestral Society, the Japanese Consul, and 12 persons appointed by the Mayor. All appointments shall be by the Mayor for 3-year terms, provided, when an interim vacancy occurs the appointment shall be to fill the unexpired term of the position vacated. All members shall serve without compensation.

**3.68.020 Powers and Duties.**

It shall be the duty of the Commission to formulate and submit to the City Council plans for the establishment, maintenance, improvement and promotion of a formal Japanese garden. The Commission shall submit to the Council, not less than every 6 months, a report of its progress and recommendations. The Commission may form subcommittees, appoint unpaid advisors, hold public hearings, encourage the interest of other organizations in its objectives, and engage in similar activities which in its judgment may assist it in making recommendations and promoting the plan, establishment, maintenance and improvement of a formal Japanese garden that will be an attraction enjoyed by the people of Portland and their guests.

**3.68.030 Meetings.**

Each year an annual meeting shall be held. Each Commission member shall serve until the annual meeting of the year in which his term expires, or thereafter until his successor is appointed and qualified. Not less than three interim meetings shall be held each year in addition to the annual meeting. The Chairman of the Commission shall designate the time and place of the annual and interim meetings and the Secretary of the Commission shall give not less than 5 days advance notice thereof to each Commission member.

**3.68.040 Officers.**

A Chairman, Vice Chairman and Secretary shall be elected at each annual meeting of the Commission from among its members. All Commission officers shall serve until the annual meeting next following their election, or thereafter until a successor is elected.

**3.68.050 Rules - Quorum.**

Rules of procedures may be adopted and amended only upon an affirmative vote of eight or more Commission members. Election of officers, removal of members, and regular business of the Commission shall be passed upon by the majority of a quorum. Not less than eight members shall constitute a quorum. Each member shall be entitled to one vote.

**3.68.060 Vacancy - Removal.**

Death, resignation, removal or inability to serve shall constitute a vacancy in the Commission. The Commission may remove any member for cause. Unexcused absence from four consecutive Commission meetings shall constitute cause for removal.

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**CHAPTER 3.70 - PITTOCK MANSION  
ADVISORY COMMISSION**

**Sections:**

- 3.70.010 Created - Terms.
- 3.70.030 Special Committees and Services.
- 3.70.050 Officers.
- 3.70.060 Rules - Quorum.
- 3.70.070 Vacancy.

**3.70.010 Created - Terms.**

There hereby is created a Pittock Mansion Advisory Commission for the City, to which the Mayor, Commissioner In Charge of the Bureau of Parks, and Superintendent of Parks shall be ex officio members. The Commission shall otherwise consist of nine members appointed by the Mayor. The Mayor shall initially appoint two members for 1 year, three members for 2 years, two members for 3 years, and two members for 4 years. Thereafter all appointments shall be by the Mayor for 4-year terms, provided, when an interim vacancy occurs the appointment shall be to fill the unexpired term of the position vacated. All members shall serve without compensation. The term of each such appointment shall be extended as necessary so that the term ends November 1.

**3.70.020 Powers and Duties.**

(Amended by Ordinance No. 154194; repealed by Ordinance No. 167733, effective June 1, 1994.)

**3.70.030 Special Committees and Services.**

Upon request of the Commission, the Mayor may appoint one or more special committees to serve the Commission in an advisory capacity. Secretarial services and office requirements shall be furnished to the Commission by the Bureau of Parks.

**3.70.040 Meetings.**

(Amended by Ordinance No. 154194; repealed by Ordinance No. 167733, effective June 1, 1994.)

**3.70.050 Officers.**

Officers of the Commission shall consist of a Chairman, Vice Chairman, Secretary and Treasurer, elected from its membership at the organizational meeting and at each annual meeting thereafter. All Commission officers shall serve until the annual meeting next following their election or thereafter until a successor is elected.

**3.70.060 Rules - Quorum.**

Rules of procedure may be adopted and amended only upon an affirmative vote of six or more Commission members. Election of officers, removal of members, and regular business of the Commission shall be passed upon by the majority of a quorum. Not less than five members shall constitute a quorum. Each member shall be entitled to one vote.

**3.70.070 Vacancy.**

Death, resignation, removal or inability to serve shall constitute a vacancy in the Commission. The Commission may remove any member for cause. Unexcused absence from four consecutive Commission meetings shall constitute cause for removal.

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**CHAPTER 3.71 - ENVIRONMENTAL  
COMMISSION**

(Chapter added by Ordinance No. 164432; repealed  
by Ordinance No. 167239, effective December 29,  
1993.)

**CHAPTER 3.72 - COMMITTEE ON CLAIMS**

**Sections:**

- 3.72.010 Created - Members - Meetings.
- 3.72.020 Presentation of Claims.
- 3.72.030 Consideration of Claims Not Covered by Insurance.

**3.72.010 Created - Members - Meetings.**

(Amended by Ordinance Nos. 132014 and 163439, effective September 5, 1990.)

- A.** Created. A Committee to be known as the “Committee on Claims” is hereby created for the purpose of considering fair and moral claims against the City not covered by insurance and making recommendations concerning the claims to the City Council.
- B.** Members. This Committee shall consist of two members of the City Council appointed by the Mayor, one of whom shall be designated Chairman, and the City Auditor. The Risk Manager shall meet with the Committee, without power of vote, and serve as Secretary.
- C.** Meetings. The Committee shall meet at times designated by the Chairman.

**3.72.020 Presentation of Claims.**

(Amended by Ordinance No. 163439, effective September 5, 1990.) All fair and moral claims against the City shall be presented to the Risk Manager. Presentation to the Risk Manager shall for all legal purposes be regarded as presentment to the Council of the City. Nothing contained herein shall be construed as repealing or modifying any of the provisions of Sections 1-106 and 1-107 of the Charter.

**3.72.030 Consideration of Claims Not Covered by Insurance.**

(Amended by Ordinance No. 163439, effective September 5, 1990.) The Risk Manager shall investigate and process all fair and moral claims against the City. The Risk manager shall present to the meeting of the Committee on Claims all facts and evidence gathered. The Committee shall make a recommendation on all claims presented and the same shall be transmitted to the Council for their consideration and final decision.

**3.72.040 Claims Covered by Insurance.**

(Repealed by Ordinance No. 163439, effective September 5, 1990.)

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**CHAPTER 3.74 - OATHS OF OFFICE**

**Sections:**

- 3.74.010 Persons Required to Take Oath.
- 3.74.020 Form of Oath for Mayor, Commissioner and Auditor.
- 3.74.030 Form of Oath for Other Officer or Employee.

**3.74.010 Persons Required to Take Oath.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) Each of the following employees shall be required to take an oath of office before entering upon the discharge of his duties, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the Auditor;

- A. Every officer and member of the Bureau of Police, including private, special, temporary, and substitute policemen;
- B. Each officer and member of Portland Fire & Rescue serving on full time and devoting his labor exclusively to the interests of the City; and
- C. Each elected or appointed officer or deputy of the City, including members of boards and commissions.

**3.74.020 Form of Oath for Mayor, Commissioner, and Auditor.**

(Amended by Ordinance No. 168343, effective January 7, 1995.) The form of oath to be taken by the elected officials of the City before entering upon the discharge of their duties shall be substantially as follows:

State of Oregon )  
County of Multnomah ) ss.  
City of Portland )

I, (name), do solemnly (affirm or swear) I will support the Constitutions of the United States and the State of Oregon; Charter of the City of Portland and its laws; I will faithfully, honestly and ethically perform my duties as (Mayor/Commissioner/Auditor); I have no undisclosed financial interest in any business located in Portland or having contracts with the City; I hold no other office or position of profit; and I am not a member of any partisan political committee (; so help me God).

\_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Auditor of the City  
of Portland, Oregon

\_\_\_\_\_  
Deputy

The oath of the Auditor shall be administered by a person having statutory authority under the laws of Oregon to administer oaths.

**3.74.030 Form of Oath for Other Officer or Employee.**

(Amended by Ordinance Nos. 139501 and 168343, effective January 7, 1995.) The form of oath to be taken by appointed City officials shall be substantially as follows:

I, (name), do solemnly affirm I will support the Constitutions of the United States and of the State of Oregon, the Charter of the City of Portland and its laws; I will faithfully, honestly and ethically perform my duties as (office) during my continuance therein.

The wording of the oath may vary, as officials are sworn according to the ceremonies of their own religion or in such manner as each deems binding on his or her conscience.

The oath may be administered by the Auditor, deputy auditor, a notary public, or a magistrate of any court of record in the United States, within their respective jurisdictions. Whenever the oath is administered by a person other than the Auditor or deputy, the credentials of the person administering the oath shall appear thereon, and the oath shall be sent immediately to the Auditor, who shall attest to receipt of the oath.

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**CHAPTER 3.76 - PUBLIC RECORDS**

(Chapter replaced by Ordinance No. 182637,  
effective May 1, 2009.)

**Sections:**

- 3.76.010 Definitions.
- 3.76.020 Purpose.
- 3.76.030 Archives and Records Management Program Creation and Administration.
- 3.76.040 Authority and Duties of the Archives and Records Management Program.
- 3.76.050 Duties of Elected Officials and the Managers of City Agencies.
- 3.76.060 Care of Records.
- 3.76.070 Destruction of Records.
- 3.76.080 Use of Copies.
- 3.76.090 Public Access to Records.

**3.76.010 Definitions.**

In this Chapter, unless the context otherwise requires:

- A. **“Agency”** means a department, bureau, office, commission, board, public corporation or other organizational unit created by the Council of the City of Portland.
- B. **“Record”** or **“City record”** means any recorded information, regardless of physical form or characteristic, prepared, owned, used or retained in connection with the transaction of official business and preserved or appropriate for preservation by an agency as evidence of the organization, function, policies, decisions, procedures, operations or other activities of the City of Portland or because of the informational value in it. The term does not include library and museum material developed or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved solely for convenience of reference, or stocks of publications. These records are public property, subject to Oregon Public Records Law and to the records management requirements established by this Code.

**3.76.020 Purpose.**

The purpose of this Chapter is to provide for the orderly management and care of current City records and to preserve non-current City records of permanent value for administrative, legal, and research purposes.

**3.76.030 Archives and Records Management Program Creation and Administration.**

The City Auditor shall maintain a professional Archives and Records Management Program for the City, and shall be responsible for the maintenance of all City records. The City Auditor shall be the custodian for all permanent records for which an agency has transferred ownership to the Auditor and for all historical records.

**3.76.040 Authority and Duties of the Archives and Records Management Program.**

The Archives and Records Management Program shall:

- A.** Operate the program and the Archives and Records Center facility in accordance with currently accepted archives and records management professional standards;
- B.** Acquire, receive, appraise and secure records of permanent value from agencies of the City of Portland when those records are no longer necessary for conducting current business;
- C.** Acquire, receive, appraise, and secure all records for areas annexed by the City from a county or special district or from a defunct agency of the City of Portland;
- D.** Negotiate for the acquisition and return of City records which have been removed from its possession;
- E.** Secure transfer of records to the Archives when it has been determined that the records are stored under conditions that do not meet the standards established by Archives and Records Management;
- F.** Maintain inventories, indexes, catalogs, and other finding aids or guides to facilitate access to the City Archives;
- G.** Analyze, develop and provide written standards and procedures for the care and maintenance of City records, including those created and/or maintained in electronic format;
- H.** Establish minimum recordkeeping requirements for business systems or applications that maintain official City records;
- I.** Provide access, as defined by State law and City policies, to the records within Archives and Records Management's custodianship;
- J.** Establish procedures for City agencies regarding the identification, segregation, and protection of records vital to continuing operations to comply with the City's emergency preparedness policies;
- K.** Establish standards for City agencies with regard to the appropriate use of record media, accounting for cost, access and preservation;
- L.** Establish procedures for the preparation of records inventories and descriptions; develop records retention schedules for review by the City Auditor and City Attorney and which meet the requirements of Oregon Administrative Rules;

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- M.** Establish procedures for the prompt and orderly disposition of City records for which the state archivist has granted authority to destroy because they no longer possess administrative, legal, or research value to warrant their retention;
- N.** Provide training to City agencies and employees on all aspects of records management.

**3.76.050 Duties of Elected Officials and the Managers of City Agencies.**

Each City elected official and agency manager shall:

- A.** Make and preserve records containing adequate documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency which are designed to furnish the information necessary to protect the legal and financial rights of the City and of persons directly affected by the agency's activities;
- B.** Ensure staff compliance with City records policies and procedures established by Archives and Records Management;
- C.** Work with Archives and Records Management to develop and review records retention schedules for records maintained by the agency;
- D.** Inform Archives and Records Management of any regulatory changes affecting record retention, maintenance or access requirements;
- E.** Notify Archives and Records Management of any program changes that may affect the management of City records, including but not limited to: new agency responsibilities; records that are no longer being created; changes to records maintenance practices;
- F.** Follow established procedures to identify, segregate and protect records vital to the continuing operation of an agency in the event of natural or man-made disaster;
- G.** Ensure that at least one copy of each report, document, study, publication or consultant report prepared at City expense be deposited with the Archives;
- H.** Notify the Archives of records older than 25 years in the agency's possession; transfer control of original records upon notification from the Archives;
- I.** Establish safeguards against unauthorized or unlawful removal, loss or destruction of City records;
- J.** Ensure that City records are maintained in a manner that meets guidelines set by Archives and Records Management for security and environment;

- K.** Designate a management level employee to act as a liaison between the agency and Archives and Records Management on all matters relating to the archives and records management program.

**3.76.060 Care of Records.**

Records of the City of Portland shall be managed according to the provisions of Oregon Revised Statutes, Oregon Administrative Rules and of this Chapter.

**3.76.070 Destruction of Records.**

City records covered by a records retention schedule shall be destroyed according to the parameters set forth in the retention schedule. In general, records shall not be retained beyond their prescribed retention.

**3.76.080 Use of Copies.**

- A.** A public officer performing duties under this Chapter is authorized to copy in any manner which produces a permanent, clear, accurate and durable reproduction of the original record. An original City record which is worn or damaged may be replaced by a reproduction made in accordance with this Chapter. Certification by the City Auditor, City Attorney, Archives and Records Management, or by the agency having custody of the record that the replacement is a true and correct copy of the original shall appear at the end of the reproduction. When original City records are reproduced and placed in conveniently accessible files and provisions are made for preserving and using them for the duration of their legally mandated retention, the originals from which they were made may be destroyed.
- B.** Reproduction or replacement of City records made under this Chapter are admissible in evidence as primary evidence of the original writing.

**3.76.090 Public Access to Records.**

All City records, except for those exempted by law, are available for inspection and copying by the public. The City may require that records use occur during certain business hours and at specified locations, and may charge fees to recover the cost of retrieval and copying.

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**CHAPTER 3.77 - OFFICE OF THE  
OMBUDSMAN**

(Chapter added by Ordinance No. 175568, effective  
July 1, 2001.)

**Sections:**

- 3.77.010 Purpose.
- 3.77.020 Definitions.
- 3.77.030 Office of the Ombudsman.
- 3.77.040 Ombudsman Selection.
- 3.77.050 Qualifications and Prohibitions.
- 3.77.060 Reserved.
- 3.77.070 Removal.
- 3.77.080 Staff and delegation.
- 3.77.090 Reserved.
- 3.77.100 Office Facilities and Administration.
- 3.77.110 Powers and Duties.
- 3.77.120 Investigations of Complaints.
- 3.77.130 Communications with Agency.
- 3.77.140 Communications with Complainant.
- 3.77.150 Procedure after Investigation.
- 3.77.160 Informing Citizens.
- 3.77.170 Reports.
- 3.77.180 Reserved.
- 3.77.190 Duty to Cooperate.
- 3.77.200 Ombudsman Immunities.
- 3.77.210 Reprisals Prohibited.
- 3.77.220 Relationship to Other Laws.
- 3.77.230 Effective Date.

**3.77.010 Purpose.**

The City hereby establishes, in addition to other remedies or rights of appeal, an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to investigate the administrative acts of city agencies and to recommend appropriate changes toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of city services. This office shall be known as the Office of the Ombudsman.

**3.77.020 Definitions.**

In this chapter:

- A. "Administrative act" means an action, failure to act, omission, decision, recommendation, practice, policy or procedure.

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- B.** “Agent or agency” includes any bureau, office, institution, corporation, authority, board, commission, committee of the city, and any officer, employee, or member of the foregoing entities acting or purporting to act in the exercise of their official duties. EXCEPTING: elected officials and their personal staff.
- C.** “City Auditor” refers to the elected City Auditor.
- D.** “City” refers to the City of Portland.
- E.** “City Council” refers to the City’s legislative body comprised of five elected officials, the Mayor, and four City Commissioners.
- F.** “Ombudsman” means the public official appointed by the City Auditor to receive and investigate citizen complaints against administrative acts of City government.
- G.** “Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, and/or the manager, lessee, agent, servant, officer, or employee of any of them;
- H.** "Record" means all records, documents, books, papers, files, photographs, microfilms, sound recordings, video recordings, magnetic storage media, computer data and all other materials, regardless of physical form or characteristics, created, generated, recorded, received, possessed or controlled by or on behalf of any agency.
- I.** “State” refers to the State of Oregon.

**3.77.030 Office of the Ombudsman.**

There is established by the City Council the Office of Ombudsman.

**3.77.040 Ombudsman Selection.**

The City Auditor shall select the Ombudsman in accordance with any applicable civil service regulations and other laws.

**3.77.050 Qualifications and Prohibitions.**

- A.** The Ombudsman shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems pertaining to City regulations, administration, and public policy, and shall have a working knowledge in local government commensurate to the powers and duties of the office. The Ombudsman shall be a registered voter of the United States, and shall hold a degree from an accredited college/university, or its equivalent in service to local government.
- B.** No person may serve as Ombudsman while engaged in any other occupation, business, or profession likely to detract from the full-time performance of his or her duties as Ombudsman or to result in a conflict of interest or an appearance of

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impropriety or partiality. All laws and requirements generally applicable to public employees are applicable to the Ombudsman.

**3.77.060 Reserved.**

**3.77.070 Removal.**

- A. The Ombudsman may be removed from office during his or her term by the City Auditor.
- B. If the position becomes vacant for any reason, the Deputy Ombudsman shall serve as acting Ombudsman until a new Ombudsman has been appointed.

**3.77.080 Staff and Delegation.**

- A. The Ombudsman may appoint a deputy who is accountable to the Ombudsman and other personnel necessary to carry out the provisions of this chapter, when in keeping within the adopted budget for the Ombudsman's Office.
- B. The Ombudsman may delegate to his or her staff members any of his or her duties, unless otherwise specified in this chapter.
- C. The deputy shall succeed to all duties and responsibilities of the Ombudsman, including those specified by ordinance, when he or she is serving as the acting Ombudsman.

**3.77.090 Reserved.**

**3.77.100 Office Facilities and Administration.**

- A. The City shall provide suitable office facilities for the Ombudsman and staff in a location convenient for the public.
- B. The Ombudsman shall annually recommend a budget proposal for submission to the City Auditor, who shall in turn include it in the Auditor's budget submission to the Mayor and City Council.
- C. The Ombudsman shall be located within the City Auditor's office, and be accountable to the City Auditor. The Ombudsman shall have sole discretion in choosing consultants to assist with investigations, and in hiring staff. All administrators shall retain the authority to deny any request which is otherwise contrary to ordinance or which exceeds the city council-adopted budget for the office.

**3.77.110 Powers and Duties.**

The Ombudsman's powers and duties include, but are not limited to the following:

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- A.** To investigate, on complaint or on the Ombudsman's own initiative, any administrative act of an agency, without regard to the finality of the administrative act, if he or she reasonably believes that it is an appropriate subject for review;
- B.** To undertake, participate in or cooperate with persons and agencies in such general studies, conferences, inquiries, meetings, or studies which might improve the functioning of agencies or lessen the risks that objectionable administrative acts will occur;
- C.** To make such inquiries and obtain such reasonable assistance and information from any agency or person as the Ombudsman shall require for the discharge of the Ombudsman's duties; and he or she may without prior notice enter and inspect the premises of any agency. Agencies shall not restrict the Ombudsman's access to agency personnel;
- D.** Notwithstanding any other provision of city law, to have access to and to examine and copy, without payment of a fee, any agency records, including records which are confidential by city law, subject to any applicable state or federal laws. Except, the Ombudsman shall not have access to legally privileged documents held by the City Attorney or Attorney-Client communications held by the City Attorney clients. The Ombudsman shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure;
- E.** To request any person or agency to give sworn testimony or to produce documentary or other evidence that is reasonably relevant to the matters under investigation;
- F.** To maintain confidential any matter related to complaints and investigations to the extent allowable by law, except as the Ombudsman deems necessary to discharge the Ombudsman's duties or as directed by the District Attorney pursuant to a public records request;
- G.** To take appropriate measures to enforce the provisions of this chapter, including issuing reports, submitting recommendations, or seeking Council authorization for legal recourse if necessary to carry out the duties of the Ombudsman Office;
- H.** To adopt, promulgate, amend and rescind rules and regulations required for the discharge of the Ombudsman's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Ombudsman may not levy any fees for the submission or investigation of complaints;
- I.** To insure that a budget for the Office of the Ombudsman is well prepared and administered.

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**3.77.120 Investigations of Complaints.**

- A.** The Ombudsman shall receive complaints from any source concerning any administrative act. He or she may conduct a suitable investigation of a complaint that is an appropriate subject for investigation. An appropriate subject for investigation by the Ombudsman includes any administrative act that the Ombudsman believes might be:
1. contrary to, law, regulation or agency practice;
  2. unreasonable, unfair, oppressive, arbitrary, an abuse of discretion, or unnecessarily discriminatory even though in accordance with law;
  3. based on mistaken facts or irrelevant considerations;
  4. unclear or not adequately explained;
  5. performed in an inefficient or discourteous manner;
  6. otherwise erroneous or objectionable.
- B.** The Ombudsman, at the Ombudsman's discretion, may decide not to investigate a complaint because:
1. the complainant could reasonably be expected to use, or is using, another remedy or channel, or tort claim, for the grievance stated in the complaint;
  2. the complaint relates to a matter that is outside the jurisdiction of the Ombudsman;
  3. the complaint has been too long delayed to justify present examination;
  4. the complainant does not have a sufficient personal interest in, or is not personally aggrieved by, the subject matter of the complaint;
  5. the complaint is trivial, frivolous, vexatious or not made in good faith;
  6. the resources of the Ombudsman's Office are insufficient for adequate investigation;
  7. other complaints are more worthy of attention.
- C.** The Ombudsman shall not investigate matters currently in litigation; covered by collective bargaining agreement grievance procedures; or, employee or applicant discrimination complaints.

- D.** The Ombudsman's declining to investigate a complaint shall not bar the Ombudsman from proceeding on his or her own initiative to investigate an administrative act whether or not included in the complaint.
- E.** The Ombudsman shall protect the confidentiality of complainants or witnesses coming before him or her consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Ombudsman to carry out his or her duties or the disclosure of records is directed by the District Attorney. (See Subsection 3.77.110 F.)
- F.** The Ombudsman shall have the authority to pursue administrative review of responses to complaints through higher authorities within the City.

**3.77.130      Communications with Agency.**

- A.** The Ombudsman may make recommendations to an agency for the resolution of complaints and inquiries in accordance with this chapter.
- B.** In seeking a resolution to a complaint or inquiry the Ombudsman may draw the matter to the attention of any bureau head or division manager, the City Auditor, Mayor, City Commissioner, or the public.
- C.** Before formally issuing a report with a conclusion or recommendation that is significantly critical or adverse to an agency, the Ombudsman shall have consulted with that agency and permitted the agency reasonable opportunity to reply. The Ombudsman may require an agency to notify him or her within a reasonable specified time of any action taken on a conclusion or recommendation. The Ombudsman will provide the opportunity to include with a final report a brief statement by the agency.

**3.77.140      Communications with Complainant.**

- A.** After the Ombudsman has decided whether or not to investigate a complaint, the Ombudsman shall inform the complainant.
- B.** The Ombudsman shall, if requested by the complainant, report the status of his or her investigation to the complainant.
- C.** After investigation of a complaint, the Ombudsman shall inform the complainant of his or her conclusion or recommendation and, if appropriate, any action taken or to be taken by the agency involved.

**3.77.150      Procedure after Investigation.**

- A.** If, after investigation, the Ombudsman is of the opinion that an agency should:

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1. consider the matter further,
2. modify or cancel an act,
3. alter a regulation, ruling, practice, policy or procedure;
4. explain more fully the act in question,
5. rectify an omission, or take any other action,

the Ombudsman shall state any conclusions, recommendations and reasons therefor to the agency. If the Ombudsman so requests, the agency shall, within the time specified, inform the Ombudsman about the action taken on recommendations or the reasons for not implementing them.

- B.** After a reasonable period of time has elapsed, the Ombudsman may issue his or her final conclusions or recommendations to the Auditor, the Mayor and City Commissioners, a grand jury, the public, or any other appropriate authority. The Ombudsman shall include any brief statement the agency may provide if an opportunity to reply is required by this Chapter.
- C.** If the Ombudsman believes that an action has been dictated by laws whose results are unfair or otherwise objectionable, and could be revised by City Council action, the Ombudsman shall notify the City Council and the agency of a desirable statutory change.
- D.** If the Ombudsman believes that any agency official or employee has acted in a manner warranting criminal or disciplinary proceedings, the Ombudsman shall refer the matter to the appropriate authorities without notice to that person.

**3.77.160 Informing Citizens.**

The Ombudsman shall post notices or use other appropriate means to inform citizens of their rights, protections, and availability of services provided for under this Chapter. These notices may include posted notices in public areas; or, electronic postings or links through Internet web sites, including the City web site. Nothing in this section is to be construed as repealing any other provisions of contract, ordinance or law.

**3.77.170 Reports.**

The Ombudsman may from time to time and shall annually report his or her activities to the Auditor and City Council, or any of its committees, to the public and, in the Ombudsman's discretion, to agencies.

**3.77.180 Reserved.**

**3.77.190 Duty to Cooperate.**

City employees shall cooperate with the Ombudsman in the exercise of his or her powers, and shall not mislead or attempt to mislead an Ombudsman's inquiry.

**3.77.200 Ombudsman Immunities.**

To the extent allowable by law, the Ombudsman and staff shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of their official duties except as may be necessary to enforce this Chapter.

**3.77.210 Reprisals Prohibited.**

No person who files a complaint or participates in any investigation or proceeding pursuant to this chapter shall be subject to any penalties, sanctions or restrictions in connection with his or her employment or be denied any right, privilege, or benefit because of such action.

**3.77.220 Relationship to Other Laws**

The provisions of this Chapter are in addition to and do not in any manner limit or affect any other provisions of law under which any remedy or right of appeal is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter. The powers conferred on the Ombudsman may be exercised notwithstanding any provision of law to the effect that any administrative action shall be final or unappealable.

**3.77.230 Effective Date**

This Act shall take effect on July 1, 2001.

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**CHAPTER 3.78 - ACQUISITION OF COUNTY  
PROPERTY FOR PARK PURPOSES**

**Sections:**

- 3.78.010 Authorization for Payment.
- 3.78.020 Title Reports.
- 3.78.030 Clearing of Title.
- 3.78.040 Retaining Property with Cloud on Title.

**3.78.010 Authorization for Payment.**

(Amended by Ordinance No. 173369, effective May 12, 1999.) In all cases, past, present or future, in which an ordinance provides for the acquisition of park property from Multnomah County and where Multnomah County does not furnish an abstract or title insurance, the City Auditor is hereby authorized to draw and deliver a check in favor of Multnomah County for the amount to be paid for the deed from the county unless such ordinance indicates specifically a purpose to disregard this Chapter and thereupon the Auditor shall submit the matter to the City Attorney.

**3.78.020 Title Reports.**

The City Attorney hereby is authorized to obtain a policy of title insurance covering any particular parcel or parcels of property purchased in the past or in the future from Multnomah County for park and playground purposes. The expense of such title reports shall be chargeable to the public recreational areas fund.

**3.78.030 Clearing of Title.**

The City Attorney hereby is authorized to initiate and prosecute whatever legal action is necessary in his opinion to clear the title to any property covered by this Chapter and in any case, past, present or future, where he deems it necessary. Any expense incident thereto shall be chargeable to the public recreational areas fund.

**3.78.040 Retaining Property with Cloud on Title.**

Authority is hereby granted to accept and retain any property covered by this Chapter that has cloud on the title when and if the City Attorney renders an opinion that such cloud on title is not be deemed in imminent hazard.

**CHAPTER 3.80 - SPECIAL PERMITS**

**Sections:**

3.80.010 Operations to Cease Upon Expiration of Permit.

3.80.020 Use of Park Property for Private Gardening Purposes.

**3.80.010 Operations to Cease Upon Expiration of Permit.**

It is unlawful for any person, who has been granted a special permit, whether under any special code or not, to continue to operate under the terms of the permit after the date on which the special permit, by its terms, expires. All persons to whom such a special permit has been granted by the Council shall come within the terms of this provision and comply herewith immediately after the expiration of the special permit by ceasing the operations allowed under the terms of the special permit.

**3.80.020 Use of Park Property for Private Gardening Purposes.**

Park property not needed by the City for development may be used by private parties for gardening purposes by obtaining a special permit. The bureau of parks is authorized to issue revocable permits for such purpose and shall impose such conditions as are necessary and advisable to protect the interests of the City.

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**CHAPTER 3.82 - OFFICER AND EMPLOYEE  
BONDS**

**Sections:**

- 3.82.010 Exceptions.
- 3.82.020 Bond of the City Treasurer.
- 3.82.030 City Auditor's Bond.

**3.82.010 Exceptions.**

All officers and employees, including the City Auditor, but not including the Mayor and City Commissioners, shall furnish a bond or bonds protecting the City against dishonesty, which bond or bonds shall be in the amount of \$10,000 per employee, with a further bond or bonds written as excess in the amount of \$40,000 per employee. Such bond or bonds shall run to the City, and the premium shall be paid by the City.

**3.82.020 Bond of the City Treasurer.**

The City Treasurer shall furnish a bond conditioned upon the faithful performance of his duties in the sum of \$100,000, which bond shall run to the City and the premium shall be paid by the City.

**3.82.030 City Auditor's Bond.**

The Auditor of the City shall furnish, in addition to the honesty bond provided above, a faithful performance bond in the sum of \$50,000, conditioned upon the faithful performance of his duties, which bond shall run to the City and the premium shall be paid by the City.

**CHAPTER 3.84 - CITY OWNED MOTOR  
VEHICLE ACCIDENT REPORTS**

**Sections:**

- 3.84.010 Filing of Accident Report.
- 3.84.020 Form of Report.
- 3.84.030 Repair Shop Report.
- 3.84.040 Repair.
- 3.84.050 Billing of Charges.

**3.84.010 Filing of Accident Report.**

(Amended by Ordinance No. 165594, effective July 8, 1992.) In addition to the requirements of ORS 813, accident reports shall be filed:

- A. Whenever any motor vehicle belonging to the City, whether being operated by a City employee or not, becomes involved in an accident resulting in injury or death to any person or damage to the City vehicle or property of another, the operator of the City vehicle or the person to whom the vehicle is assigned or chargeable, shall, not later than the next normal day of business following the date of the accident, forward a complete written report of such accident, in triplicate, to the Bureau of Property Control upon forms furnished by the City. The Property Control Officer shall forward one copy of every report so filed, to the office of the City Attorney not later than the next normal day of business following the day of the filing;
- B. Whenever the original report and duplicate is insufficient in the opinion of the Property Control Officer of the City Attorney, supplemental reports of accidents may be required of the person or persons chargeable therefor;
- C. Whenever the driver of a vehicle involved in an accident is injured thereby so as to be incapable of making a required accident report and there was another City employee occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause the report to be made.

**3.84.020 Form of Report.**

The Bureau of Property Control shall prepare or otherwise provide, and upon request supply to the various departments and bureaus of the City, forms for accident reports required in Section 3.84.010. The report shall call for sufficiently detailed information to disclose with reference to an accident involving a City owned motor vehicle, the cause, conditions then existing, and the persons and property involved.

**3.84.030 Repair Shop Report.**

The person in charge of the bureau repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident, shall report in writing to the Bureau of Property Control not later than the next normal day of business after such motor vehicle

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is received, giving the City property number of such vehicle, department, and a general description of the damage.

**3.84.040 Repair.**

Every City owned motor vehicle damaged as defined in the subdivision (1) of Section 3.84.010 shall be removed to the municipal shop for repairs as soon as conveniently possible following the accident, but in no event more than 7 days thereafter; provided, however:

- A. That no vehicle shall be repaired without prior authorization of the Commissioner In Charge of the bureau to which the vehicle is assigned, or his authorized representative, except in the event of emergency whereupon the said Commissioner shall be notified within 72 hours of all such work done; and
- B. In no event shall any vehicle be repaired by other than a City owned and operated repair shop unless and until the Purchasing Agent of the City shall have first obtained at least three independent estimates of cost of repair, and in such event the repair work shall be awarded to the lowest responsible bidder.

**3.84.050 Billing of Charges.**

No request for billing of charges for repair of motor vehicles damaged as defined in this Chapter shall be forwarded to the Auditor as in Section 5.48.040 provided, until the validity thereof based upon determination of liability shall have first been approved by the City Attorney.

**CHAPTER 3.86 - GOLF ADVISORY  
COMMITTEE**

(Chapter added by Ordinance No. 133195, effective  
September 20, 1971.)

**Sections:**

- 3.86.010 Created - Organization.
- 3.86.020 Procedure and Rules.
- 3.86.030 Duties.

**3.86.010 Created - Organization.**

(Amended by Ordinance Nos. 169770, 178253, 178935 and 186275, effective November 1, 2013.) There hereby is created an advisory committee to the Commissioner-in-Charge and Director of Parks to be known as the Golf Advisory Committee, consisting of ten voting members who shall serve without compensation. Members will however be entitled the use of each of the City's golf facilities, up to 4 times per year at no charge. Following each committee member visit to one of the golf facilities on this basis, he/she will be required to document the business purpose of the visit on a GAC Visit Form provided by the City. The Commissioner-in-Charge shall appoint the members of the Committee, the members to serve for a term of three years and may serve two consecutive terms. The Commissioner-in-Charge shall seek, to the extent feasible, to promote socio-economic diversity in appointments to the Committee, and, in order to accomplish or promote such diversity, may authorize, in the Commissioner's sole discretion, complimentary use of the City's golf facilities in addition to that provided to Committee members under this Section. The requirement of this Section that members document the business purpose of their free use of golf facilities shall apply to such additional use authorized by the Commissioner. The Commissioner-in-Charge or his/her representative shall be an ex-officio member of the Committee.

**3.86.020 Procedure and Rules.**

(Amended by Ordinance No. 169770, effective March 8, 1996.) The Golf Advisory Committee shall establish operating rules, bylaws, and procedures for all matters for consideration or action by the Committee, subject to the approval of the City Attorney. The Committee shall hold meetings at such time as is set by the body and at any other time at the call of the Committee Chair.

**3.86.030 Duties.**

(Amended by Ordinance Nos. 169770 and 186275, effective November 1, 2013.) The Golf Advisory Committee duties shall include, but not be limited to advising the Commissioner-in-Charge and the Director of Parks regarding the following areas: Golf Program budget review, review of the golf Program's Capital Improvement Program; review of golf concession contracts and proposals; review of the development, and monitoring of, the Golf Program's Strategic Plan, the marketing of the municipal Golf System; maximization

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and use of Golf System revenue. The Golf Advisory Committee shall make an annual written report to the Commissioner-in-Charge, the Director of Parks and to the Council.

**CHAPTER 3.88 - INVESTMENT ADVISORY  
COMMITTEE**

(Chapter added by Ordinance No. 135093; amended  
by 143470 and 151419, effective April 16, 1981.)

**Sections:**

- 3.88.010 Created - Organization.
- 3.88.020 Procedure and Rules.
- 3.88.030 Duties.

**3.88.010 Created - Organization.**

(Amended by Ordinance Nos. 167877 and 181483, effective January 18, 2008.) There hereby is created an advisory committee to the Commissioner In Charge, the Director of the Office of Management and Finance and the city Treasurer to be known as the Investment Advisory Committee. The Committee shall consist of a minimum of three public members who shall serve without compensation. The Commissioner In Charge, with approval by the Council, shall appoint the public members of the Committee to serve for 2-year terms that are renewable. The Debt Manager shall be an ex officio member of the Committee. In case of the resignation, death or inability to serve of any member, the Commissioner may appoint a successor to serve out the unexpired term subject to approval by the Council.

**3.88.020 Procedure and Rules.**

(Amended by Ordinance Nos. 167877 and 181483, effective January 18, 2008.) The Investment Advisory Committee shall establish its own rules, bylaws and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold at least three meetings per year at such times as is set by the body and at any other time at the call of the Chair. The Office of Management and Finance shall provide clerical staff.

**3.88.030 Duties.**

(Amended by Ordinance Nos. 167877 and 181483, effective January 18, 2008.) The Investment Advisory Committee shall advise the Commissioner In Charge, the Director of the Office of Management and Finance, the City Council and the City Treasurer of the City on: investment policies and investment practices of the City; maximum bank balances to be maintained by the City; and such other investment matters as the Commissioner in Charge of the Office of Management and Finance, the City Council or the Director of the Office of Management and Finance may request.

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**CHAPTER 3.90 - OFFICE OF MANAGEMENT  
SERVICES**

(Chapter repealed by Ordinance No. 174410,  
effective May 3, 2000.)

**CHAPTER 3.92 - BUREAU OF HUMAN  
RESOURCES**

(Chapter repealed by Ordinance No. 174410,  
effective May 3, 2000.)

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**CHAPTER 3.94 - OFFICE OF PLANNING  
AND DEVELOPMENT**

(Chapter amended by Ordinance No. 147789  
effective June 23, 1979 through June 30, 1982.)

**CHAPTER 3.95 - BUREAU OF ECONOMIC  
DEVELOPMENT**

(Chapter repealed by Ordinance No. 173369,  
effective May 12, 1999.)

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**CHAPTER 3.96 - OFFICE OF  
NEIGHBORHOOD INVOLVEMENT**

(Chapter replaced by Ordinance No. 179418,  
effective August 12, 2005.)

**Sections:**

- 3.96.010 Purpose.
- 3.96.020 Definitions.
- 3.96.030 Neighborhood Associations.
- 3.96.040 Functions of District Coalitions.
- 3.96.050 Responsibility of City Agencies.
- 3.96.060 Responsibilities of the Office of Neighborhood Involvement.

**3.96.010 Purpose.**

This chapter creates a framework by which the people of the City of Portland may effectively participate in civic affairs and work to improve the livability and character of their Neighborhoods and the City. This Chapter sets out the basis for City recognition of Neighborhood Associations, District Coalitions, and the responsibilities and benefits accruing thereto. This chapter also sets out the basis for city acknowledgement of Business District Associations and the responsibilities accruing thereto. This chapter also creates the Office of Neighborhood Involvement and sets out its functions, duties and responsibilities. Nothing in this Chapter shall limit the right of any person or group to participate directly in the decision making processes of the City Council or of any City agency.

**3.96.020 Definitions.**

As used in this Chapter the following terms have the meanings given them in this Section.

- A. **Neighborhood:** A geographically contiguous self-selected community.
- B. **Neighborhood Association:** An autonomous organization formed by people for the purpose of considering and acting on issues affecting the livability and quality of their Neighborhood, formally recognized by the Office of Neighborhood Involvement, and subject to Chapter 3.96.
- C. **District Coalition:** An organization which supports participation services for Neighborhood Associations and everyone within a geographically defined area, and is subject to Chapter 3.96.
  - 1. **Non-Profit District Coalition:** An independent non-profit corporation directed by a board which is primarily composed of representatives from its member Neighborhood Associations.

2. City--Staffed District Coalition: An office partially or fully staffed by City personnel to provide neighborhood services as advised by the participating Neighborhood Associations.
- D. Business District Association:** An autonomous non-profit organization with membership guidelines in its bylaws formed by people in business within a defined geographic boundary for the purpose of promoting the general well-being of their business community. A Business District Association is subject to Chapter 3.96.
- E. Office of Neighborhood Involvement:** An agency of the City of Portland, whose purpose is to facilitate citizen participation and improve communication among citizens, Neighborhood Associations, non-profit District Coalitions/City-staffed District Coalitions, City agencies, and other entities. The Office of Neighborhood Involvement is subject to these Standards.
- F. City agency:** Includes all departments, bureaus, offices, boards and commissions of the City of Portland.
- G. Standards:** Regulations adopted by City Council that govern Neighborhood Associations, District Coalitions, Business District Associations and the Office of Neighborhood Involvement.

**3.96.030 Neighborhood Associations.**

- A. Minimum Standards for Neighborhood Associations.** To receive and maintain formal recognition, Neighborhood Associations shall meet the Standards for neighborhood public involvement.
- B. Functions of Neighborhood Associations.** A Neighborhood Association may engage in, but is not limited to the following:
1. Make recommendation(s) concerning a particular action, policy or other matter to any City agency on any topic affecting the livability, safety and economic vitality of the Neighborhood, including but not limited to land use, housing, community facilities, human resources, social and recreational programs, traffic and transportation, environmental quality and public safety; and,
  2. Assist City agencies in determining priority needs of the Neighborhood; and,
  3. Review items for inclusion in the City budget and make recommendations relating to budget items for Neighborhood improvement; and,
  4. Undertake projects and activities deemed appropriate by the Neighborhood Association; and,

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5. Cooperate with other Neighborhood Associations and ONI to create District Coalitions.

**C. Responsibilities of Neighborhood Associations.**

1. Neighborhood Associations shall abide by the Standards established by the Office of Neighborhood Involvement.
2. Neighborhood Associations shall make a reasonable effort to include affected City agencies in planning activities which affect Neighborhood livability.

**D. Benefits to Neighborhood Associations.**

1. Any Neighborhood Association meeting the minimum requirements established by 3.96.030, upon request, is entitled to formal recognition and benefits from the Office of Neighborhood Involvement pursuant to the adopted Standards.
2. If a Neighborhood Association fails to meet the minimum requirements of 3.96.030, the Office of Neighborhood Involvement may, pursuant to the adopted Standards, suspend partial or all benefits to that Neighborhood Association and may ultimately revoke formal recognition of that Neighborhood Association.

**3.96.040 Functions of District Coalitions.**

A District Coalition shall:

- A. Provide training and orientation, information and support services to Neighborhood Associations within the areas of Neighborhood Associations served;
- B. Facilitate communication between people and government;
- C. Promote public participation within the areas of Neighborhoods served on issues of livability, safety and public policy;
- D. Promote, encourage and support the participation of members of diverse communities within the areas of Neighborhoods served;
- E. Administer contracts or memorandums of understanding and operate the District Coalition in accordance with the adopted Standards; and
- F. Abide by the Standards established by the Office of Neighborhood Involvement.

**3.96.050 Responsibility of City Agencies.**

- A. City agencies shall notify all Neighborhood Associations affected by planning efforts or other actions affecting the livability of the Neighborhood(s).
- B. City agencies shall include affected Neighborhood Associations and District Coalitions in planning efforts which affect neighborhood livability.
- C. Notice of pending policy decisions affecting neighborhood livability shall be given to the Neighborhood Association(s) affected at least 30 days prior to final action on the decision by a City agency. If said 30 day period may injure or harm the public health, safety, welfare, or result in a significant financial burden to the City, this notice provision shall not apply.

**3.96.060 Responsibilities of the Office of Neighborhood Involvement.**

(Amended by Ordinance Nos. 186216 and 187359, effective September 30, 2015.) There is hereby established and created an Office of Neighborhood Involvement which shall consist of a Director and such other employees as the Council may from time to time provide. In order to facilitate participation and improved communication between the public, Neighborhood Associations, Business District Associations, District Coalitions and the City, the Office of Neighborhood Involvement shall:

- A. Assist Neighborhood Associations, District Coalitions and others in planning and developing programs for public involvement, crime prevention, dispute resolution and budget review;
- B. Act as an information clearinghouse and resource to Neighborhood and Business Associations, other groups and the public;
- C. Notify interested persons of meetings, hearings, elections and other public participation events of the Office of Neighborhood Involvement neighborhood system;
- D. Enter into, monitor, administer contracts, and memorandums of understanding for Neighborhood Associations through District Coalitions;
- E. Promote and facilitate open communication and notification from City agencies to Neighborhood Associations, District Coalitions, and Business District Associations, promote and facilitate communication amongst City agencies about public involvement best practices and policy;
- F. Support and promote public involvement within the Neighborhood Association framework;
- G. Adopt and revise such Standards as are deemed necessary for the implementation of this Chapter and for orderly public involvement in City government through

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Neighborhood Associations and District Coalitions. In so doing, the Office of Neighborhood Involvement shall seek representation from Neighborhood Associations, District Coalitions, Business District Associations, diverse community interests, city agencies that engage in considerable public involvement activities, and other interested people as necessary;

- H.** Pursuant to the adopted Standards, formally recognize a Neighborhood Association and/or acknowledge a Business District Association. If a Neighborhood Association or Business District Association fails to meet the minimum requirements of chapter 3.96, the Office of Neighborhood Involvement may suspend partial or all benefits and may ultimately revoke formal recognition of a Neighborhood Association or acknowledgement of a Business District Association;
- I.** Promote, encourage and support diverse and multicultural public involvement;
- J.** Establish open and fair grievance procedures for Neighborhood Associations, District Coalitions, and the Office of Neighborhood Involvement;
- K.** Establish open meetings and public records standards for Neighborhood Associations and District Coalitions;
- L.** Administer and enforce City Code Title 18, Noise Control; and
- M.** Other duties as assigned to the Office by Council.

**CHAPTER 3.98 - TOWING BOARD OF  
REVIEW**

(Chapter added by Ordinance No. 138941, effective  
October 10, 1974.)

**Sections:**

- 3.98.010 Created - Organization.
- 3.98.020 Procedure and Rules.
- 3.98.030 Staff.
- 3.98.040 Contracts - Rates.
- 3.98.050 Eligibility.
- 3.98.060 Powers of Board.
- 3.98.080 Appeals.

**3.98.010 Created - Organization.**

(Amended by Ordinance Nos. 143364, 149583, 157639, 168911, 172488 and 186746 effective August 6, 2014.)

- A.** There hereby is created a Towing Board of Review, hereinafter referred to as the Board, consisting of eight voting members and two nonvoting members. A quorum of the Board shall consist of five voting members.
- B.** The voting members of the Board shall be: the Director of the Portland Bureau of Transportation or an appropriate designee; the Executive Director of the Port of Portland or appropriate designee; the Chief of Police or an appropriate designee; the Traffic Engineer or appropriate designee; the Sheriff of Multnomah County or an appropriate designee; and three members of the general public with no affiliation with the towing industry, appointed by the Mayor, subject to confirmation by the City Council to serve for a period of 2 years. The Mayor shall designate one of the eight voting members to serve as the Chair, who shall so serve at the Mayor's pleasure.
- C.** The two nonvoting members shall be representatives of the towing industry appointed by the Mayor to serve for 1 year subject to confirmation by the Council.
- D.** All members of the Board shall serve without pay, except that they may receive their regular salary during the time spent on matters of the Board. A vacancy on the board shall be filled in accordance with the appointment procedures described above.
- E.** If any member of the Board is absent from more than three regularly scheduled meetings of the Board during a single calendar year, without having notified the Chair in advance of such absence, such member shall be deemed to have resigned

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from the Board and the position shall thereafter be vacant and subject to appointment.

**3.98.020 Procedure and Rules.**

The Towing Board of Review shall establish its own rules and bylaws, and provide the procedure for all matters for consideration or action by the Board.

**3.98.030 Staff.**

(Amended by Ordinance Nos. 153508, 157639 and 186746, effective August 6, 2014.) The Portland Bureau of Transportation shall provide staff and appropriate assistance for the Board.

**3.98.040 Contracts - Rates.**

- A.** The Board shall determine the terms and content of the contracts the City will abide by in contracting for dispatching and towing services.
- B.** The Board is empowered to hold public hearings to establish a fair rate of payment to be received for service performed under the various towing contracts and to determine the payment each towing company shall make to the dispatcher for services rendered.

**3.98.050 Eligibility.**

(Amended by Ordinance No. 153508, effective August 2, 1982.) The Towing Board of Review shall establish the terms, conditions, and contents of the City towing contracts, and the terms, conditions, and methods of selecting towing companies eligible for such contracts and able and willing to perform in accordance with the terms thereof, and shall certify to the Council the towing companies thereby eligible for a towing contract with the City.

**3.98.060 Powers of Board.**

The Board shall be responsible for reviewing the performance of the City's towing service contracts and to recommend to the Council any changes it feels necessary to promote the general purpose of establishing fair and equitable arrangements for the performance of tows requested by City personnel and the board shall be empowered to act on behalf of the City to:

- A.** Oversee the operation of and inspect the equipment and personnel qualifications of all parties contracting with the City for towing or dispatching service to determine if they are in compliance with their contracts; and hear and investigate complaints regarding the City's towing contracts and the performance thereof.
- B.** Establish dispatching district boundaries and lists of towing companies within each district eligible to be dispatched for tows:
  - 1.** In establishing district boundaries, the Board shall consider;



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**CHAPTER 3.99 - FAIR WAGE POLICIES**

(Chapter added by Ordinance No. 174839, effective  
August 24, 2000.)

**Sections:**

- 3.99.005 Policy.
- 3.99.010 Covered Services and Agreements.
- 3.99.015 Compliance.
- 3.99.020 Adjustments.
- 3.99.030 Documentation of Fair Wage in Contracts.

**3.99.005 Policy.**

(Amended by Ordinance No. 187124, effective May 13, 2015.) It is the policy of the City of Portland that employees performing certain categories of work under formal contracts for janitorial services, for security services, and for parking garage attendant services with the City of Portland be guaranteed a minimum fair wage. City bureaus and operating units have the discretion to implement this policy in a reasonable manner.

**3.99.010 Covered Services and Agreements.**

(Amended by Ordinance No. 187124, effective May 13, 2015.) The Fair Wage Policy applies to formal contracts entered into by the City of Portland, in accordance with Portland City Code 5.33, for janitorial services, for security services, or for parking garage attendant services. No other agreement or contract entered into by the City of Portland shall be covered by this Chapter.

Exceptions to this Section may be approved via ordinance by a vote of the Council.

**3.99.015 Compliance.**

(Amended by Ordinance No. 187124, effective May 13, 2015.) City of Portland bureaus or operating units entering into contracts for covered services shall include the minimum hourly wage rate established in PCC 3.99 in all procurement announcements and resulting contracts. Contractors' compliance with the minimum wage requirements shall be monitored through submission of monthly certified payroll, mandatory employee notification of minimum wage rates via on-site postings, designation of bureau staff responsible for compliance monitoring and complaint resolution, and other measures deemed appropriate by the City bureau or operating unit. Contracts entered into by the City for covered services shall also include a non-retaliation clause protecting workers who assert wage claims based on this Chapter.

**3.99.020 Adjustments.**

(Amended by Ordinance No. 187124, effective May 13, 2015.) The fiscal year 2015-16 minimum wage shall be \$15 per hour. The Office of Management and Finance shall provide City bureaus with a yearly minimum hourly wage rate for covered services which is anticipated to be adjusted annually by the change in the Portland-Salem OR WA CPI-W as provided by the City Economist. The adjustment shall be effective for all contracts on

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July 1 of each year. In determining the adjustment amount, the Office of Management and Finance shall take into account the City's overall financial picture, and OMF shall not interpret this Code to require any increase which is inconsistent with the City's financial health and capabilities.

**3.99.030 Documentation of Fair Wage in Contracts.**

(Added by Ordinance No. 187124, effective May 13, 2015.) Contracts entered into by the City for covered services shall include in the agreement the minimum hourly wage rate at the time the contract becomes effective and at the annual adjustment date of July 1. For agreements and contracts not subject to Section 3.99.010, the City shall not rely upon, nor reference, this Chapter 3.99 in those agreements.

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**CHAPTER 3.100 - EQUAL OPPORTUNITY**

(Chapter replaced by Ordinance No. 144724,  
effective November 10, 1977.)

**Sections:**

- 3.100.005 City Policies Relating to Equal Employment Opportunity, Affirmative Action and Civil Rights.
- 3.100.030 Contractor Equal Employment Opportunity Program.
- 3.100.041 Contracts with City.
- 3.100.042 Certification of Contractors.
- 3.100.043 Information Required.
- 3.100.044 Compliance Review.
- 3.100.045 Denial, Suspension, Revocation.
- 3.100.050 Nondiscrimination in Contracting.
- 3.100.051 Policy regarding Benefits.
- 3.100.052 Definitions.
- 3.100.053 Discrimination in the provision of benefits prohibited.
- 3.100.054 Limitations.
- 3.100.055 Power and duties of the Director.
- 3.100.056 Severability of Provisions.
- 3.100.060 Grant Equal Opportunity Compliance Program.
- 3.100.061 Definitions.
- 3.100.062 Purpose.
- 3.100.063 Responsibility.
- 3.100.064 Compliance Monitoring.
- 3.100.065 Rules and Regulations.
- 3.100.080 Minority/Female Purchasing Program.
- 3.100.081 Definitions.
- 3.100.082 Purpose.
- 3.100.083 Liaison Officer.
- 3.100.084 Minority/Female Business Enterprise List.
- 3.100.085 Advertising.
- 3.100.086 Minority/Female Purchasing Associations.
- 3.100.087 Monitoring.
- 3.100.088 Certification.
- 3.100.089 Rules and Regulations.

**3.100.005 City Policies Relating to Equal Employment Opportunity, Affirmative Action and Civil Rights.**

(Substituted by Ordinance No. 165383; amended by Ordinance No. 171993, effective February 11, 1998.) The City of Portland has a compelling governmental interest in prohibiting discrimination in programs, activities, services, benefits and employment whether carried out by the City itself or through a contractor with whom the City arranges to carry out its programs and activities. In addition to provision found elsewhere in this

Code, provisions relating to equal employment opportunity, affirmative action and civil rights are specifically to be found in Chapter 4.02 and Chapter 23.01. The City of Portland's policies and programs relating to affirmative action are contained in its annual Affirmative Action Plan. Individual City bureaus may have specific programs designed to further the broad goals of equal employment opportunity, affirmative action and civil rights. It is unlawful to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation or source of income in programs, activities, services, benefits, and employment whether carried out by the City of Portland, directly or through a contractor or any other entity with whom the City of Portland arranges to carry out its programs and activities except as allowed by federal law, rules and regulations.

- 3.100.010 Affirmative Action Program.**  
(Repealed by Ordinance No. 165383, effective April 29, 1992.)
- 3.100.011 Definitions.**  
(Repealed by Ordinance No. 165383, effective April 29, 1992.)
- 3.100.012 Policy.**  
(Repealed by Ordinance No. 165383, effective April 29, 1992.)
- 3.100.013 Objectives.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.014 Management Commitment.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.015 Regulatory Committee.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.016 Bureau EEO Advisory Committees.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.017 Reports and Audits.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.018 Complaints of Discrimination.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.019 Sanction.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)
- 3.100.020 Rules and Regulations.**  
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

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**3.100.021 Identification of Handicapped.**

(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

**3.100.022 Management Commitment.**

(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

**3.100.023 Objectives.**

(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

**3.100.030 Contractor Equal Employment Opportunity Program.**

**3.100.031 Definitions.**

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

**3.100.032 Contracts with the City.**

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

**3.100.033 Franchises.**

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

**3.100.034 Certification of Contractors.**

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

**3.100.035 Rules and Regulations.**

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

**3.100.036 Compliance by Contractors.**

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

**3.100.037 Denial or Revocation of Certification.**

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

**3.100.038 Compatibility with Other Rules.**

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

**3.100.039 State of Emergency.**

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

**3.100.040 Exemptions.**

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

**3.100.041 Contracts with City.**

(Added by Ordinance No. 171418, effective July 23, 1997.)

- A. Equal Opportunity Employer.** An “Equal Employment Opportunity Employer” (“EEO Employer”) is one who does not engage in the discrimination prohibited by

Section 3.100.005 of this Code and who is certified by the Bureau of Purchases as an EEO Employer.

- B. Contracts with EEO Employers.** The City has a compelling governmental interest to ensure that it is neither an active nor passive participant in legally prohibited discrimination. Therefore, the City will award contracts only to EEO Employers and will require that any subcontract to such contract be awarded to an EEO Employer. Any person, vendor, contractor, or entity of any type must be certified as an EEO Employer in order to be eligible to be awarded any contract from the City, unless the amount of all their contracts with the City total less than \$2,500 in any single fiscal year or unless the contractor has been exempted from such requirements as determined by the Bureau of Purchases. As used in the Code provisions regarding EEO Employers, the term “contractor” shall include all persons, contractors, vendors and entities who are required to obtain certification. In addition, all persons, vendors or entities that wish to be subcontractors on City awarded contracts shall be certified as EEO Employers unless the total of their subcontracts is less than \$2,500 in any single fiscal year or unless the subcontractor has been exempted from such requirements as determined by the Bureau of Purchases.
- C. Contracts Voidable.** Any contract between the City and a contractor who is not EEO certified or exempt from EEO certification requirements is voidable at the option of the City, regardless of whether the contractor was EEO certified when the contract was awarded or executed. Similarly, a contract is voidable if the contractor subcontracts a portion of the work to a subcontractor or supplier that is not EEO certified or exempt from EEO certification requirements.

**3.100.042 Certification of Contractors.**

(Added by Ordinance No. 171418, effective July 23, 1997.) The Bureau of Purchases is delegated the authority to adopt rules and regulations to establish criteria for certification, conditional certification, decertification, revocation, suspension and denial of EEO status to Contractors and Subcontractors, to administratively implement this program, to investigate complaints of prohibited discrimination, to conduct compliance reviews, and to establish rules of procedure it deems necessary in order to discharge its duties.

**3.100.043 Information Required.**

(Added by Ordinance No. 171418, effective July 23, 1997.) Contractors and Subcontractors shall provide all information requested by the Bureau to assist it in performing its duties under Section 3.100.042 of this Code.

**3.100.044 Compliance Review.**

(Added by Ordinance No. 171418, effective July 23, 1997.) If the Bureau of Purchases receives a complaint filed by any person or entity that alleges prohibited discrimination by a Contractor or Subcontractor, or when information comes into its possession indicating that a Contractor or Subcontractor may have engaged in prohibited discrimination, the

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Bureau may conduct a Compliance Review to determine whether the complaint or the information is correct. The purpose of the Compliance Review is to determine whether an EEO Certification should be revoked or suspended or whether a request for certification or recertification should be denied.

**3.100.045 Denial, Suspension, Revocation.**

(Added by Ordinance No. 171418, effective July 23, 1997)

- A.** Actions by Bureau. The Bureau may deny, suspend or revoke an EEO certification of the contractor or subcontractor if:
- 1.** Employs a workforce that shows underutilization of minorities and women, as reflected by their availability in the workforce, and thereafter fails to take positive steps to diversify its workforce after notification from the Bureau that such steps are required to maintain the EEO certification. Underutilization determinations shall be based on federal Title VII standards including the “Four-Fifths Rule” and “Manifest Imbalance” concepts;
  - 2.** Engages in discrimination prohibited by state, federal or local law;
  - 3.** Refuses to provide information to the Bureau of Purchases to determine whether it should be EEO certified or recertified;
  - 4.** Refuses to provide information when the Bureau is conducting a Compliance Review;
  - 5.** Intentionally provides false information to the Bureau in regard to its EEO certification or in response to the Bureau’s request for information; or
  - 6.** Intentionally employs subcontractors that are not EEO certified.
- B.** Appeal. EEO certification that has been denied, suspended or revoked may be appealed to the City Council by filing a written notice with the City Auditor within 10 days after the date of denial, suspension, or revocation. Action on such appeal shall be as directed by the City Council.
- C.** Enforcement. If no appeal to the City Council is filed within the time allowed, or if the appeal is denied by the City Council, the decision of the Bureau immediately shall go into effect.

**3.100.050 Nondiscrimination in Contracting.**

(Added by Ordinance No. 180077, effective May 19, 2006)

**3.100.051 Policy regarding Benefits.**

(Added by Ordinance No. 180077, effective May 19, 2006) It is the City's intent, through its contracting practices outlined herein, to spend public money through its contracts to equalize, to the extent possible, the total benefits between similarly situated employees with spouses and employees with domestic partners.

**3.100.052 Definitions.**

(Added by Ordinance No. 180077, effective May 19, 2006) As used in this Chapter unless the context requires otherwise:

- A. "Bureau" means the Bureau of Purchases.
- B. "Contract" means all formal solicitation contracts for Public Improvements and Construction Services authorized and executed pursuant to PCC Chapter 5.34, and all formal solicitation contracts for Goods and Services authorized and executed pursuant to PCC Chapter 5.33 and all formal solicitation contracts for Professional, Technical and Expert services (PTE) authorized and executed pursuant to PCC Chapter 5.68.
- C. "Director" or "Purchasing Agent" means the Director of the Bureau of Purchases or that person to whom those duties have been properly delegated.
- D. "Domestic Partner" means any person who is registered with his or her employer as a domestic partner, or, in the absence of an employer-provided registry, is registered as a domestic partner with a governmental body pursuant to state or local law authorizing such registration and who is in fact a current domestic partner with the person with whom that person was registered. Any internal employer registry of domestic partnership must comply with criteria for domestic partnerships specified by rule by the Bureau.
- E. "Employee benefits" means any plan, program or policy provided by an employer to its employees as part of the employer's total compensation package. This includes but is not limited to the following types of benefits: bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts; moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits given to employees, provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

**3.100.053 Discrimination in the provision of benefits prohibited.**

(Added by Ordinance No. 180077, effective May 19, 2006)

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- A.** No contractor on a City contract shall discriminate by policy or practice in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse, subject to the following exceptions:
- 1.** In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit for the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision of employee benefits if the contractor conditions providing such benefit upon the employee agreeing to pay the excess costs.
  - 2.** The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.
- B.** Other options for compliance allowed. Provided that a contractor does not discriminate in the provision of benefits between employees with spouses and employees with domestic partners, a contractor may:
- 1.** Elect to provide benefits to individuals in addition to employees' spouses and employees' domestic partners;
  - 2.** Elect to provide benefits in a manner unrelated to spousal or domestic partner status; or
  - 3.** Provide benefits neither to employees' spouses nor to employees' domestic partners.
- C.** Requirements inapplicable under certain conditions. The Director may waive the requirements of this chapter where it is found not to be in the best interest of the City. Examples of situations that require waiving the requirements of this chapter include but are not limited to:
- 1.** Award of a contract or amendment is necessary to respond to an emergency;
  - 2.** No compliant contractors are capable of providing goods or services that respond to the City's requirements;
  - 3.** The contractor is a public entity;
  - 4.** The requirements are inconsistent with a grant, subvention or agreement with a public agency;

- 5. The City is purchasing through a cooperative or joint purchasing agreement;
- D. Requests for waivers of the terms of this Chapter are to be submitted to the Bureau of Purchases in a manner prescribed by the Bureau. Decisions by the Bureau to issue or deny waivers are final.
- E. The Director may reject an entity's bid or proposal, or terminate a contract, if the Director determines that the entity was set up, or is being used, for the purpose of evading the intent of this Chapter.
- F. The City shall not execute a contract with a contractor unless such contractor has agreed not to discriminate in the provision of employee benefits as provided for in this chapter.
- G. All contracts awarded by the City shall contain provisions developed by the Bureau of Purchases prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach thereof as prescribed by Section 3.100.054, except as exempted by this chapter or rule.

**3.100.054 Limitations.**

(Added by Ordinance No. 180077, effective May 19, 2006) The requirements of this Chapter only shall apply to those portions of a contractor's operations that occur:

- A. Within the City;
- B. On real property outside of the City if the property is owned by the City or if the City has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the City; and
- C. Elsewhere in the United States where work related to a City contract is being performed.

The requirements of this Chapter shall not apply to subcontracts or subcontractors of any contract or contractor.

**3.100.055 Powers and duties of the Director.**

(Added by Ordinance No. 180077, effective May 19, 2006) The Director of the Bureau of Purchases shall have the power to:

- A. Adopt rules and regulations, in accordance with this chapter and the Administrative Code of The City of Portland (PCC 3.02), establishing standards and procedures for effectively carrying out this chapter;
- B. Examine contractor's benefit programs covered by this chapter;
- C. Allow for remedial action after a finding of non-compliance, as specified by rule.

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- D.** Determine and impose appropriate sanctions and/or liquidated damages for violation of this chapter by contractors including, but are not limited to:
  - 1.** Disqualification of the contractor from bidding on or being awarded a City contract for a period of up to 3 years; and
  - 2.** Contractual remedies, including, but not limited to, termination of the contract.
- E.** Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;
- F.** Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

**3.100.056 Severability of Provisions.**

(Added by Ordinance No. 180077, effective May 19, 2006) If any part or provision of this Chapter, or application thereof to any person or circumstance, is held invalid, the remainder of this Chapter and the application of the provision or part thereof, to other persons not similarly situated or to other circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter are severable.

**3.100.060 Grant Equal Opportunity Compliance Program.**

**3.100.061 Definitions.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) As used in this Section:

- A.** “Equal Opportunity” or “EO” means the concepts and practice of nondiscrimination on the basis of race, religion, color, national origin, sex, age or handicap in employment, purchasing, contracting, or utilization of firms or individuals on the basis of demographics as may be prescribed by grants awarded to the City of Portland by other governmental agencies.

**3.100.062 Purpose.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) The purpose of the Grant Equal Opportunity Compliance Program is:

- A.** To provide a uniform and consistent review of all equal opportunity and labor standard requirements associated with grants from other governmental agencies to the City of Portland.
- B.** To establish guidelines, instructions, uniform reporting formats, related administrative support, and assistance necessary to comply with grant equal opportunity requirements.

- C. To provide a single, initial contact for grantor agencies and others seeking information about, or contact with, grantee bureaus or offices on EO matters.

**3.100.063 Responsibility.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) Affected City agencies shall have responsibilities under this Section as follows:

- A. Federal Grants Coordinator shall submit all grant applications to the Contract and Grants Compliance Division for determination of equal opportunity requirements. No grant application shall be submitted to the City Council unless the Contract and Grants Compliance Division has reviewed the applicable equal opportunity requirements and obligations.

Following the award of any grant, the Federal Grants Coordinator shall provide the Contract and Grants Compliance Division with copies of the grant and applicable related documents.

- B. Contract and Grants Compliance Division shall serve as the point of contact for all communications relating to grant equal opportunity compliance, and shall review all grants as follows:
  - 1. Pre-Application. Before any grant application is submitted to the grantor agency, the equal opportunity provisions shall be reviewed to determine compliance requirements. A report of such review shall be submitted to the Federal Grants Coordinator.
  - 2. Post Award. Immediately after the award of any grant, the Contract and Grants Compliance Division shall advise the grantee bureau or office of applicable requirements and provide guidelines, instructions, forms, and assistance, as required to assist the bureau or office to implement compliance.
- C. Grantee Bureaus or Offices. Shall be fully responsible for compliance with all equal opportunity requirements imposed by applicable grants. In the discharge of such responsibility, grantee bureaus or offices shall cooperate fully with the Contract and Grants Compliance Division including, but not limited to, accumulation of applicable data, preparation of suitable records, and submission of such records and forms as may be required.

**3.100.064 Compliance Monitoring.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) The Contract and Grants Compliance Division shall monitor the program at appropriate intervals to assure compliance with requirements. Where difficulties are noted, recommendations shall be made to the appropriate bureau, office supervisor or project manager.

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**3.100.065 Rules and Regulations.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) The Contract and Grants Compliance Division shall establish and maintain suitable rules and regulations for administration of the Grant Equal Opportunity Compliance Program.

**3.100.080 Minority/Female Purchasing Program.**

(Amended by Ordinance No. 150738, effective December 13, 1980.)

**3.100.081 Definitions.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) As used in this Section:

- A. “Minority” or “minorities”** means Blacks, Hispanic Americans, Pacific Islanders, Asian Americans, American Indians, Aleuts and Eskimos.
- B. “Members of Other Groups” (MOG)** means members of other groups or other individuals than those specified in A above, found to be economically and socially disadvantaged by the Small Business Administration under Section 8(a) of the Small Business Act, as amended (15 U.S.C. 637(a)). These MOGs shall also be eligible to participate in this program.
- C. “Minority business enterprise” (MBE)** means a business at least 50 percent of which is owned by minorities or, in the case of publicly owned business, at least 51 percent of the stock of which is owned by minorities and whose management and daily business operations are controlled by one or more such individuals.
- D. “Female business enterprise” (FBE)** means a business at least 50 percent of which is owned by females or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by females and whose management and daily business operations are controlled by one or more individuals.

**3.100.082 Purpose.**

(Amended by Ordinance No. 150738, effective December 13, 1980.) The purpose of the Minority/Female Purchasing Program is to encourage and promote the sale of goods and/or services by minority and female business enterprises to the City of Portland. When such services are provided by federal funds encouraging or requiring MBE/FBE participation, the City shall take necessary action to comply with federal laws, regulations and contracting requirements.

**3.100.083 Liaison Officer.**

(Added by Ordinance No. 150738, effective December 13, 1980.) The designated Liaison Officer shall be the Purchasing Agent, who will be responsible for the day to day management of all elements of the program.

**3.100.084 Minority/Female Business Enterprise List.**

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Contract and Grants Compliance Division of the Office of Fiscal Administration shall establish and maintain a current list of minority/female business enterprises, with indications of product and service areas. Such lists shall be consulted when requests for quotations for supply of goods and/or services are received.

**3.100.085 Advertising.**

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Agent shall advertise periodically in local publications (including the Daily Journal of Commerce, female and minority publications) that the City encourages bidding by MBEs and FBEs and that the City will assist such firms to understand and participate in formal bidding process.

**3.100.086 Minority/Female Purchasing Associations.**

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Grants Compliance Division shall develop and implement certification and review criteria for authorization of eligible MBE/FBE participants. Such certification shall be no less often than annually.

**3.100.089 Rules and Regulations.**

(Amended by Ordinance Nos. 150738 and 155018, effective August 25, 1983.) The Purchasing Agent (Bureau of Financial Affairs) shall establish and maintain rules and regulations for administration of the Minority/Female Purchasing Program.

**3.100.090 Metropolitan Human Relations Commission Review and Evaluation.**

(Repealed by Ordinance No. 173369, effective May 12, 1999.)

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**CHAPTER 3.101 - PROPERTY TAX  
EXEMPTION FOR LOW INCOME HOUSING  
HELD BY CHARITABLE NON-PROFIT  
ORGANIZATIONS**

(Chapter added by Ordinance No. 157768, effective  
August 29, 1985.)

**Sections:**

- 3.101.010 Definitions.
- 3.101.020 Eligible Organizations.
- 3.101.030 Eligible Property.
- 3.101.040 Application Procedure.
- 3.101.050 Review of Application.
- 3.101.060 Annual Application Renewal.
- 3.101.070 Assessment Exemption.
- 3.101.080 Termination.
- 3.101.090 Implementation.

**3.101.010 Definitions.**

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.) As used in this Chapter:

**A. “Low income” means:**

1. For the initial year that persons occupy property for which an application for exemption is filed under ORS 307.545, income at or below 60 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development; and
2. For every subsequent consecutive year that the persons occupy the property, income at or below 80 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.

**B. “Eligible property” means land and improvements thereon:**

1. Which are either single or multi-family residential units intended for the exclusive occupancy by low-income persons during the tax year for which approval of the application has been granted or properties which are not residential units but which will become residential units through rehabilitation improvements or new construction to be occupied by low-income persons;

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2. Which are owned, being purchased, or held under leasehold interest in the property which meet the standards of Subsections 3.101.030 B. 1.-2. by a charitable organization and non-profit corporation for the purpose of occupancy by low-income persons as described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.540 to 307.548; and
3. Which the owner or leaseholder has met all eligibility requirements and made all required agreements described in this Chapter.

**3.101.020 Eligible Organizations.**

(Amended by Ordinance No. 185043, effective December 7, 2011.) “Eligible organizations” means only charitable non-profit corporations certified by the Internal Revenue Service of the federal government as a 501 (c) (3) or (4) organization which also provides housing for occupancy by low-income persons as defined by Section 3.101.010 in this Chapter. No other types of non-profit or for-profit organizations are eligible.

**3.101.030 Eligible Property.**

(Amended by Ordinance Nos. 167356 and 185043, effective December 7, 2011.) As used in this Chapter:

- A. “Eligible property” as defined in Subsections 3.101.010 B. 1.-3. which meets all of the following criteria, pursuant to ORS 307.541, and other conditions of this Chapter shall be exempt from taxation:
  1. The property is owned or being purchased by a corporation that is exempt from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.541(a);
  2. Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be distributed to corporations exempt from taxation and operated exclusively for religious, charitable, scientific, literary, or educational purposes or to the State of Oregon;
  3. The property is occupied by low-income persons as defined by ORS 307.540(2) or held for future development for low income housing pursuant to ORS 307.541(1)(c)(B).
  4. The property or portion of the property receiving the exemption is actually and exclusively used for the purposes described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984.
  5. The exemption has been approved as provided in Section 3.101.040 and 3.101.050 of this Chapter.

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- B.** For the purposes of this Chapter, pursuant to ORS 307.541(2), a corporation that has only a leasehold interest in property is deemed to be a purchaser of that property if:
- 1.** The corporation is obligated under the terms of the lease to pay the ad valorem taxes on the real and personal property used in this activity on that property; or
  - 2.** The rent payable by the corporation has been established to reflect the savings resulting from the exemption from taxation.
- C.** Pursuant to ORS 307.541(3), a partnership shall be treated the same as a corporation if the corporation is a general partner of the partnership and responsible for the day-to-day operation of the property that is the subject of the exemption.

**3.101.040 Application Procedure.**

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.)

- A.** To qualify for the exemption the corporation shall file an application for exemption with the Portland Housing Bureau acting on behalf of the City of Portland for each assessment the year the corporation wants the exemption. The application shall be filed on or before March 1 of the assessment year for which the exemption is applied for, except that when the property designated is acquired after March 1 and before July 1, the claim for that year shall be filed within 30 days after the date of acquisition. The application shall include the following information:
- 1.** The applicant's name, address, and telephone number;
  - 2.** The assessor's property account number for each site;
  - 3.** The number of units and the exempted amount of each property being applied for under this Chapter;
  - 4.** A description of the property for which the exemption is requested;
  - 5.** A description of the charitable purpose of the project and whether all or a portion of the property is being used for that purpose;
  - 6.** A description of how the tax exemption will benefit project residents; and
  - 7.** A description of how the benefits in the case of leasehold interest in the eligible property accrue to the non-profit and its resident tenants;
  - 8.** A certification of income levels of low-income occupants;

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9. A declaration that the corporation has been granted an exemption from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984;
  10. A description of the development of the property if the property is being held for future low income housing development; and
  11. Any other information required by state law or local law or otherwise which is reasonably necessary to effectuate the purposes of this Chapter at the time the application is submitted.
- B.** The application shall include the following statements:
1. That the applicant is aware of all requirements for property tax exemption imposed by this Chapter;
  2. That the applicant's property qualified or, upon completion of the rehabilitation improvements and subsequent occupancy by low income, will qualify for exemption at the time of application approval or within 30 days of the March 1 application deadline;
  3. That the applicant acknowledges responsibility for compliance with the Code of the City of Portland regardless of whether the applicant obtains the exemption provided by this Chapter.
  4. The applicant shall furnish other information which is reasonably necessary to fulfill the objectives of this Chapter.
- C.** The applicant shall verify the information in the application, in accordance with Subsections 3.101.040 B. 1. through 3. above, by oath or affirmation.
- D.** Applicants for an exemption under this Chapter shall pay fees for an initial application and any renewals as set by the Portland Housing Bureau. The Portland Housing Bureau shall pay the County Assessor any reasonable cost incurred to process the exemption onto the tax rolls. In addition to paying the basic fee, the applicant may be required to pay other reasonable costs, which are incurred by the Portland Housing Bureau or the County Assessor in processing the application. The Portland Housing Bureau shall collect the additional payment, if any, and pay itself, the County Assessor, or any other City bureau an amount equal to the additional costs incurred.

**3.101.050 Review of Application.**

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.)

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- A.** Within 30 days after the March 1 deadline for the application and payment of the application fee, the Portland Housing Bureau shall approve or deny the application. The application shall be approved if the Portland Housing Bureau finds that the property is “eligible property” within the meaning of the paragraphs 1. through 3. of Subsection B. of Section 3.101.010 of this Chapter, and that the applicant has submitted the application and paid the fees pursuant to Section 3.101.040 of this Chapter.
- B.** If the application is approved, the Portland Housing Bureau shall send written notice of approval to the applicant.
- C.** The Portland Housing Bureau shall file a certified list of approved properties with the County Assessor on or before April 1.
- D.** If the application is denied, the Portland Housing Bureau shall state in writing the reasons for denial and send the notice to the applicant at his or her last known address within 10 days after the denial. The Portland Housing Bureau shall retain that portion of the application fee which is attributable to its own administrative costs and shall refund the balance to the applicant.
- E.** Upon denial by the Portland Housing Bureau, an applicant may appeal the denial to the City Council within 30 days after receipt of the notice of denial. Appeal from the decision of the City Council may be taken as provided by law.
- F.** The application shall be assigned an application and receipt number.

**3.101.060 Annual Application Renewal.**

(Amended by Ordinance Nos. 167356, 178286, 185043 and 187660, effective April 6, 2016.)

- A.** Applicants for property tax exemption must apply each year no later than April 1 in order to be qualified for property tax exemption for the upcoming tax year.
- B.** The annual application renewal fee shall be set by the Portland Housing Bureau.

**3.101.070 Assessment Exemption.**

(Amended by Ordinance Nos. 167356, 178286 and 185043, effective December 7, 2011.)

- A.** Property for which an application for a property tax exemption has been approved under the provisions of this Chapter shall be exempt from ad valorem taxation for 1 year beginning July 1 of the tax year immediately following approval of the exemption, or when, pursuant to ORS 307.330, the property would have gone on the tax rolls in the absence of the exemption provided for in this Chapter. The exemption provided in this Section shall be in addition to any other exemption provided by law.

- B.** Applications for property tax exemption under this Chapter shall apply to and may be approved for assessment years beginning on or after January 1, 1985, but no later than January 1, 2027.
- C.** The exemption as provided by this Chapter shall apply to the tax levy of all taxing districts in the City of Portland in which property certified for exemption is located as long as the City of Portland has achieved the approval from such taxing districts whose governing boards agree to the policy of exemption, equal to 51 percent or more of the total combined rate of taxation on the property certified for exemption.

**3.101.080 Termination.**

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)

- A.** If, after a certificate of qualification approving the exemption has been filed with the County Assessor, the Portland Housing Bureau finds that non-compliance has occurred or that any provision of this Chapter is not being complied with, the Portland Housing Bureau shall give notice in writing to the owner, mailed to the owner's last-known address and to every known lender, by mailing the notice to the last-known address of every known lender, of the proposed termination of the exemption. The notice shall state the reasons for the proposed termination of the exemption and require the owner to appear before City Council to show cause at a specified time, not less than 20 days after mailing of the notice, why the exemption should not be terminated.
- B.** If the owner does not appear or if he or she appears and fails to show cause why the exemption should not be terminated, the Portland Housing Bureau shall notify every known lender and shall allow any lender not less than 30 days after the date the notice of the failure to appear and show cause is mailed to cure any noncompliance or to provide adequate assurance that all noncompliance shall be remedied.
- C.** If the owner fails to appear and show cause why the exemption should not be terminated and the lender fails to cure or give adequate assurance of the cure of any noncompliance, City Council shall adopt an ordinance or resolution stating its findings that terminate the exemption. A copy of the ordinance or resolution shall be filed with the County Assessor and a copy sent to the owner at the owner's last-known address and to the lender at the last-known address of the lender, within 10 days after its adoption.
- D.** Upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.216 to 311.232, to provide for the assessment and taxation of any value not included in the valuation of the property during the period of exemption prior to termination by City Council or by a court, in accordance with the findings of City Council or the court as the assessment year in which the exemption is to

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terminate. The County Assessor shall make the valuation of the property necessary to permit correction of the rolls, and the owner may appeal the valuation in the manner provided under ORS 311.216 to 311.232. Where there has been a failure to comply, as provided in Subsection A of this Section, the property shall be revalued beginning July 1 of the calendar year in which the non-compliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th day of the months next following the month of correction. If not paid within such period, the additional taxes shall thereafter be considered delinquent on the date they would normally have become delinquent if the time extended on the roll or rolls in the year or years for which the correction was made.

**3.101.090 Implementation.**

(Amended by Ordinance Nos. 167356, 182671, 185043 and 187660, effective April 6, 2016.) The Portland Housing Bureau shall establish procedures and prepare forms for immediate implementation and administration of this Chapter in order to accept applications prior to the March 1 filing deadline imposed by ORS 307.545.

**CHAPTER 3.102 - PROPERTY TAX  
EXEMPTION FOR NEW CONSTRUCTION  
OF SINGLE-UNIT HOUSING IN  
HOMEBUYER OPPORTUNITY AREAS**

(Chapter replaced by Ordinance No. 185477,  
effective August 1, 2012.)

**Sections:**

- 3.102.010 Purpose.
- 3.102.020 Definitions.
- 3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.
- 3.102.040 Exemption Requirements.
- 3.102.050 Application Review and Approval.
- 3.102.060 Compliance.
- 3.102.080 Termination of the Exemption.
- 3.102.090 Implementation.

**3.102.010 Purpose.**

- A. The City of Portland adopts the provisions of Oregon Revised Statutes 307.651 through 307.687, and administers a property tax exemption program for new construction of single-unit housing authorized under those provisions.
- B. In addition to meeting the legislative goals set forth in ORS 307.654, the program also seeks to accomplish the following additional core goals:
  - 1. Stimulate the construction of affordable housing and other public benefits where such housing or benefits may not otherwise be made available.
  - 2. Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau's Strategic Plan.
  - 3. Provide transparent and accountable stewardship of public investments.

**3.102.020 Definitions.**

(Amended by Ordinance No. 186700, effective July 1, 2014.) As used in this Chapter:

- A. **“Administrative Rules”** means the tax exemption program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth the program requirements, processes and procedures.
- B. **“Applicant”** means the individual who or entity which owns the property and is submitting an application for the tax exemption program and is legally bound to the

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terms and conditions of an approved tax exemption, including but not limited to any compliance requirements under this Chapter.

- C. “**Single-unit housing**” has the meaning set forth in ORS 307.651(4).

**3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.**

- A. Single-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.664 and the Administrative Rules.
- B. However, the Portland Housing Bureau may, upon action by City Council on an annual basis, determine a limit on the number of applications accepted under this Chapter.

**3.102.040 Exemption Requirements.**

(Amended by Ordinance No. 186700, effective July 1, 2014.) In order to be considered for an exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the proposed construction will meet the following requirements and public benefits upon completion of construction:

- A. Property
1. Single-unit housing must be located within the City of Portland;
  2. Each qualified dwelling unit in the single-unit housing must have a market value at the time of completion of no more than the amount determined annually by Portland Housing Bureau according to ORS 307.651(3) and 307.661;
  3. Construction of the single-unit housing must be completed according to ORS 307.681(1), except as provided in ORS 307.374;
  4. Each qualified dwelling unit must sell to the initial homebuyer within two years of activation of the exemption;
  5. Each qualified dwelling unit must have at least three bedrooms unless built within an approved transit-oriented area as determined by the Portland Bureau of Planning and Sustainability and included on the map defining eligibility areas where two bedroom homes are allowed; and
  6. The single-unit housing must comply with all other requirements under the Code of the City of Portland.
- B. Affordability

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1. Each dwelling unit of the single-unit housing must be sold to a household with an annual gross household income not greater than one hundred percent of the area median income for a family of four as determined annually for the Portland Metropolitan Area by the United States Department of Housing and Urban Development, which income may be adjusted upward for households with more than four persons.
2. For the purposes of this program, household income is the annual gross income of the titleholder who will occupy the dwelling unit.

**C. Owner-Occupancy**

1. Once sold to the initial buyer, the dwelling unit shall remain owner-occupied as the principal residence of the titleholder receiving the tax exemption during the tax exemption period;
2. Hardship exception to the owner-occupancy requirement may be granted by the Portland Housing Bureau in accordance with its policies. Such hardship exceptions may include, but are not limited to, the following circumstances:
  - a. Active military duty outside of the area;
  - b. Temporary relocation to care for an ill or dying family member; or
  - c. Temporary relocation caused by an employer; and
3. The single-unit housing may not be rented at any time during the exemption period.

**D. Equity**

1. Applicant must acknowledge familiarity with Portland Housing Bureau's Minority, Women, and Emerging Small Businesses (MWESB) guidelines and contracting opportunity goals, and report on past contracting relationships.
2. Applicant must acknowledge awareness and understanding of Portland Housing Bureau's Guiding Principles on Equity and Social Justice and Strategic Priority of Helping Portlanders from Communities of Color buy a home and agree to partner with Portland Housing Bureau to assure that communities of color are aware of properties for sale with exemptions.

- E. Green Building.** The new construction must be built to meet healthy and resource efficient environmental building standards.

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- F.** Application Fee. The applicant must pay an application fee determined by the Portland Housing Bureau as described in ORS 307.674 (5).

**3.102.050 Application Review and Approval.**

- A.** The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.667 through 307.674.
- B.** Applicants must apply for the tax exemption prior to issuance of the building permit for the single-unit housing.
- C.** If construction of the single-unit housing is not completed within the timeframe described in ORS 307.674, Portland Housing Bureau may extend the deadline as consistent with ORS 307.677.
- D.** The issuance of final building permits shall indicate compliance with the Code of the City of Portland and shall be sufficient to meet the design standards as described in ORS 307.651(4)(a)
- E.** Any exemption under this Chapter must be approved by City Council by resolution, and Portland Housing Bureau will deliver a list of the approved applications to Multnomah County within the timeframe set forth in ORS 307.674.

**3.102.060 Compliance.**

(Amended by Ordinance No. 186700, effective July 1, 2014.)

- A.** Upon approval, Portland Housing Bureau will record a notice on title of the single-unit housing requiring Portland Housing Bureau verification of homebuyer affordability and owner-occupancy qualification prior to the sale of each dwelling unit to an initial homebuyer.
- B.** Single-unit housing which sells to homebuyers who do not meet the affordability or owner occupancy qualifications, will have the tax exemption removed as of the next tax year.
- C.** Single-unit housing not meeting the exemption requirements by selling over the established sale price at initial sale will have the tax exemption terminated according to Section 3.102.080 and require the applicant to repay any exempted taxes consistent with ORS 307.687.

**3.102.070 Designation of Homebuyer Opportunity Areas.**

(Repealed by Ordinance No. 186700, effective July 1, 2014.)

**3.102.080 Termination of the Exemption.**

If the Portland Housing Bureau determines that the single-unit housing fails to meet any of the provisions of ORS 307.651 to 307.687 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.681 through 307.687.

**3.102.090 Implementation.**

Portland Housing Bureau may adopt, amend and repeal the administrative rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.

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**CHAPTER 3.103 - PROPERTY TAX  
EXEMPTION FOR MULTIPLE-UNIT  
HOUSING DEVELOPMENT**

(Chapter replaced by Ordinance No. 187283,  
effective August 5, 2015.)

**Sections:**

- 3.103.010 Purpose.
- 3.103.020 Definitions.
- 3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.
- 3.103.040 Program Requirements.
- 3.103.050 Application Review.
- 3.103.060 Application Approval.
- 3.103.070 Rental Project Compliance.
- 3.103.080 For-Sale Unit Compliance.
- 3.103.100 Termination of the Exemption.
- 3.103.110 Implementation.

**3.103.010 Purpose.**

- A.** The City of Portland adopts the provisions of Oregon Revised Statutes 307.600 through 307.637, and administers a property tax exemption program for multiple-unit housing development authorized under those provisions.
- B.** In addition to meeting the legislative goals set forth in ORS 307.600, the program also seeks to accomplish the following additional core goals:
  - 1.** Stimulate the inclusion of affordable housing where it may not otherwise be made available.
  - 2.** Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau's Strategic Plan.
  - 3.** Provide transparent and accountable stewardship of public investments.

**3.103.020 Definitions.**

(Amended by Ordinance No. 188163, effective February 1, 2017.) As used in this Chapter:

- A.** “**Administrative Rules**” means the tax exemption program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth the program requirements, processes, and procedures.

- B.** “**Applicant**” means the individual or entity who is either the owner or a representative of the owner who is submitting an application for the tax exemption program.
- C.** “**Regulatory Agreement**” means a low-income housing assistance contract recorded agreement between the owner and the Portland Housing Bureau stating the approval and compliance criteria of a project’s tax exemption.
- D.** “**Multiple-unit housing**” has the meaning set forth in ORS 307.603(5).
- E.** “**Owner**” means the individual or entity holding title to the exempt project and is legally bound to the terms and conditions of an approved tax exemption, including but not limited to any Regulatory Agreement and any compliance requirements under this Chapter.
- F.** “**Project**” means property on which any multiple-unit housing is located, and all buildings, structures, fixtures, equipment and other improvements now or hereafter constructed or located upon the property.

**3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.**

- A.** Multiple-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.612 and the Administrative Rules.
- B.** However, the maximum amount of estimated foregone tax revenue provided as a benefit of the exemption under this Chapter may not exceed the amount approved by Council.

**3.103.040 Program Requirements.**

(Amended by Ordinance No. 188163, effective February 1, 2017.) In order to be considered for an exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the project meets the following program requirements as further described in the program Administrative Rules:

- A.** Financial need for the exemption
  - 1.** Rental projects. The project would not include low to moderate-income units because it would not be financially feasible without the benefit provided by the property tax exemption.
  - 2.** For-sale projects. The units receiving tax exemption will be sold to buyers meeting the affordability requirements contained in this Section.
- B.** Property eligibility

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1. Projects must be located within the taxing jurisdictions of the City of Portland and Multnomah County.
2. Projects must conform to City of Portland's zoning and density requirements.
3. Projects must include 20 or more units.

**C. Affordability**

1. For rental projects, for applications received on or before December 31, 2018, during the term of the exemption, a minimum of 15 percent of the number of units or bedrooms must be affordable to households earning 80 percent or less of the area median family income, or a minimum of 8 percent of the number of units or bedrooms must be affordable to households earning 60 percent or less of the area median family income. For applications received after December 31, 2018, during the term of the exemption, a minimum of 20 percent of the number of units or bedrooms must be affordable to households earning 80 percent or less of the area median family income, or a minimum of 10 percent of the number of units or bedrooms must be affordable to households earning 60 percent or less of the area median family income. The units meeting the affordability requirements must match the unit mix in the project as a whole in terms of number of bedrooms.
2. For projects containing for-sale units, those units receiving the exemption must not exceed the maximum price established under City Code Section 3.102.040 at initial sale and must sell to an initial homebuyer who income qualifies and occupies the unit as established under City Code Section 3.102.040. During the term of the exemption, the unit must be occupied by a homebuyer as established under City Code Section 3.102.040.

- D. Accessibility.** At least 5 percent of the affordable units in the project must be built to be Type A as defined in the Oregon Structural Specialty Code.

**3.103.050 Application Review.**

- A.** The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.621.
- B.** Applications for tax exemption must be submitted and approved prior to issuance of the project's building permit.
- C.** Applications must include an application processing fee, to be established annually by the Portland Housing Bureau, including the fee to be paid to Multnomah County.

**3.103.060 Application Approval.**

(Amended by Ordinance No. 188163, effective February 1, 2017.)

- A. Applications will be considered based on the Inclusionary Housing Program requirements as per City Code Section 30.01.120.
- B. Portland Housing Bureau will take applications to City Council for approval in the form of an ordinance and deliver a list of the approved applications to Multnomah County within the timeframe set forth in ORS 307.621.
- C. If construction of an approved project is not completed or an application for exemption is not received within the timeframe described in ORS 307.637, Portland Housing Bureau may extend the deadline consistent with ORS 307.634.

**3.103.070 Rental Project Compliance.**

(Amended by Ordinance No. 188163, effective February 1, 2017.)

- A. The owner of a rental project approved for exemption will be required to sign a Regulatory Agreement to be recorded on the title to the property.
- B. During the exemption period, the owner or a representative shall submit annual documentation of tenant income and rents for the affordable units in the project to the Portland Housing Bureau.

**3.103.080 For-Sale Unit Compliance.**

- A. Approved applicants must execute a document to be recorded on title of the project requiring Portland Housing Bureau verification of homebuyer affordability and owner-occupancy qualification prior to the sale of each for-sale unit to an initial homebuyer.
- B. For-sale units which sell to homebuyers who do not meet the affordability or owner occupancy qualifications at initial sale will have the tax exemption removed as of the next tax year.
- C. For-sale units which sell over the established sale price at initial sale will have the tax exemption terminated according to Section 3.103.100 and require the owner to repay any exempted taxes consistent with ORS 307.631.

**3.103.090 Extension of the Exemption for Low Income Housing Projects.**

(Repealed by Ordinance No. 188163, effective February 1, 2017.)

**3.103.100 Termination of the Exemption.**

If the Portland Housing Bureau determines that the project fails to meet any of the provisions of ORS 307.600 to 307.637 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.627.

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**3.103.110 Implementation.**

Portland Housing Bureau may adopt, amend and repeal the Administrative Rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.

**CHAPTER 3.104 - PROPERTY TAX  
EXEMPTION FOR NEW, MULTIPLE-UNIT  
HOUSING**

(Chapter repealed by Ordinance No. 185477,  
effective August 1, 2012.)

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**CHAPTER 3.105 - BULL RUN ADVISORY  
COMMITTEE**

(Chapter added by Ordinance No. 143520; repealed  
by Ordinance No. 161853, effective May 27, 1989.)

**CHAPTER 3.106 -  
EXPOSITION-RECREATION COMMISSION**

(Chapter added by Ordinance No. 143806, effective  
June 15, 1977.)

**Sections:**

- 3.106.010 Commission Action.
- 3.106.020 Filing Copies of Resolutions with City Auditor.
- 3.106.030 Council Review.
- 3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.
- 3.106.050 Council Initiation of Exposition - Recreation Commission Action.
- 3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.

**3.106.010 Commission Action.**

All action by the Exposition - Recreation Commission shall be by resolution adopted in accordance with the Commission's bylaws.

**3.106.020 Filing Copies of Resolutions with City Auditor.**

Within 5 days after the passage of any resolution, the Exposition - Recreation Commission shall file a copy of the resolution with the City Auditor, who shall maintain a special record of the Exposition - Recreation Commission's resolutions which shall be accessible to the public under like terms as ordinances of the City of Portland. Except as provided in Section 3.106.040, no resolution of the Exposition - Recreation Commission shall become effective until 5:00 p.m. on the 10th day following the filing of a copy thereof with the City Auditor.

**3.106.030 Council Review.**

Except as provided in Section 3.106.040, resolutions of the Commission shall not become effective, if, within 10 days after the filing by the Exposition - Recreation Commission of a copy of a resolution with the City Auditor, a member of the City Council files a request with the Auditor for City Council review of the Commission action. Upon receipt of a request for City Council review of Commission action, the City Auditor shall forthwith notify the General Manager of the Exposition - Recreation Commission of the request for review and shall deliver to him a copy of the request for review. The Auditor shall place the resolution on the Council agenda for Council review at the next regular Council meeting. In placing the resolution on the Council calendar, the Auditor shall act consistently with the regular filing deadline for Council calendar items established by this Code; provided, the Council may review any Exposition - Recreation Commission resolution as a four-fifths item, or under suspension of Council rules. At the time of requesting Council review of Exposition - Recreation Commission action, the Council member shall state the reason such review is necessary and what action the Council should take on the matters.

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**3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.**

(Amended by Ordinance No. 170667, effective October 23, 1997.) Resolutions of the Exposition - Recreation Commission which pertain solely to the following matters shall be effective upon adoption or at such other time as specified by the Commission.

- A. Scheduling the use of the Exposition - Recreation Commission's buildings and facilities.
- B. Entering into agreements for the use of the Exposition - Recreation Commission's buildings and facilities, including all of the terms and conditions of such agreements, provided such agreements do not transfer operation, management or control of the Memorial Coliseum.
- C. Personnel policy or matters of employment, dismissal or disciplining of employees.
- D. Purchasing supplies, consumables, and services and equipment, in accordance with a budget approved by City Council and in accordance with City Council purchasing procedures.

**3.106.050 Council Initiation of Exposition - Recreation Commission Action.**

The Council may, by regularly adopted ordinance, take action on behalf of the Commission. A Council member introducing an ordinance pertaining to the Exposition - Recreation Commission on the Council calendar shall, at the time of filing the proposed ordinance with the City Auditor, have a copy of the ordinance delivered to the General Manager of the Exposition - Recreation Commission.

**3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.**

- A. Contracts and agreements entered into by the Exposition - Recreation Commission or on behalf of the Commission by employees or agents, within the scope of their authority, shall be binding and effective from the times designated in sections 3.106.030 or 3.106.040, whichever is applicable.
- B. The Council may, by regularly adopted ordinance, repeal, amend or alter any resolution adopted by the Exposition - Recreation Commission. Any such repeal, amendment or alteration may be made retroactive or prospective in effect but shall not be construed to invalidate any contract or agreements made in accordance with Subsection A of this Section.

**3.106.070 Special Services Personnel as Special Police.**

(Repealed by Ordinance No. 185569, effective September 28, 2012.)

**CHAPTER 3.107 - WATER QUALITY  
ADVISORY COMMITTEE**

(Chapter added by Ordinance No. 161853, effective  
May 27, 1989.)

**Sections:**

- 3.107.010 Created - Appointments.
- 3.107.020 Duties.
- 3.107.030 Meetings.
- 3.107.040 Chairperson.
- 3.107.050 Rules - Quorum.
- 3.107.060 Staff.

**3.107.010 Created - Appointment.**

(Amended by Ordinance No. 168939, effective June 14, 1995.) There hereby is created the Water Quality Advisory Committee. The Committee shall consist of nine members, appointed by the Commissioner In Charge of the Bureau of Water Works and confirmed by the Council. Appointments shall be for terms of 3 years except that 4 of the initial appointments shall be for terms of 2 years. When a vacancy occurs, the Commissioner In Charge shall appoint and the Council shall confirm a member to fill a new 3-year term. The Commissioner In Charge of the Bureau of Water Works may remove a member from the Committee at any time, subject to approval by the Council. The Commissioner In Charge of the Bureau of Water Works shall appoint members to the Committee with expertise or association in areas such as water quality, water treatment, public health policy, the environmental community, civic and business organizations, major industrial or commercial users, neighborhood associations and the public at large of which at least 3 members shall have relevant technical expertise. Committee members may serve a maximum of two 3-year terms, with the 4 appointees serving the initial terms of 2 years to serve a total maximum of 5 years. Within the maximum service limit of 6 years the Council may extend, for a period of less than 3 years, the terms of committee members who were appointed to serve or who have served the balance of a retiring committee member's term. All members shall serve without compensation from the City.

**3.107.020 Duties.**

The Committee shall act in an advisory capacity to the City Council through the Commissioner In Charge of the Bureau of Water Works as follows:

- A.** The Committee shall have the authority to offer policy advice to the Council and the Bureau of Water Works on issues such as management of the Bull Run Watershed, protection of groundwater quality, and other related water quality issues.
- B.** The Committee shall have the authority to issue periodic reports to the Council and the Bureau of Water Works.

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- C. The Committee shall have the authority to inform the public at large and take public testimony before offering policy advice to the Council and the Bureau of Water Works.

**3.107.030 Meetings.**

The Committee shall have the authority to conduct public meetings to gather input; the Committee shall provide for notification no less than 5 days prior to the meeting to the general public.

**3.107.040 Chairperson.**

A chairperson shall be elected annually from among the Committee members by a majority vote of a quorum. The Chairperson shall serve for a period of 1 year. A vacancy in the Chairperson's position shall be filled from among Committee members by majority vote of a quorum as soon as practical after the vacancy occurs.

**3.107.050 Rules - Quorum.**

The Committee shall establish its own rules and provide procedures for consideration or action on all matters before the Committee. Such rules and procedures may be adopted and amended only upon an affirmative vote of five or more Committee members. Election of officers and regular business shall be passed upon by the majority of a quorum. Not less than five members shall constitute a quorum. Each member shall be entitled to one vote. Provisions shall be made for public participation in Committee meetings.

**3.107.060 Staff.**

The Committee shall be staffed by personnel from the Bureau of Water Works and such additional staff or consultants as may be deemed necessary by the City Council for the committee to fulfill its responsibilities.

**CHAPTER 3.110 - BUREAU OF  
HYDROELECTRIC POWER**

(Chapter added by Ordinance No. 147822, effective  
July 9, 1979.)

**Sections:**

- 3.110.010      Creation and Function.
- 3.110.020      Jurisdiction.

**3.110.010      Creation and Function.**

(Amended by Ordinance No. 161850, effective May 27, 1989.) There is hereby established a Bureau of Hydroelectric Power. The Bureau shall be administered by a Bureau Manager and shall have such other employees as the Council may provide. The Bureau shall supervise the construction and administer the operation of hydroelectric generating facilities owned by the City. It shall perform the duties and responsibilities required by any Federal Energy Regulatory Commission license and any agreements for the disposition of energy. The Bureau of Hydroelectric Power shall report to the Administrator of the Bureau of Water Works.

**3.110.020      Jurisdiction.**

The Bureau shall supervise the construction and administer the operation of the City owned hydroelectric power generating facilities.

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**CHAPTER 3.111 - OFFICE OF SUSTAINABLE  
DEVELOPMENT**

(Chapter repealed by Ordinance No. 182671,  
effective May 15, 2009.)

**CHAPTER 3.112 - SUSTAINABLE  
DEVELOPMENT COMMISSION**

(Chapter repealed by Ordinance No. 184046,  
effective September 10, 2010.)

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**CHAPTER 3.114 - OFFICE FOR  
COMMUNITY TECHNOLOGY**

(Chapter added by Ordinance No. 149053; amended  
by Ordinance Nos. 151338, 160424 and 184882,  
effective September 21, 2011.)

**Sections:**

- 3.114.010 Creation.
- 3.114.020 Functions.
- 3.114.030 Jurisdiction.
- 3.114.040 Policy.
- 3.114.050 Administration.

**3.114.010 Creation.**

(Amended by Ordinance Nos. 185568 and 186746, effective August 6, 2014.) There is hereby established an Office for Community Technology. The Office shall be supervised by a manager who shall report to the Director of the Revenue Division, as provided under Subsection 3.15.040 E., or the Director's designee. As used in this Chapter and elsewhere in the City Code when referring to the Office for Community Technology, the term "Director" shall mean the Director of the Revenue Division or the Director's designee. The Office shall have such other employees as the Council may provide.

**3.114.020 Functions.**

(Amended by Ordinance No. 181155, effective August 17, 2007.)

- A.** The Office shall be responsible for coordinating Citywide broadband planning, communications policy advocacy, technology grants and related consumer protection activities.
- B.** The Office shall be responsible for supervising and coordinating all franchising processes engaged in by the City, for monitoring the performance of all franchisees for franchise compliance and for performing all other necessary work relating to franchises in the City.
- C.** The Office shall be responsible for promoting the orderly development of City-owned or City-partnered broadband and cable communication systems, for providing staff support needed by the Mt. Hood Cable Regulatory Commission and for performing all other necessary work related to broadband planning, communications policy advocacy, related technology grants and cable communications in the City.
- D.** The Office shall be responsible for overseeing franchise and utility audits and revenues in coordination with the City Auditor's Office, the Office of Management and Finance and other City agencies and bureaus.

**3.114.030 Jurisdiction.**

- A. The Office shall have jurisdiction over all franchisees and utility licensees. The Office shall have jurisdiction over all public or private utilities or other entities seeking similar rights to use City rights-of-way.
- B. The Office shall have jurisdiction over all cable communications and broadband policy matters affecting the City of Portland.

**3.114.040 Policy.**

In order to establish and ensure a stable, predictable basis for long-term relations, it is the policy of the City of Portland that public or private utilities and other entities seeking similar rights to utilize City rights-of-way should be subject to franchise agreements with the City.

**3.114.050 Administration.**

(Added by Ordinance No. 185059, effective December 7, 2011.)

- A. In exercising the Office's jurisdiction under Subsection 3.114.030 A. over the use of City rights-of-way by franchisees, licensees and permittees, the Director may adopt procedures, forms, written policies, and rules to ensure orderly administration.
  - 1. Before adopting a new rule, the Director must hold a public hearing. Prior to the hearing, the Director will notify the public and affected franchisees, licensees, and permittees under the jurisdiction of the Office. Such notice, which may be provided by mail or electronic means, must be distributed not less than ten or more than thirty days before the hearing. The notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.
  - 2. At the public hearing, the Director will receive oral and written testimony concerning the proposed rule. The Director will either adopt the proposed rule, modify it or reject it, taking into consideration the testimony received during the public hearing. If a substantial modification is made, additional public review will be conducted, but no additional public notice is required if an announcement is made at the hearing of a future hearing for a date, time and place certain at which the modification will be discussed. Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director will be filed in the Office. Copies of all current rules will be posted on the Office's website and made available to the public upon request.

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3. Notwithstanding Subsections 3.114.050 A.1. and 2., the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of not longer than 180 days.

**CHAPTER 3.115 - MT. HOOD CABLE  
REGULATORY COMMISSION**

(Chapter replaced by Ordinance No. 181155,  
effective August 17, 2007.)

**Sections:**

- 3.115.010 Definitions.
- 3.115.020 Cable Regulatory Commission.
- 3.115.030 General Powers & Duties.
- 3.115.040 Portland Community Media.
- 3.115.060 Annexations.
- 3.115.070 Cable Television Consumer Protection.
- 3.115.080 Definitions.
- 3.115.090 Local Office and Office Hours.
- 3.115.100 Telephone Answering Standard.
- 3.115.110 Installations, Disconnections, Outages And Service Calls.
- 3.115.120 Notice Requirements.
- 3.115.130 Billing.
- 3.115.140 Reporting.

**3.115.010 Definitions.**

Unless the context indicates otherwise, words used in this Chapter have the following meanings:

- A.** "Agreement" means the Intergovernmental Agreement creating the Mt. Hood Cable Regulatory Commission among and between the various Jurisdictions, dated December 24, 1992, including later amendments approved by the City Council.
- B.** "Commission" means the Mt. Hood Cable Regulatory Commission.
- C.** "Franchise" means an ordinance approved by the City Council authorizing use of the City's public right-of-way for operation of a cable communications system.
- D.** "Grantee" means any person authorized by a franchise agreement to construct, operate and maintain a cable communications system within the City of Portland.

**3.115.020 Cable Regulatory Commission.**

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- A.** The City is a party to the Intergovernmental Agreement dated December 24, 1992, as modified by subsequent amendments, creating the Mt. Hood Cable Regulatory Commission. The Intergovernmental Agreement establishes the responsibilities and powers of the Commission, as delegated by the various participating

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jurisdictions. The City Council approved the City of Portland's participation in the MHCRC by Ordinance No. 166168, enacted on January 20, 1993.

- B.** As provided in the Agreement, the City is represented by three members on the Commission, appointed by the Commissioner in Charge of the Office for Community Technology and confirmed by the Council. Appointments are for staggered terms of 3 years. When an interim vacancy occurs, the Commissioner in Charge appoints, and the Council confirms, a member to fill the balance of the unexpired term. All members representing the City must be residents of the City. The Commissioner in Charge shall appoint members to the Commission so as to provide for an appropriate level of expertise taking into account the powers and duties of the Commission and in making appointments shall take into consideration the desirability of diverse representation, including without limitation, of racial and ethnic minorities, gender, different geographic areas, and different socioeconomic groups. All members shall serve without compensation from the City or from any grantee. No member may have an ownership interest in any grantee. The Commissioner in Charge may remove a member appointed by the City from the Commission at any time, subject to approval by the Council.

#### **3.115.030 General Powers & Duties.**

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- A.** To the extent provided in the Agreement and in this Chapter, the Commission may exercise all cable communications system regulatory powers of the City over grantees operating within the City, whether such powers are granted to the City by law or under franchises issued to grantees.
- B.** The Commission shall act in an advisory capacity to the City Council through the Commissioner in Charge of the Office for Community Technology on all other matters pertaining to franchise agreements to construct, maintain and operate cable communications systems or proposed franchise agreements for such systems.
- C.** All powers granted to the Commission by the Agreement shall be subject to the provisions of franchises issued to grantees.. In the event of any conflict between the Agreement and a grantee franchise, the provisions of the franchise shall prevail.
- D.** The Commission may adopt such regulations as it deems necessary or desirable in order to exercise its powers and carry out its duties under the Agreement and this Chapter.

#### **3.115.040 Portland Community Media.**

(Amended by Ordinance No. 184882, effective September 21, 2011.) The Mayor and the Commissioner in Charge of the Office for Community Technology shall each appoint one member of the board of directors of Portland Community Media, for staggered terms of two years. All appointments shall be confirmed by the Council. In appointing these

directors, consideration shall be given to representation on the board of directors of the fields of arts, education, government, and community media; and of diverse representation including, without limitation, racial and ethnic minorities, non-English speaking people, gender, and low-income people. In addition, the Commission shall appoint one non-voting ex-officio director of the Portland Community Media board of directors.

**3.115.060 Annexations.**

- A.** In the event the City annexes territory for which another public body having jurisdiction to issue a franchise has issued a franchise to construct, operate and maintain a cable communications system, then franchisee's rights and obligations shall continue after annexation as they existed before annexation until expiration of that franchise, except that:
  - 1.** After annexation the City shall have all rights under the franchise of the issuing public body, including without limitation all rights to regulate, to collect and use franchise fees, regulation of system construction and operation within the annexed area, and rights to insurance, indemnification and other protections; and
  - 2.** After annexation the franchisee's obligations under the franchise regarding system construction and operation and other franchise requirements within the annexed area shall be to the City rather than to the issuing public body.
- B.** Nothing in this Section shall be deemed to modify the rights or obligations of the City or grantees under other franchises.

**3.115.070 Cable Television Consumer Protection.**

On behalf of the City, the Commission shall enforce the cable television consumer protection standards set forth in Sections 3.115.080 through 3.115.140.

**3.115.080 Definitions.**

Unless the context indicates otherwise, words used in Sections 3.115.080 through 3.115.140 have the following meanings:

- A.** **“Normal Business Hours”** means those hours during which most similar businesses in the City are open to serve customers. In all cases, Normal Business Hours must include some evening hours at least one night per week and some weekend hours.
- B.** **“Normal Operating Conditions”** means those service conditions which are within grantee's control. Conditions which are not within grantee's include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions which are ordinarily within the grantee's control include, but are not limited to, special promotions, pay-

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per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system. Grantees must adjust staffing and operations to maintain compliance with the service standards in anticipation of events and conditions within grantee's control.

- C. **“Service Interruption”** means the loss of picture or sound on one or more cable channels.

**3.115.090 Local Office and Office Hours.**

Grantees shall have customer service center and bill payment locations open at least during Normal Business Hours. Grantees shall locate customer service center and bill payment offices at locations that are convenient to subscribers and the public. Grantee customer service centers must be adequately staffed and able to respond to subscribers and the public not less than 50 hours per week, with a minimum of nine hours per day on weekdays and five hours on weekends excluding legal holidays. As used herein, "adequately staffed" means customer service representatives are available to respond to customers who come to the service center in at least the following ways:

- A. To accept payments;
- B. To exchange or accept returned converters or other company equipment;
- C. To respond to inquiries; and
- D. To schedule and conduct service or repair calls.

**3.115.100 Telephone Answering Standard.**

- A. Cable system office hours and telephone availability. Grantees shall maintain a local, toll-free or collect call telephone access line which shall be available to its subscribers 24 hours a day, seven days a week. Grantees shall provide, in at least one prominent location, an easily identifiable telephone number for local customer service on all bills, account statements or statements of service to grantee subscribers. Toll-free telephone lines, either staffed or with answering capability, providing at least emergency referral information, must be operational 24 hours a day, including weekends and holidays. Grantee must have trained representatives available to respond to customer telephone inquiries during Normal Business Hours. After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received by grantee after Normal Business Hours must be responded to by a trained representative on the next business day.
- B. Telephone Answering Time. Under Normal Operating Conditions, telephone answer time by grantee's customer representatives including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be

transferred, transfer time shall not exceed thirty (30) seconds. Grantees shall meet these standards no less than ninety (90) percent of the time under Normal Operating Conditions, measured on a calendar quarterly basis.

- C. Busy Phones. Under Normal Operating Conditions, the customer shall receive a busy signal less than three (3) percent of the time.

**3.115.110 Installations, Disconnections, Outages And Service Calls.**

Under Normal Operating Conditions, grantees shall meet each of the following standards shall be met no less than ninety five (95) percent of the time measured on a quarterly basis:

- A. Standard installations shall be performed within seven (7) business days after an order has been placed.
- B. Under Normal Operating Conditions, grantee shall begin work on Service Interruptions promptly and no later than 24 hours after the interruption becomes known. Grantee must begin working on other service problems the next business day after notification of the service problem. Working on Service Interruptions must be more than merely acknowledging that a service interruption has occurred.
- C. The appointment alternatives for installations, service calls and other installation activities shall be either a specific time or, at maximum, a four-hour time block during Normal Business Hours. Grantee may schedule service calls and other installation activities outside of Normal Business Hours for the express convenience of the customer.
- D. Grantee shall be deemed to have honored a scheduled appointment under the provisions of this section when a technician arrives within the agreed upon time and, if the subscriber is absent when the technician arrives, the technician leaves written notification of arrival and return time, and a copy of that notification is kept by the grantee.
- E. Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. Rescheduling an appointment is an independent obligation and does not necessarily excuse the missed appointment.
- F. If grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer shall be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient for the customer.

**3.115.120 Notice Requirements.**

(Amended by Ordinance No. 184882, effective September 21, 2011.)

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- A.** Notifications to subscribers. Grantee shall provide written information on each of the following areas at the time of service installation, at least annually to all subscribers, and at any time upon request:
1. Products and services offered;
  2. Prices and options for programming services and conditions of subscription to programming and other services;
  3. Installation and service maintenance policies;
  4. Instructions on how to use the cable service;
  5. Channel positions programming carried on the system; and,
  6. Billing and complaint procedures, including the address and telephone number of the City's Office for Community Technology.
- B.** Grantee shall notify customers of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the grantee. In addition, grantee shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by this Section. Grantees are not required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.

**3.115.130 Billing.**

- A.** Bill Statements. Grantee bills shall be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills shall also clearly delineate all activity during the billing period, including optional charges, rebates and credits. In case of a billing dispute, grantee must respond to a written complaint from a subscriber within seven (7) calendar days.
- B.** Refunds. Grantee shall issue refund checks promptly to customers, but no later than either the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier. Grantee may withhold a refund pending the customer returning the equipment supplied by grantee if service is terminated.
- C.** Credits. Grantee shall issue credits for service no later than the customer's next billing cycle following the determination that a credit is warranted.

**3.115.140 Reporting.**

Grantees shall file reports to the Commission on a quarterly basis showing the performance of grantee customer service standard obligations under Sections 3.115.080 through 3.115.140. The quarterly reports shall cover the periods January 1 through March 31; April 1 through June 31; July 1 through September 31; and October 1 through December 31. The reports shall be due no later than 30 days following the end of a quarter. The reports shall include, at a minimum, figures and narrative indicating performance of the following standards for:

Local office hours

Telephone call center hours

Telephone answering

Busy signal statistics

Standard installations

Service interruptions

Appointment windows: made, cancelled, and rescheduled

Notice requirements

Billing (refunds and credits)

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**CHAPTER 3.116 - WATERWAYS ADVISORY  
COMMITTEE**

(Chapter added by Ordinance No. 150413, effective  
September 17, 1980.)

**Sections:**

- 3.116.010 Created - Organization.
- 3.116.020 Procedures and Rules.
- 3.116.030 Duties.

**3.116.010 Created - Organization.**

(Amended by Ordinance Nos. 182671 and 184046, effective September 10, 2010.) There hereby is created an advisory committee to the Commissioner In Charge of the Bureau of Planning and Sustainability to be known as the Waterways Advisory Committee, consisting of not less than 7 nor more than 11 voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members of the Committee, the members to serve for a term of 2 years at the pleasure of the Commissioner In Charge. The president of the Planning and Sustainability Commission or his or her representative shall be a member of the Committee.

**3.116.020 Procedures and Rules.**

The Waterways Advisory Committee shall establish its own rules, bylaws, and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold meetings at such time as is set by the body at any other time at the call of the Chairman.

**3.116.030 Duties.**

(Amended by Ordinance No. 184046, effective September 10, 2010.) Members of the Waterways Advisory Committee shall:

- A.** Review any zoning Code amendment relating to waterways before it is presented to the Planning and Sustainability Commission, make its finds available to the Planning Commission and City Council;
- B.** Review and comment to the Planning and Sustainability Commission and City Council on public or private riverfront development proposals that are potentially in conflict with the City's Greenway Plan.
- C.** Identify opportunities for City encouragement of commercial, residential, recreational, transportation and educational development that fulfills public goals.
- D.** Review the status of plans for publicly constructed segments of the Greenway path and suggest priorities for those segments.

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- E.** Make recommendations to the Planning and Sustainability Commission and City Council for the development of City procedure to facilitate applicants' needs for a speedy and certain regulatory process and City policies consistent with such a goal.
- F.** Make recommendations to the Planning and Sustainability Commission and City Council on City policies governing use and development of the City's waterways.

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**CHAPTER 3.120 - METROPOLITAN ARTS  
COMMISSION**

(Chapter added by Ordinance No. 157240; repealed  
by Ordinance No. 168592, effective March 8,  
1995.)

**CHAPTER 3.122 - ECONOMIC  
IMPROVEMENT DISTRICTS**

(Chapter replaced by Ordinance No. 164665,  
effective September 18, 1991.)

**Sections:**

- 3.122.010 Purpose.
- 3.122.020 Definitions.
- 3.122.030 Council Control.
- 3.122.040 Statutory Provisions Applicable.
- 3.122.050 Preliminary Institution of Economic Improvement District
- 3.122.060 Final Plan and Ordinance Preparation.
- 3.122.070 Consideration of Final Plan and Ordinance.
- 3.122.080 Notice to Owners.
- 3.122.090 Exemption Process.
- 3.122.100 Hearing and Resolution Establishing District.
- 3.122.110 Preparation and Notice of Assessments.
- 3.122.120 Hearing on Assessments.
- 3.122.130 Amendments to Ordinance.
- 3.122.140 Limitation on Assessments.
- 3.122.150 Limitation on Boundaries.
- 3.122.160 Continuation of Assessments.
- 3.122.170 Expenditure of Moneys.
- 3.122.180 Cost of Administration.
- 3.122.190 Limitation on Expenditures.
- 3.122.200 Administration
- 3.122.210 Early Termination.
- 3.122.220 Surplus.
- 3.122.230 Entry and Collection of Assessments.

**3.122.010 Purpose.**

The purpose of this Chapter is to establish procedures for the creation of two types of Economic Improvement Districts, one in which the assessment is mandatory and applied to all properties except Exempt Properties, the second type in which the property owner can decide whether to be assessed, a voluntary assessment, as authorized by state law. The City will be ultimately responsible for administering and operating any Economic Improvement District, although the administration and operation may be carried out by others under contract with the City. All costs of administering and operating any Economic Improvement District will be paid entirely from assessments and fees actually received from the District; the City will not pledge its credit on behalf of the District; and the City will not loan funds to the District.

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**3.122.020 Definitions.**

The following words and phrases when used in this Chapter shall have the following meanings, except where the context requires a different meaning:

- A. “Advisory Committee”** means a committee of persons representative of the owners and tenants of property within an Economic Improvement District and may consist of an existing association of property owners or tenants or both.
- B. “Commissioner In Charge”** means the commissioner in charge of the lead bureau.
- C. “Economic Improvement”** means:
  - 1. The planning or management of development or improvement activities.
  - 2. Landscaping, maintenance and provision of security for public areas.
  - 3. The promotion of commercial activity or public events.
  - 4. The conduct of activities in support of business recruitment and development.
  - 5. The provision of improvements in parking systems or parking enforcement.
  - 6. Any other economic improvement activity that specially benefits property. “Economic improvement” does not include any services to be provided on private property.
- D. “Preliminary Economic Improvement Plan”** means a plan prepared by the property owners or tenants within the proposed District or their designees setting out:
  - 1. A description of economic improvements proposed to be carried out;
  - 2. The number of years, to a maximum of three, in which assessments are proposed to be levied;
  - 3. A preliminary estimate of annual cost of the proposed economic improvements;
  - 4. The proposed boundaries designated by map or perimeter description of an Economic Improvement District within which subject properties would be assessed to finance the cost of the economic improvements;
  - 5. The proposed formula for assessing the cost of the economic improvements against subject properties;

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6. A preliminary estimate of the cost of City administration of the proposed Economic Improvement District;
7. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
  - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
  - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
8. A statement of why the proposed economic improvements are not likely to be satisfactorily and equitably accomplished except through establishment of an Economic Improvement District.

**E. “Final Economic Improvement Plan” means a plan setting out:**

1. A description of economic improvements to be carried out;
2. The number of years, to a maximum of three, in which assessments will be levied;
3. The annual cost of the proposed economic improvements;
4. The boundaries designated by map or perimeter description of the Economic Improvement District within which subject properties will be assessed to finance the costs of the Economic Improvement District;
5. The formula for assessing the cost of the economic improvements against subject properties;
6. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
  - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
  - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
7. The cost of City administration of the Economic Improvement District.

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- F.** “**Lead bureau**” means the City office, bureau or commission determined by the Mayor to have the principal interest in a proposed Economic Improvement District.
- G.** “**Lot**” means a lot, block, or parcel or land.
- H.** “**Owner**” means the owner of the title to real property or the contract purchaser of record as shown on the last available complete assessment roll in the Office of the County Assessor.
- I.** “**Subject Properties**” means the real property within an Economic Improvement District except for Exempt Property.
- J.** “**Exempt Property**” means:
  - 1.** Residential real property and any portion of a structure used for residential purposes. In the event a structure is used for both residential and non-residential purposes, the land on which the structure is located shall not be Exempt Property. For purposes of this subsection, “residential real property” and “residential purposes” shall not include hotels and hotel uses, as defined in Section 33.12.420 of this Code, and motels and motel uses, as defined in Section 33.12.560 of this Code, but shall include hotel and hotel uses if, for the entire hotel or entire hotel use:
    - a.** The average rent per unit is less than \$2 per day, or
    - b.** A majority of the units regularly are occupied by the same tenants for more than 30 consecutive days, or
    - c.** A majority of the units regularly are occupied by occupants who pay for lodging on a monthly basis.
  - 2.** Property owned or being purchased by religious organizations including:
    - a.** All houses of public worship; and other additional buildings and property used solely for administration, education, literary, benevolent, charitable, entertainment, and recreational purposes by religious organizations, the lots on which they are situated, and the pews, slips, and furniture therein. However, any part of any house of public worship or other additional buildings or property which is kept or used as a store or shop or for any purpose other than those stated in this Section shall not be exempt property.
    - b.** Parking lots used for parking or any other use as long as that parking or other use is permitted without charge.

- c. Land and the buildings thereon held or used solely for cemetery or crematory purposes, including any buildings solely used to store machinery or equipment used exclusively for maintenance of such lands.

**K.** “**Task Force**” means a committee whose membership consists of representatives of those City offices, bureaus, and commissions that have a significant interest in a proposed Economic Improvement District and a representative appointed by the Advisory Committee. The City Auditor or a representative designated by the City Auditor shall be a member of each Task Force.

**3.122.030 Council Control.**

Whenever the Council determines that economic improvements would be appropriate and would afford a special benefit to subject properties within a particular District, the Council, subject to the provisions of this Chapter, may establish an Economic Improvement District and provide for payment of all or a portion of the cost by collection of assessments on either a mandatory or voluntary basis. The Council may decline for any reason within its sole discretion to establish a proposed Economic Improvement District. This Chapter shall not give to any person the right to have an Economic Improvement District established.

**3.122.040 Statutory Provisions Applicable.**

Statutory provisions applicable to Economic Improvement Districts shall be followed by the City and by owners in all cases. The provisions of this Chapter are intended to supplement and to implement the statutory provisions.

**3.122.050 Preliminary Institution of Economic Improvement District.**

**A.** The Council shall consider creation of an Economic Improvement District whenever owners of Subject Properties file with the Auditor a petition for the establishment of a District containing the signatures of the owners of 33 percent or more of the area or of the assessed value of subject properties within the proposed District or whenever a City Commissioner or the Mayor files a report recommending the establishment of a District. A petition or report shall contain a Preliminary Economic Improvement Plan.

**B.** The Council may adopt a resolution directing the lead bureau to begin the Economic Improvement District formation process if the Council finds that:

1. The costs of administering the proposed Economic Improvement District would not be substantial in relationship to the cost of the economic improvements;
2. It is not likely that the economic improvements would be satisfactorily and equitably accomplished except through establishment of the Economic Improvement District;

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3. Establishment of the Economic Improvement District would be in the public interest;
  4. In the case of a District intended to impose a mandatory assessment, that the assessment can be accommodated within the property tax limitation and City budget; and
  5. The economic improvements would afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public.
- C. The resolution may contain such revisions to the preliminary economic improvement plan as the Council deems appropriate based on the criteria set out in Paragraphs 1 through 5 of this Subsection and shall designate those City offices, bureaus, and commissions to be represented on the task force for the proposed District.
- D. Upon adoption by the Council of a resolution under Subsection B of this Section, the Mayor shall designate a lead bureau for the proposed Economic Improvement District from among those designated to be represented on the task force and shall refer the matter to the Commissioner In Charge.
- E. Immediately following the referral under Subsection D of this Section, the Commissioner In Charge shall appoint an advisory committee to assist the task force in development of the final economic improvement plan. The Commissioner shall strongly consider appointment of owners of property within the Economic Improvement District to the advisory committee. The Commissioner may appoint as the advisory committee an existing association of property owners or tenants or both. The task force shall encourage participation of the advisory committee in the plan development and administration process. The advisory committee shall appoint a representative to the task force.

**3.122.060 Final Plan and Ordinance Preparation.**

- A. Immediately following Council adoption of a resolution under Section 3.122.050 B, the head of each office, bureau and commission to be represented on the task force shall appoint its representative and the City Auditor shall appoint the city Auditor's representative, by notification to the head of the lead bureau.
- B. The City Auditor's representative shall provide to the task force a report setting out:
1. Whether the petitioners under Section 3.122.050 A are owners of subject property in the proposed District;
  2. Delinquencies in taxes or City liens on subject properties in the proposed District;

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3. The true cash value of all real property located within the proposed District; and
  4. The zoning of land within the District, including verification that only land zoned for commercial or industrial use is included within the District.
- C. The lead bureau shall be responsible for preparing the documents referred to in Subsection D.
- D. The task force shall prepare for the Commissioner In Charge a report recommending whether the owners of property within the proposed Economic Improvement District shall be formally notified of the proposal to establish the District, taking into consideration the criteria set out in Section 3.122.050 B. If the report recommends formal notification, the report shall include a proposed Final Economic Improvement Plan and the report of the City Auditor's representative provided under Subsection B. The report also shall include a proposed ordinance that:
1. States the Council's intention to proceed with formal notification regarding the proposed Economic Improvement District;
  2. States whether the assessments will be mandatory or voluntary;
  3. Contains the information in the Final Economic Improvement Plan, which may be included by attachment of the Plan as an exhibit; and
  4. Directs notice to be given in the manner provided by PCC 3.122.080.

**3.122.070 Consideration of Final Plan and Ordinance.**

- A. If the Commissioner in Charge deems it appropriate, the Commissioner shall file for Council consideration the report and ordinance prepared under Section 3.122.060 D.
- B. On consideration of the report and ordinance, the Council may approve, modify, or reject the report including any aspect of the Final Economic Improvement Plan, and the ordinance. If the Council determines that the proceedings for the proposed Economic Improvement District should go forward, the Council shall adopt the ordinance including any modifications.

**3.122.080 Notice to Owners.**

- A. Following adoption of the ordinance under Section 3.122.070 B, the Auditor shall mail notice to the property owners within the proposed Economic Improvement District which contains the following information:

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1. The Council's intent to form an Economic Improvement District.
2. Benefitted properties will be assessed unless it is a voluntary assessment in which case only property owners who specifically request to be assessed will be assessed. An owner who fails to submit a written objection before or at the public hearing on assessment shall be deemed to have made a specific request to be assessed.
3. The formula for determining the amount of the assessment.
4. The scope of the improvements and that the description of the boundaries of the proposed District and the full scope of the project are on file with the Auditor and where the file can be viewed. It should state that:
  - a. In the case of a voluntary assessment the scope and level of the improvements may be reduced depending on the amount of money collected; or
  - b. In the case of a mandatory assessment the scope and level of the improvements may be reduced if the amount of the assessment is compressed to fit within the property tax limitation imposed by the Oregon Constitution, Art. XI § 11b.
5. The estimated cost of the proposal, and that it may be reduced to the amount of money actually received.
6. The date, time and place of the hearing and that the proposal could be modified as a result of public testimony.
7. The classification or types of properties which are exempt and that a request for an exemption on an enclosed form must be filed not later than 21 days after the notice is mailed.
8. In the case of a voluntary assessment that it is an incurred charge and is not a tax and is a charge outside the property tax limitations in the Oregon Constitution, Art. XI, §11b.

**3.122.090 Exemption Process.**

- A. Property within the proposed District is conclusively presumed subject to assessment unless the owner files with the Auditor a claim for exemption not later than 21 days after the date of mailing or personal delivery of the notice.
- B. The Auditor, in his or her discretion, may audit a claim or claims for exemption to determine whether property claimed to be exempt from assessment is exempt property. The audit may include review of such evidence as the Auditor deems

appropriate and may include a viewing of the property. In the event the Auditor determines that the property for which an exemption is claimed is not exempt, the Auditor shall give the owner written notice of the determination and the reasons, by mail or personal delivery. The notice shall give the owner 10 days time within which to provide written evidence as to why the property is exempt. In the event the owner provides no written evidence within the time allowed, the property conclusively shall be presumed not to be exempt property. In the event the owner submits written evidence, the Auditor shall review the evidence and either approve or disapprove the claim for exemption and provide written notice to the owner, including a statement of the reasons for the Auditor's decision. The Auditor's approval or disapproval following review of the evidence shall be final.

**3.122.100 Hearing and Resolution Establishing District.**

- A.** The Council shall hold a public hearing on the proposed Economic Improvement District at the time and place stated in the notice to owners of properties. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to such other time and place as it may deem appropriate. At the hearing, persons supporting or objecting to the proposed improvement and assessment shall be entitled to be heard.
- B.** If the Council, at the conclusion of the hearing, finds that the economic improvements will afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public and that the Economic Improvement District should be established, then the Council may adopt a resolution stating those findings and establishing the District.

**3.122.110 Preparation and Notice of Assessments.**

- A.** Following Council adoption of a resolution establishing an Economic Improvement District based on the final Economic Improvement Plan, the Auditor shall prepare the proposed assessment for each lot in the District that is a subject property and shall file a proposed assessment ordinance, with a list of proposed assessments attached, with the City Council. The amount of assessment shall be based on the cost of the economic improvements and the cost of City administration of the Economic Improvement District.
- B.** Following preparation of the proposed assessments, the Auditor shall mail to the owner of each lot to be assessed a notice containing the following information:
  - 1.** The description of the property being assessed.
  - 2.** The name of the District and whether it is a voluntary or mandatory assessment. In the case of a voluntary assessment a statement that the

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property will be assessed unless the property owner specifically requests in writing not to be assessed.

3. The length of the District and the total cost of the project, the assessment formula, and the amount of the assessment on the property.
4. The assessment will not change unless the Council finds it exceeds the benefit of the improvements, but the total amount and scope of the improvements and level of services could change to correspond to the amount of money collected. Further, the scope of the improvements and level of services could change as a result of the testimony.
5. The time, date and place of the hearing and that the following forms of objection may be filed:
  - a. A written objection to being assessed in which case no assessment will be placed on the property if it is a voluntary assessment. An owner who fails to submit a written objection before or at the public hearing shall be deemed to have made a specific request for the economic improvement service to be provided during the time specified in the assessment ordinance;
  - b. An objection to the amount of the assessment on the grounds it is incorrect or exceeds the amount of benefit; and
  - c. An objection to the formation of the District.
6. A written objection may be filed with the Auditor prior to the hearing or made orally at the hearing. An objection to the assessment must explain the reasons the assessment is incorrect or exceeds the amount of benefit.
7. The assessment is due and payable immediately, and whether it may be paid in installments. The amount of interest if any and the fact there will be billing charges. The unpaid balance will become a lien on the property and failure to pay could result in foreclosure.
8. A voluntary assessment is an incurred charge and is a charge outside the property tax limitation imposed by the Oregon Constitution, Art. XI, §11b.
9. Property included in the District and assessed cannot be withdrawn from the District and the assessment will continue through the life of the District.
10. The name and phone number of a City staff person who can answer questions.

**3.122.120 Hearing on Assessments.**

- A.** The Council shall hold a public hearing on the proposed assessment ordinance. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to a date and time certain. At the hearing, property owners supporting or objecting to being assessed, to the amount of the assessment or to the formation of the District, shall be entitled to be heard.
- B.** Written objections shall be considered to have been received by the Council at the hearing if actually received at the hearing or if received by the Auditor prior to commencement of the hearing. A written objection signed by a person purporting to have authority as agent or attorney to sign an objection on behalf of an owner shall be considered received from the owner only if there is included with the objection a copy in writing of the authority to act on behalf of the owner.
- C.** If the Council at the hearing receives written objections to the formation of the District from owners of property upon which more than 33 percent of the total value of assessments are levied, then the Economic Improvement District shall not be established and assessments shall not be made.
- D.** At the hearing, the Council shall consider any objections and may adopt, correct, modify, revise the proposed assessment ordinance. In the case of a voluntary assessment, the Council shall exclude from assessment property which the owner has requested be omitted from assessment. The request shall be made in writing and submitted prior to the close of the hearing.

**3.122.130 Amendments to Ordinance.**

- A.** At the hearing under Section 3.122.100, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070. The procedures required by Sections 3.122.080 and 3.122.100 shall be repeated if the amendment:

  - 1.** Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment;
  - 2.** Increases the likely assessment upon one or more properties; or
  - 3.** Enlarges the Economic Improvement District;
- B.** At the hearing under Section 3.122.120, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070 as subsequently amended. If the amendment increases the likely assessment upon one or more properties, then the procedures required by Sections 3.122.110 and 3.122.120 shall be repeated. The procedures required by Section 3.122.080 through 3.122.120 shall be repeated if the amendment:

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1. Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment; or
2. Enlarges the Economic Improvement District.

**3.122.140 Assessments.**

- A. The Council shall not levy assessments in an Economic Improvement District in any year that exceed one percent of the true cash value of all the real property located within the District.
- B. Any new owner of benefitted property or any owner of benefitted property who excluded the property from assessment by submitting written objections may subsequently agree to the assessment of the property. The Council shall apply the assessment formula to the property and apportion the costs to the property for the remaining time in which the assessment is levied.
- C. The assessed property may not be relieved from liability for that assessment for any reason including change of ownership.

**3.122.150 Limitation on Boundaries.**

The Council shall not include within an Economic Improvement District any area of the City that is not zoned for commercial or industrial use.

**3.122.160 Continuation of Assessments.**

If the Council has established an Economic Improvement District and thereafter determines that it is necessary to levy assessments upon subject property in the District for longer than the period of time specified in the assessment ordinance that created the District, the Council shall enact an ordinance that provides for continued assessments for a specified number of years, to a maximum of three. The assessment of lots under such an ordinance shall be subject to the procedures required by Sections 3.122.110 and 3.122.120.

**3.122.170 Expenditure of Moneys.**

Money derived from assessments levied under this Chapter and from interest earned on that money shall be spent only for the economic improvements and for the cost of City administration of the Economic Improvement District described in the final Economic Improvement Plan. Subject to the requirements of any labor agreements to which the City is a party and to any applicable requirements of state law, the Council in its discretion may authorize an agreement or agreements with the advisory committee appointed under Section 3.122.050 D for the committee to provide all or part of the economic improvements described in the final economic improvement plan.

**3.122.180 Cost of Administration.**

The cost of City administration of an Economic Improvement District shall include the actual cost of administrative services provided by the City related to the District.

**3.122.190      Limitation on Expenditures.**

Money spent for carrying out a final Economic Improvement Plan shall be limited to money actually received from assessments or from other public or private contributions to assist in carrying out the Plan.

**3.122.200      Administration.**

The task force for an Economic Improvement District shall be responsible for administration of the economic improvements to be carried out. With the concurrence of the head of the lead bureau, the task force may designate an employee of the lead bureau as the person responsible for day to day administration of the economic improvements. In the event the task force determines that the economic improvements should be performed by a contractor or contractors, the task force shall prepare for Council consideration contracts for the work. In each case, the contract for work shall include not less than the following:

- A.      A description of the work to be done;
- B.      A description of the method of compensation for the work;
- C.      A description of records to be kept by the contractor to evidence performance of the work and of the documentation to be provided to the City to justify payment for work;
- D.      A description of any liability to be born and insurance to be provided by the contractor; and
- E.      A description of the rights of the City to terminate the contract prior to its completion.

**3.122.210      Early Termination.**

The City Council may terminate the activities of an Economic Improvement District in whole or in part prior to the normally scheduled termination date for the District by an ordinance. However, all applicable contract issues shall be resolved before activities are terminated. In the event of early termination, those funds remaining from assessments for the District, following payment of all obligations and costs of administration incurred on behalf of the District, shall be returned to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District. In the event of early termination of only a part of the activities of an Economic Improvement District, the City Council, in the termination ordinance, may elect to apply remaining funds on a similarly proportionate basis as a credit against future District assessments against subject properties, with any funds remaining being returned to the owners as otherwise provided herein.

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**3.122.220 Surplus.**

In the event, following the normally scheduled termination of an Economic Improvement District, including the payment of all obligations and costs of administration incurred on behalf of the District, there remain excess funds from assessments paid by owners of subject properties, then the City Council, by ordinance, shall provide for either:

- A. The return of the excess funds to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District;
- B. Use of the excess funds for continued provision of the economic improvements until the excess funds are fully spent; or
- C. Use of part of the excess funds as provided in B and return of the balance of the excess funds as provided in A.

**3.122.230 Entry and Collection of Assessments.**

- A. On adoption of an assessment ordinance under Section 3.122.120 D, the City Auditor shall enter each assessment in the docket of City liens. All such assessments shall be collected in the same manner as local improvement assessments and failure to pay may result in foreclosure in the same manner as provided for other assessments.
- B. The assessments may be paid in semi-annual payments, however the City may charge a billing fee.

**3.122.240 Economic Improvement Fund.**

(Repealed by Ordinance No. 170223, effective July 1, 1996.)

**CHAPTER 3.123 - PORTLAND UTILITY  
BOARD**

(Chapter replaced by Ordinance No. 187174,  
effective July 31, 2015.)

**Sections:**

- 3.123.010 Created - Purpose.
- 3.123.020 Scope.
- 3.123.030 Membership.
- 3.123.040 Appointments - Composition.
- 3.123.050 Terms.
- 3.123.060 Standing Committees.
- 3.123.070 Staffing.
- 3.123.080 Meeting Schedule.
- 3.123.090 By-Laws.
- 3.123.100 Annual Report and Work Session.

**3.123.010 Created - Purpose.**

A Portland Utility Board is hereby created. The Board's purpose is to advise the City Council, on behalf of and for the benefit of the citizens of Portland, on the financial plans, capital improvements, annual budget development and rate setting for the City's water, sewer, stormwater, and watershed services. The Board will advise Council on the establishment of fair and equitable rates, consistent with balancing the goals of customer needs, legal mandates, existing public policies, such as protecting water quality and improving watershed health, operational requirements, and the long-term financial stability and viability of the utilities.

**3.123.020 Scope.**

- A.** The Portland Water Bureau and the Bureau of Environmental Services use multi-year financial planning to prioritize programs and to project operating and capital costs associated with policies and programs, and to estimate overall rate impacts. The Board will fully participate in the bureaus' financial planning and budgeting processes. The Board will work with the bureaus to develop long-term, 20-year mission plans. The bureaus update their financial plans throughout the year to reflect significant changes in revenues or requirements, and revise the plans annually. The Board will review the proposed financial plans and revisions, and submit its findings and recommendations to the Council as part of the City's annual financial planning process. The Board will actively monitor bureau spending through the fiscal year and be briefed on final fiscal year accounting including status of debt load and rate stabilization funds. The Board will monitor bureau and City Council responses to and implementation of audits, in consultation with the Commissioner(s)-in-Charge. The Board will monitor City Council budget amendments, capital improvement plans (CIP) and implementing actions

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throughout the fiscal year. The Board will participate in evaluating the performance of the bureaus. The bureaus will engage with the Board throughout the fiscal year when developing budgets. The Board may serve, at the Mayor's pleasure, as an advisor in the development of Mayor's budgets for the Portland Water Bureau and the Bureau of Environmental Services.

- B.** The Board will periodically consult the bureaus and the Commissioner(s)in-Charge on strategic communications, public education and involvement, as well as review audits and other reports. The Board will identify and report to the Commissioner(s)-in-Charge, the Mayor or the Council on important issues and challenges for the Portland Water Bureau and the Bureau of Environmental Services. The Board will monitor the bureaus' efforts to achieve equity in the provision of services throughout the City.
- C.** Participate in the rate design process: The Board will report on proposed rate changes to the Council during the annual budget hearings and development processes for water, sanitary sewer, watershed health, and stormwater. The Board shall report on other city activities or proposed policies with significant impacts to water, sanitary sewer, and stormwater rates.
- D.** When the bureaus form other advisory groups on utility matters such as facility or project specific concerns, the Board and its staff will exchange information with these other advisory groups to coordinate policy advice to the Council and the bureaus.
- E.** Relationship to other interested parties: The Board's primary responsibility and duties are to advise the Council, and its deliberations and recommendations shall be directed to Council accordingly. The Board may also share the results of its deliberations and recommendations delivered to Council with interested individuals and groups including neighborhoods, business associations, and public interest groups.

#### **3.123.030 Membership.**

(Amended by Ordinance No. 188015, effective September 29, 2016.) The Board shall have 11 permanent members. Board members shall be appointed by the Mayor in consultation with the Commissioner(s)-in-Charge of the bureaus, and confirmed by the Council. Any Council member may submit nominations to the Commissioner(s)-in-Charge. In consultation with the Commissioner(s)-in-Charge, the Mayor shall appoint the Chair of the Board. Six members shall constitute a quorum of the Board. Board members serve without compensation, except they may receive from their employer their regular salary during time spent on Board matters.

#### **3.123.040 Appointments - Composition.**

(Amended by Ordinance No. 188015, effective September 29, 2016.)

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- A.** General Criteria. All members must reside in or work predominantly in the city of Portland and have an interest in water, sewer, stormwater, and watershed health issues, such as system development and maintenance, service delivery, service costs and impacts on low-income households, economic development, public health, conservation, green infrastructure or the environment. In making Board appointments, the Mayor and Council shall strive to have a Board which reflects the diversity of the Portland community, including, but not limited to, the following factors: areas of expertise, advocacy, experience, community involvement, profession, education and/or, economic status. Preferred appointees should have a range of qualified professional and academic expertise, and community volunteer experience. Appointees will include a current employee in a represented bargaining unit with the Portland Water Bureau or the Bureau of Environmental Services. Skills that will serve the Board well include: technical knowledge of water, stormwater, and sewer utility operation and issues, accounting, civil engineering, conservation, environmental sciences, equity, health sciences, public administration, urban planning, or utility economics, financial and capital improvement analysis, ecosystem science, environmental protection, political process, group process, and communications.
- B.** Restrictions. No individual with any direct financial interest in either city utility other than as a rate-paying customer or as an employee of the utility bureaus.
- C.** The Mayor shall, in consultation with the Commissioner(s)-in-Charge, appoint three non-voting, ex officio members annually, to engage utility bureau employees in the budget process. The ex officio members shall be one represented and two non-represented utility bureau employees, appointed to participate in the process of developing recommendations on the bureaus' annual budgets. The voting and ex officio members shall be evenly distributed between the utility bureaus. The term of ex officio members shall be for 1 year. Ex officio members may be re-appointed up to three times.

**3.123.050 Terms.**

- A.** Board members will be appointed to serve for a term of 3 years. The terms of each member shall run from the date of the City Council's confirmation of the member's appointment, or such other date as the Council may establish.
- B.** The Board may make recommendations to the Mayor regarding the reappointment of existing members. Notwithstanding the limitations of this Section, a Board member may continue to serve until his or her replacement is appointed.
- C.** If any member of the Board is absent more than three regularly scheduled meetings of the Board during any 12 month period, without having notified the Chair in advance of such absence, such member shall be deemed to have resigned from the

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Board. The member's position shall thereafter be vacant and subject to appointment by the Mayor.

- D.** The Mayor may remove any member of the Board at his or her discretion for due cause, including but not limited to malfeasance or neglect of duties.

**3.123.060 Standing Committees.**

- A.** The Board may at any time establish standing committees of at least three individuals to address specific issues related to the Board's purpose.
- B.** The Board may designate more specific roles and responsibilities for any standing committee in the Board by-laws.

**3.123.070 Staffing.**

- A.** The City Budget Office will provide staffing for the Board, with logistical and topic-related support from the Portland Water Bureau, the Bureau of Environmental Services, and other bureaus or agencies as may be needed. Staffing should be experienced and skilled in financial analysis, utilities, and government operations within the context of environmental stewardship.
- B.** Commissioner(s)-in-Charge liaisons to the two utility bureaus shall serve as a resource to the Board and attend its meetings.

**3.123.080 Meeting Schedule.**

The Board shall meet at least once monthly on a regular date established by the Board. Additional meetings may also be scheduled during annual budget and rate review periods as determined by the Board Chair. The Board Chair, with assistance from the Board's staff, will develop meeting agendas in consultation with others including Board members, the utility bureaus, and the Commissioner(s)-in-Charge.

**3.123.090 By-Laws.**

- A.** The Board shall adopt by-laws to govern its procedures within the purposes of this Chapter that shall not conflict with any portion of this Chapter and which are subject to the prior review and approval of the Mayor, with approval as to legal sufficiency by the City Attorney. These by-laws shall include specifications concerning selection and tenure of standing committee chairs, division of responsibilities, attendance policies, meeting schedules, as well as communications between the Board and City agencies, the media and the general public, and any other appropriate matters. As an initial action, the PUB will establish operating procedures that define expectations for member participation and roles and address transparency in its deliberations, public information and participation, and equity.

- B.** The by-laws shall specify procedures for public testimony, including opportunities for public comments at each Board meeting.

**3.123.100 Annual Report and Work Session.**

- A.** Annually, the Board shall prepare and submit to the Council a report summarizing the work performed by the Board during the previous year. The Board shall submit the annual report within the first 3 months following the beginning of each fiscal year for the utility bureaus. The annual report shall include, but need not be limited to, a summary of issues reviewed and analyzed; a list of briefings and reports received from staff, outside experts and other informed parties; a summary of recommendations forwarded to the Council; and a summary of Council action on the recommendations.
- B.** The Board's report will be presented to the Council in a work session. In addition, the Board will present a work plan outline for the next year and seek input from the Council on potential next steps.

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**CHAPTER 3.124 - PORTLAND BUREAU OF  
EMERGENCY MANAGEMENT**

(Chapter replaced by Ordinance No. 184740;  
Amended by Ordinance No. 185304, effective June  
1, 2012.)

**Sections:**

- 3.124.010 Definitions.
- 3.124.020 Portland Bureau of Emergency Management.
- 3.124.030 Purpose.
- 3.124.040 Organization.
- 3.124.050 Director's Powers and Duties.
- 3.124.060 Staff and Delegation.
- 3.124.070 Neighborhood Emergency Team Program.
- 3.124.080 Neighborhood Emergency Teams.
- 3.124.090 Neighborhood Emergency Team Leaders.

**3.124.010 Definitions.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The following definitions apply to Chapters 3.124 through 3.126:

- A.** “Comprehensive Emergency Management Plan (CEMP)” means a written document that describes the City’s overall emergency management plan. A CEMP specifies the purpose, organization, responsibilities and facilities of the agencies and officials of the City in the mitigation of, preparation for, response to, and recovery from emergencies and disasters.
- B.** “Director” means the director of the Portland Bureau of Emergency Management.
- C.** “Emergency” means any natural, technological or human-made, event or circumstance causing or threatening: widespread loss of life, injury to persons or property, human suffering or financial loss, including but not limited to fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war.
- D.** “Emergency Coordination Center (ECC)” means the centralized location where local officials gather during an emergency to coordinate emergency response activities and implement direction from the Mayor.
- E.** “Emergency Management” means an approach to prevent, protect against, respond to, recover from, and mitigate the effects of incidents.

- F.** “Emergency Notices” means information that is disseminated primarily in anticipation of or during an emergency. In addition to providing situational information to the public, it frequently provides directive actions required to be taken by the general public.
- G.** “Emergency Plan” means an ongoing plan for responding to a wide variety of potential hazards.
- H.** “Incident” means an occurrence, natural or human-made, that requires a response to protect life or property in an emergency.
- I.** “National Incident Management System” (NIMS) means the Federal Government’s standardized framework of doctrines, concepts, principles, terminology, and organizational processes for emergency management.

**3.124.020 Portland Bureau of Emergency Management.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) There is established by the City Council the Portland Bureau of Emergency Management (PBEM) as a part of the Mayor’s portfolio.

**3.124.030 Purpose.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The purpose of PBEM is to centralize leadership and coordination of emergency management.

**3.124.040 Organization.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall consist of the Director and such other employees as the Council may provide. The Director shall be immediately responsible to the Mayor and, thereafter, to the City Council.

**3.124.050 Director's Powers and Duties.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Director of the Portland Bureau of Emergency Management’s duties and powers include, but are not limited to the following:

- A.** Overall administrative authority for the Office;
- B.** Serve as principal strategic advisor to the Mayor concerning emergency management;
- C.** Implement policy directives of the City Council and the Disaster Policy Council and enforce the schedules and plans approved by them;
- D.** Manage the Emergency Coordination Center (ECC), establishing the overall structure, roles, responsibilities and direction for the operation of the ECC and

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ensuring that the ECC is appropriately sited, staffed, equipped, and maintained. The Director may reassign employees to ECC duties as required;

- E.** Maintain written emergency plans, including all chapters, annexes and appendices of the Comprehensive Emergency Management Plan (CEMP) and annually submit a report with any recommendations for revisions;
- F.** Maintain records documenting compliance with requirements of federal and state emergency management programs, including NIMS. When a bureau other than PBEM possesses such records, the bureau shall immediately produce them upon the request of the Director;
- G.** Develop and implement training and exercise programs for responders that test the effectiveness of the CEMP and other emergency management plans;
- H.** Develop and implement processes, procedures, and systems for communicating emergency notices to the public and responders about incidents;
- I.** Develop and implement programs to educate the public about emergency preparedness, including volunteer programs, and train citizens to assist in emergencies;
- J.** Evaluate the effectiveness of the City's response to an emergency event.

**3.124.060 Staff and Delegation.**

(Amended by Ordinance No. 185304, effective June 1, 2012.)

- A.** The Director may appoint an Operations Manager who is accountable to the Director and may appoint other personnel necessary to carry out the provisions of this Chapter, when in keeping with the adopted budget for PBEM or specially funded projects.
- B.** The Director may delegate to staff members any of the Director's duties.
- C.** In the event of an emergency, the line of succession for the PBEM is: Director, Operations Manager, Training and Exercise Manager, Planning Manager, and Planning Program Specialist.
- D.** When a succession occurs, all duties and responsibilities of the Director are transferred to the successor and any delegations remain in place unless withdrawn by the new Director.

**3.124.070 Neighborhood Emergency Team Program.**

The purpose of the Neighborhood Emergency Team Program is to prepare neighborhoods for self-sufficiency during an emergency by providing individuals with information, training, and exercises related to emergency preparedness and response.

**3.124.080 Neighborhood Emergency Teams.**

- A.** As part of the Neighborhood Emergency Team Program, the Director is authorized to:
  - 1.** Create Neighborhood Emergency Teams (NET) and define the qualifications for membership therein;
  - 2.** Develop written processes and procedures governing the conduct of members;
  - 3.** Conduct or cause to be conducted such inquiries or investigations into the fitness of an individual to serve as a NET member that the Director believes are necessary and appropriate;
  - 4.** Conduct or approve of ongoing training for NET members;
  - 5.** Designate certain NET members as team leaders for the purpose of supervision;
  - 6.** Dismiss or remove NET members.
- B.** When acting as agents of the City, NET members are entitled to defense and indemnification pursuant to ORS 30.285.

**3.124.090 Neighborhood Emergency Team Leaders.**

- A.** All NET members shall be immediately responsible to a team leader and thereafter the Director. The Director may dismiss or remove a NET Leader.
- B.** NET leaders may designate one assistant for each five NET members or fraction thereof for purposes of maintaining adequate supervision of NET members during training or deployment.
- C.** NET leaders are responsible for the organization, ongoing training, communication with and operational safety of the NET members assigned to their teams.
- D.** NET leaders shall attend regularly scheduled meetings for the purposes of training and communicating with NET members.
- E.** NET leaders shall evaluate the performance of NET members and may recommend to the Director the dismissal or removal of NET members.

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**CHAPTER 3.125 - DISASTER POLICY  
COUNCIL**

(Chapter replaced by Ordinance No. 184740,  
effective July 13, 2011.)

**Sections:**

- 3.125.010 Disaster Policy Council.
- 3.125.020 Duties.
- 3.125.030 Membership.
- 3.125.040 Procedures.
- 3.125.050 Staff Support to Disaster Policy Council.

**3.125.010 Disaster Policy Council.**

The Disaster Policy Council (DPC) is hereby created for the purpose of promoting interbureau cooperation in furtherance of the City's integrated emergency management goals.

**3.125.020 Duties.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The DPC's duties include, but are not limited to, the following:

- A. During an emergency, advise the Mayor on policy matters pertaining to management of the emergency;
- B. Approve strategic, response and work plans developed by the Portland Bureau of Emergency Management and the Emergency Management Steering Committee defining the City's emergency management program goals and priorities;
- C. Monitor individual bureau progress on work plan tasks, strategic plan tasks, and response plan updates. The Mayor, in consultation with the DPC, may compel bureaus to create and complete plans and updates;
- D. Convene meetings no less than twice a year whenever:
  - 1. The President of the City Council changes, in which case the meeting shall be held within one month of the change;
  - 2. Requested by the Mayor.
- E. Keep records of meetings and decisions.

**3.125.030 Membership.**

(Amended by Ordinance Nos. 185304 and 186729, effective September 1, 2014.) The DPC shall consist of the following members:

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- A. The Mayor, who shall be Chair;
- B. Commissioner serving as President of the City Council, who shall be Vice Chair;
- C. If the Mayor or the President of the Council is not the Commissioner-in-Charge of the Portland Bureau of Emergency Management, the Commissioner-in-Charge of the Portland Bureau of Emergency Management or his or her designee, unless it would create a quorum of the City Council;
- D. Chief Administrative Officer;
- E. City Attorney;
- F. City Auditor;
- G. Director, Portland Bureau of Emergency Management;
- H. Chief of Portland Fire & Rescue;
- I. Chief of Portland Police Bureau;
- J. Director, Bureau of Emergency Communications;
- K. Administrator, Portland Water Bureau;
- L. Director, Bureau of Transportation;
- M. Director, Human Resources;
- N. Director, Bureau of Environmental Services;
- O. Director, Portland Parks and Recreation;
- P. Director, Bureau of Development Services;
- Q. Director, Portland Housing Bureau.
- R. If the Mayor is unavailable to Chair the DPC, the duties shall be performed and authority exercised by the first of the City officials in the order of membership listed in Subsections A.-Q. above who is able and available.

**3.125.040 Procedures.**

When the DPC is required to approve plans under subsection 3.125.020 C., the decision making process shall be by consensus. The consensus shall be determined by the Chair.

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**3.125.050 Staff Support to Disaster Policy Council.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall provide staff support to the DPC, including recording and communicating its decisions.

**CHAPTER 3.126 - EMERGENCY  
MANAGEMENT STEERING COMMITTEE**

(Chapter replaced by Ordinance No. 184740,  
effective July 13, 2011.)

**Sections:**

- 3.126.010 Emergency Management Steering Committee.
- 3.126.020 Duties.
- 3.126.030 Membership.
- 3.126.040 Staff Support to the Emergency Management Steering Committee.

**3.126.010 Emergency Management Steering Committee.**

The Emergency Management Steering Committee (EMSC) is hereby created for the purpose of assisting the Portland Office of Emergency Management in developing emergency management policies and procedures for incidents requiring significant interbureau coordination.

**3.126.020 Duties.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The EMSC's duties include, but are not limited to, the following:

- A. Assign lead author responsibility to specific bureaus for the development of emergency plans, including annexes and appendices to the CEMP, and approve schedules for plan completion, plan exercise, review and revision;
- B. Develop strategic, response, and work plans in coordination with the Portland Bureau of Emergency Management defining the City's emergency program goals and priorities;
- C. Devise bureau-specific protocols for mobilizing resources to respond to emergencies;
- D. Assess individual Bureau compliance with emergency plans;
- E. Keep records of decisions;
- F. Convene meetings at least monthly and at other times as requested by the Director;
- G. Make periodic reports to the Disaster Policy Council so that the DPC can fulfill its duty under PCC 3.125.020.

**3.126.030 Membership.**

(Amended by Ordinance No. 185304, effective June 1, 2012.) The EMSC shall consist of qualified staff from the following Bureaus:

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- A.** Water Bureau;
- B.** Portland Fire & Rescue;
- C.** Portland Police Bureau;
- D.** Bureau of Environmental Services;
- E.** Portland Parks & Recreation;
- F.** Bureau of Transportation;
- G.** Bureau of Emergency Communications;
- H.** Portland Bureau of Emergency Management;
- I.** Bureau of Development Services; and
- J.** Bureau of Technology Services.
- K.** Office of Neighborhood Involvement

**3.126.040 Staff Support to the Emergency Management Steering Committee.**  
(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall provide staff support to the EMSC.

**CHAPTER 3.127 - BUREAU OF PORTLAND  
FIRE AND POLICE DISABILITY AND  
RETIREMENT**

(Chapter added by Ordinance No. 180690, effective  
December 20, 2006.)

**Sections:**

- 3.127.010 Bureau of Portland Fire and Police Disability and Retirement.
- 3.127.020 Purpose.
- 3.127.030 Organization.
- 3.127.040 Director's Powers and Duties.
- 3.127.050 Staff and Delegation.

**3.127.010 Bureau of Portland Fire and Police Disability and Retirement.**

In conjunction with Chapter 5 of the Charter of the City of Portland, there is established by the City Council, the Bureau of Portland Fire and Police Disability and Retirement as a part of the Mayor's portfolio and charged with the implementation of Chapter 5 of the Charter.

**3.127.020 Purpose.**

The purpose of this office is to administer Chapter 5 of the Charter of the City of Portland. This purpose may be accomplished by direction from the Board of Trustees of the Fire and Police Disability and Retirement Fund ("FPDR") and in accordance with the provisions of Chapter 5 of the Charter of the City of Portland.

**3.127.030 Organization.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) The Bureau of Portland Fire and Police Disability and Retirement shall be directly responsible to its Board of Trustees and to the Mayor. Pursuant to Chapter 5 of the Charter, the FPDR Board shall have the powers listed in Section 5-202 of the Charter. Other bureaus may provide FPDR with necessary information and assistance in accordance with Chapter 5 of the Charter and include, but are not limited to, Portland Fire & Rescue, the Bureau of Police, and the Bureau of Human Resources.

**3.127.040 Administrator's Powers and Duties.**

The Administrator of the Fire and Police Disability and Retirement Fund shall:

- A.** Be the Director of the Bureau of Portland Fire and Police Disability and Retirement, in accordance with Charter Chapter 5 Section 5-202;
- B.** Be responsible for administering the terms of the FPDR plan;

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- C.** Serve as the principle administrator of the FPDR plan and have the power to initially approve or deny claims filed with the FPDR and to subsequently suspend, reduce or terminate benefits as provided in Charter Chapter 5;
- D.** Lead and direct the activities of the staff of the FPDR;
- E.** Oversee and direct other agents or advisers of the FPDR including actuaries and attorneys;
- F.** Be responsible for integrating disability, retirement, and return-to-work programs with other bureaus within the City where applicable; and
- G.** Review and propose amendments as necessary to the FPDR to conform to changes in federal or state law and, as appropriate, provide Council with the documentation necessary for its review and approval of the same.

**3.127.050 Staff and Delegation.**

The Administrator may delegate to his or her staff members any of the Administrator's duties when the Administrator is not available or able to perform those duties.

**CHAPTER 3.128 - OFFICE OF EQUITY AND  
HUMAN RIGHTS**

(Chapter replaced by Ordinance No. 184880,  
effective September 21, 2011.)

**Sections:**

- 3.128.010 Creation and Organization.
- 3.128.020 Purpose.
- 3.128.030 Director's Powers and Duties.
- 3.128.040 Administrative Rulemaking Procedures.

**3.128.010 Creation and Organization.**

There is established the Office of Equity and Human Rights. The Office of Equity and Human Rights shall consist of the Director and such other employees as the Council may provide. The Director shall report to the Commissioner in Charge.

**3.128.020 Purpose.**

The purpose of the Office of Equity and Human Rights is to:

- A. Promote equity and reduce disparities within City government;
- B. Provide guidance, education and technical assistance to all bureaus as they develop sustainable methods to build capacity in achieving equitable outcomes and service;
- C. Work with community partners to promote equity and inclusion within Portland and throughout the region, producing measurable improvements and disparity reductions;
- D. Support human rights and opportunities for everyone to achieve their full potential; and
- E. Work to resolve issues rooted in bias and discrimination, through research, education, and interventions.

**3.128.030 Director's Powers and Duties.**

(Amended by Ordinance No. 186898, effective November 19, 2014.) The duties of the Director of the Office of Equity and Human Rights include, but are not limited to:

- A. Overall administration of the Office and supervision of its staff;
- B. Implementing the policy directives of the City Council and the Commissioner in Charge, and proposing policies and practices to achieve the purpose of the Office, and adopt administrative rules, procedures and forms to assist in implementing City policies;

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- C. Developing an annual work plan to organize and prioritize the work of the Office;
- D. Working with the Human Rights Commission, the Portland Commission on Disability and all other City bureaus, offices, boards and commissions, as well as regional partners in government, business and the community, to increase equitable outcomes and reduce disparities;
- E. Recommending implementation strategies, accountability mechanisms, evaluation standards, and specific actions to the City Council that will achieve the goals of the Portland Plan Equity initiative, and other equity and human rights policies adopted by City Council;
- F. Providing reports to Council and the community annually and as requested.

**3.128.040 Administrative Rulemaking Procedures.**

(Added by Ordinance No. 186898, effective November 19, 2014.)

- A. Purpose. The Director has been delegated the authority to adopt and administer administrative rules appropriate to perform the duties set forth in Section 3.128.030. Administrative rules shall be adopted according to the procedures in this Section.
- B. Adopting Rules.
  - 1. Prior to the adoption or amendment of a permanent rule, the Director shall:
    - a. Give notice of the proposed rule at least 15 days prior to the effective date of the rule to City Commissioners, Bureau Directors and other parties of interest. The notice shall include a brief description of the subjects covered by the proposed rule, the final date for acceptance of written comments, the location to submit comments, and the location where copies of the full set of the proposed rules may be obtained.
    - b. During the comment and review process, the Director will analyze written comments, engage stakeholders and solicit legal review. The Director may either adopt the proposed rule, modify it or reject it.
    - c. If the Director makes a substantial modification to the proposed rule, the Director may provide additional time for review and comment prior to adoption.
    - d. Unless otherwise stated, all rules will be effective upon adoption by the Director. Permanent rules shall be filed in the Portland Policy Documents repository.

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- e. Upon consultation with the Commissioner in Charge, the Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will result in prejudice to the City's interest. Interim rules will be effective for a period of no longer than 180 days. No later than 15 days after adoption, notice of the interim rule shall be given to City Commissioners, Bureau Directors and other parties of interest as identified by the Director.
- 2. All administrative rules shall be posted on the Bureau's website.
- 3. The Director may repeal any adopted rules upon consultation with the Commissioner in Charge. Notice of repeal will be given to City Commissioners, Bureau Directors and other parties of interest.

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**CHAPTER 3.129 - HUMAN RIGHTS  
COMMISSION**

(Chapter added by Ordinance No. 181670; effective  
March 19, 2008.)

**Sections:**

- 3.129.010     Staffing and Membership.
- 3.129.020     Mission.
- 3.129.030     Jurisdiction.

**3.129.010     Staffing and Membership.**

(Amended by Ordinance No. 184880, effective September 21, 2011.) There is established in the City of Portland a Human Rights Commission. The Commission shall be staffed by the Office of Equity and Human Rights. The Commission shall consist of 11 to 15 members. All members shall serve without compensation. Appointments are for staggered terms of three years. No member may serve more than two consecutive three year terms. When a vacancy occurs, a Human Rights Commission workgroup – after consultation with the Commissioner in Charge of the Office of Equity and Human Rights – nominates, the Mayor appoints, and the Council confirms, a member to fill the vacancy. This same process shall be used when an interim vacancy occurs to appoint a member to fill the balance of the unexpired term. Members shall be appointed by the Mayor so as to provide representation from a reasonably broad spectrum of the community, including without limitation the following factors: areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion and geographic identification. Members must live, work, worship or be enrolled in school within the City of Portland. Members are encouraged to establish constructive relationships with each member of Council, the City Auditor and other elected officials. The Mayor may remove a member from the Commission at any time, with the recommendation of the Commission and subject to approval by the Council.

**3.129.020     Mission.**

(Amended by Ordinance No. 184880, effective September 21, 2011.) The Human Rights Commission shall work to eliminate discrimination and bigotry, to strengthen intergroup relationships and to foster greater understanding, inclusion and justice for those who live, work, study, worship, travel and play in the City of Portland. In doing so, the Human Rights Commission shall be guided by the principles embodied in the United Nations Universal Declaration of Human Rights and by the Portland Plan Equity initiative. The Human Rights Commission shall report at least annually to the Council on the activities of the Human Rights Commission (to include any subcommittees or task forces as may be established) on the progress of the Commission and any recommendations to the Council for further action.

**3.129.030 Jurisdiction.**

The jurisdiction of the Commission will include all practices and incidents occurring in the City of Portland which affect people who live, work, study, worship, travel or play in the City. The Commission shall have jurisdiction to address such practices and incidents through education, research, advocacy and/or intervention, but shall not have civil rights enforcement authority.

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**CHAPTER 3.130 - ADMINISTRATIVE  
APPEALS**

(Chapter added by Ordinance No. 187151; effective  
September 1, 2015.)

**Sections:**

- 3.130.010 Definitions.  
3.130.020 Timely and Adequate Notification of Right to Appeal Required.

**3.130.010 Definitions.**

For the purpose of this Chapter:

- A.** “Administrative Act” means a final action, decision, determination, or order of Council, a bureau, department, or office. Administrative acts do not include legislative acts of Council, any City employment action, decision, determination, or order, or any action, decision, determination, or order applying Title 33 of the Code.
- B.** “Administrative Appeal” means appeals of administrative acts by appellants when the right to appeal is provided by Code or rule, and the Code or rule requires the appeal to be decided by a bureau, department, office, board, hearings officer, or Council acting in its quasi-judicial capacity.
- C.** “Appellant” includes any person given the right to appeal an administrative act by Code or a rule. As used in this Chapter, “appellant” does not include prospective, current, or former City employees contesting any administrative act related to their employment, employment benefits, application for employment, termination of employment, or internal complaint arising out of or connected with their employment.
- D.** “Rule” means an administrative rule or bureau policy, as each term is defined in Section 1.07.020.
- E.** "Timely" means that written notice is provided to the appellant in accordance with the time period specified in the Code or rule providing for the right of appeal. If the applicable Code or rule does not specify a time period, “timely” means that written notice is provided as soon as practicable after the right to request an administrative appeal is triggered but no later than:
  - 1.** Three business days after the right to an administrative appeal is triggered, if the period during which the appellant may request an administrative appeal is less than 15 days; or

2. Ten business days after the right to an administrative appeal is triggered, if the period during which the appellant may request an administrative appeal is 15 days or more.

**3.130.020 Timely and Adequate Notification of Right to Appeal Required.**

- A. Timely and Adequate Notification Required. When there is a right to appeal an administrative act through an administrative appeal, the bureau, department or office must provide timely notice to appellant in accordance with Subsection 3.130.020 B.
- B. Form and Content of the Notice. An adequate notice must:
  1. Be in writing;
  2. Provide a short, plain statement describing the underlying administrative act and the basis for the administrative act, including citation to the applicable Code provision or rule;
  3. Explain any right to request an administrative appeal, including:
    - a. citation of the applicable Code provision or rule providing the right to appeal;
    - b. the time limit for requesting an administrative appeal, specifying calendar or business days;
    - c. the method for requesting an administrative appeal, including a City address and phone number;
    - d. the cost, if any, for requesting an administrative appeal, including accepted payment methods and whether there is a low-income fee waiver; and
    - e. disclosure of whether effect of administrative act will be stayed pending resolution of the requested administrative appeal.
- C. A bureau, department or office may adopt a rule specifying when and how notice of the right to request an administrative appeal will be provided so long as it is consistent with Subsections A and B of this Section 3.130.020.

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**CHAPTER 3.131 - NEW PORTLANDERS  
POLICY COMMISSION**

(Chapter added by Ordinance No. 187805; effective  
July 8, 2016.)

**Sections:**

- 3.131.010 Mission.
- 3.131.020 Membership and Staffing.
- 3.131.030 Purpose.
- 3.131.040 Organization and Meetings.

**3.131.010 Mission.**

There is established in the City of Portland a New Portlanders Policy Commission. The New Portlanders Policy Commission shall advise the City on policies and practices to integrate immigrant and refugee communities' voices and needs into the provision of City services, City decision-making and civic engagement in Portland, and to seek constructive relationships with each member of Council and the City Auditor.

**3.131.020 Membership and Staffing.**

The Commission shall consist of 25 voting members. All members shall serve without compensation from the City. Appointments to serve on the Commission are for staggered terms of three years. No member may serve more than two 3-year terms. The Commissioner(s)-in-Charge of the New Portlanders Policy Commission recommends, the Mayor nominates, and the Council approves members to the Commission. Members shall be appointed to provide representation from a reasonably broad spectrum of immigrant and refugee communities, striving to include a range of areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion and geographic identification. Members must live, work, worship or be enrolled in school within the city of Portland and/or volunteer for a nonprofit within the city of Portland. If any member of the Commission is absent more than three regularly scheduled meetings of the Commission during any 12 month period, without having notified the Co-Chairs in advance of such absence, such member shall be deemed to have resigned from the Commission. The member's position shall thereafter be vacant. The Mayor may remove a member from the Commission at any time, with the recommendation of the Commissioner-in-Charge. City Elected Officials may appoint City bureau staff to the Commission as non-voting members. Staffing for the Commission shall be provided, subject to the annual City Budget process.

**3.131.030 Purpose.**

The purpose of the New Portlanders Policy Commission is to:

- A. Review, develop, evaluate and refine policy and practice recommendations for improving immigrant and refugee community integration in all City activities.

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- B.** Facilitate constructive working partnerships between City leaders and newcomer community leadership.
- C.** Provide a forum for setting integration goals between City bureaus and community organizations.
- D.** Provide technical support and policy advice to City Council offices and City bureaus.
- E.** Serve as a consultant and advocate to local, state and federal agencies on policies impacting immigrant and refugee communities, as capacity allows.
- F.** Provide a report to City Council on policy and practice outcomes on an annual basis.
- G.** Engage in the City's annual budget process.

**3.131.040 Organization and Meetings.**

The Commission shall adopt bylaws and rules of procedure, and specify procedures for public testimony. The Commission shall elect each year a Chair or Co-Chairs and such other officers as the Commission may from time to time establish. The Commission shall meet at least quarterly, and may meet more often. The Commission Chair(s), in consultation with the Commissioner-in-Charge and the Director of the Bureau staffing the New Portlanders program, or their designee, shall set the agenda for Commission meetings.



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**5.04.010 Provisions Made For.**

In addition to funds created in accordance with the provisions of the Charter, there shall be the funds set forth in this Chapter and such other funds as from time to time may be provided for by ordinance.

**5.04.020 Sundry Trusts Fund.**

(Amended by Ordinance No. 173369, effective May 12, 1999.) The Sundry Trusts Fund, created by Ordinance No. 118746, passed by the Council July 1, 1964, shall contain accounts for trust monies which neither belong in the Trustees' Fund nor require an individual trust fund. The following accounts are authorized for the Sundry Trusts Fund:

- A. Animals for zoo account. (Repealed by Ordinance No. 150375, effective September 11, 1980.)
- B. Civic Emergency Account. This account shall receive the City's share of the annual allocation from the Civic Emergency Fund under ORS 463.170. Expenditures shall be limited to athletic, recreational, educational, or charitable purposes. The Mayor and the Auditor are authorized to draw on this account when requisitions are presented approved by the Mayor, and one other Commissioner;
- C. Elephant Purchase Account. (Repealed by Ordinance No. 150375, effective September 11, 1980.)
- D. Health Protection Account. (Repealed by Ordinance No. 150375, effective September 11, 1980.)
- E. Recreation Account. (Repealed by Ordinance No. 150375, effective September 11, 1980.)
- F. Rose Test Garden Account. This account shall be administered in accordance with Ordinance No. 110776; passed by the Council September 23, 1959. The Mayor and the Auditor are authorized to draw checks on this account when requisitions are presented approved by the Commissioner In Charge of the Bureau of Parks;
- G. Oaks Pioneer Park Museum Account. This account shall be administered in accordance as hereinafter provided:

All monies received from charges arising out of the operation of Oaks Pioneer Park Museum, under contract or otherwise, shall be deposited with the Treasurer of the City. The Treasurer shall hold all such funds so received in the Oaks Pioneer Park Museum Account. Disbursements shall be made in accordance with budgetary procedures upon requisition approved by the Commissioner In Charge of the Bureau of Parks and shall be limited to maintenance, operational costs, and

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improvement of the Oaks Pioneer Park Museum. The Mayor and Auditor are authorized to draw warrants on this account when requisitions are presented and approved by the Commissioner In Charge of the Bureau of Parks.

- H.** Drake Property Account. Until such time as the Council may determine, this account shall receive all rentals and related revenues derived from the property on the east side of the Willamette River and north of the Sellwood Bridge known as the Drake Property which was purchased by the City under Ordinance No. 128587, passed February 20, 1969, for the Willamette Parkway System. Expenditures from this account other than those required in connection with rentals derived from the property, shall be limited to the improvement and expansion of the property. This account shall be administered by the Commissioner In Charge of the Bureau of Parks.
- I.** Portland Shipbuilding Property Account. Until such time as the Council may determine, this account shall receive all rentals and related revenues derived from the property on the west side of the Willamette River at the foot of S.W. Nebraska Street known as the Portland Shipbuilding Property, which was purchased by the City under Ordinance No. 128623; passed February 26, 1969. Expenditures from this account other than those required in connection with rentals derived from the property, shall be limited to the improvement and expansion of the property. This account shall be administered by the Commissioner In Charge of the Bureau of Parks.
- J.** Officer Friendly Account. (Repealed by Ordinance No. 135666, effective December 6, 1972.)
- K.** Willamette Oaks Park Account. Until such time as the Council may determine, this account shall receive all rentals and related revenues derived from the property in Willamette Oaks Park purchased by the City from Leonard and Ruth Steele under authority of Ordinance NO. 130097; passed November 19, 1969, for the Willamette Parkway System (Lots 1,2 and 42 Willamette Oaks Park Addition). Expenditures from this account other than those required in connection with rentals derived from the property, shall be limited to the improvement and expansion of the property. This account shall be administered by the Commissioner In Charge of the Bureau of Parks.
- L.** Portland Zoo Hospitalization and Research Account. (Repealed by Ordinance No. 150375, effective September 11, 1980.)

**5.04.030 Trustees' Fund.**

There is hereby created a Trustees' Fund which shall be credited with all cash and securities deposited with the City Treasurer to protect the City against loss on account of certain obligations, and with all money and/or securities deposited with the City Treasurer pending information or accrual of time for its application. The City Treasurer shall receive into

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such fund installment payments on municipal assessments against real property, including payments which are too small to be entered on the Lien Docket as a credit, it being provided that a payment shall be too small for such entry when it is less than one-third of the total amount to be paid as shown on the open lien docket. When such deposits in the Trustees' Fund make an amount sufficient for entry the Treasurer shall make application thereof as a payment on such assessment, make a proper entry thereof in his books, and the Auditor shall make a proper entry thereof in his books. The amounts deposited in the Trustees' Fund shall be applied as provided in the receipt showing the terms of deposit. The City Treasurer shall upon receiving a deposit under the provisions of this Section issue a receipt therefor, a copy of which shall be filed with the City Auditor and be credited to the Trustees' Fund. No cash or collateral securities shall be returned by the City Treasurer without written approval of the City Auditor. The City Treasurer upon returning cash or collateral securities shall take a receipt from the depositor in duplicate, the original of which shall be filed with the City Auditor, who is hereby authorized to credit the City Treasurer with the amount of the receipt. In cases where deposits are made by persons interested in local improvements no refund shall be made unless the contemplated improvement is not made or the owner of the property for account of which the deposit was made promptly pays or bonds the assessment. If the improvement is made and the owner fails to pay and/or bond the assessment within twenty (20) days after its entry in the open lien docket the deposit shall be applied to a payment pro tanto of the assessment and the Treasurer and Auditor shall make proper book entries thereof.

**5.04.040      Parking Meter Fund.**

The Parking Meter Fund is hereby created and the Treasurer of the City is hereby directed to deposit to the credit of the fund all fees or money received on account of collections from present or future installations of parking meters. All disbursements from such fund shall be in conformance to regular budget procedure.

Whenever the City Treasurer shall deem it advisable to dispose of slugs and tokens received in collections from the City's parking meters and which are not lawful monies of the United States, he shall sell, cash, redeem or destroy the slugs and tokens and shall deposit all sums so realized to the credit of the Parking Meter Fund.

**5.04.050      Golf Fund.**

A fund to be known and designated as the Golf Fund is hereby created. All revenues derived from the operation of the municipal golf links shall be credited to the Golf Fund, and all disbursements from the fund shall be in conformance with regular budget procedure.

**5.04.070      Bonded Debt Interest and Sinking Fund.**

The Bonded Debt Interest and Sinking Fund is hereby created to which shall be credited the proceeds from the tax levy of the City for interest on bonded indebtedness of the City and the tax levy to provide for the purchase of securities as an investment and/or payment of redemptions of the bonded indebtedness of the City together with such other receipts as may be realized in connection with the administration of the bonded debt of the City but not limited to interest on investments. Expenditures from the fund shall be for the payment

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of the principal and interest on bonded debt of the City to be paid from ad valorem taxes and for any other expenditures authorized to be paid from tax levies for general obligation bonds of the City.

**5.04.140 Parking Facilities Fund.**

The Parking Facilities Fund is hereby created into which shall be deposited all fees, rentals and charges received by the City from the operation of the off-street parking facility at S.W. 2nd Avenue and Jefferson Street and from which expenses of operation and maintenance of the facility shall be paid all in accordance with Ordinance No. 128235, passed December 18, 1968.

**5.04.150 Parking Facilities Bond Redemption Fund.**

The Parking Facilities Bond Redemption Fund is hereby created into which shall be paid the accrued interest from the sale of the bonds, plus an amount capitalized from bond principal which will in the aggregate together with interest to be received from investments provide for the interest payments on the revenue bonds due August 1, 1969, February and August 1, 1970, and February 1, 1971, the net revenues of the Parking Facilities Fund and amounts from net parking meter revenues required for the reserve amount, if any; and from which shall be paid the principal of and the interest on the outstanding revenue bonds, and the principle, interest and premium, if any, on any revenue bonds issued on a parity therewith, all in accordance with Ordinance No. 128235, passed December 18, 1968.

**5.04.160 Sewage Disposal Fund.**

(Repealed by Ordinance No. 160515, effective March 28, 1988.) See Sections 5.04.400 - 460.

**5.04.165 Countercyclical Fund.**

(Repealed by Ordinance No. 150375, effective September 11, 1980.)

**5.04.170 Revenue Sharing Fund.**

(Added by Ordinance No. 135516, effective November 2, 1972.) The Revenue Sharing Fund is hereby created for the receipt and expenditure of monies received from the federal government under the State and Local Fiscal Assistance Act of 1972. Into this Fund shall be deposited all payments received from the federal government under the Act, interest earned thereon while in this Fund and any other monies which are appropriate revenues of this Fund. The monies shall be expended only for purposes authorized under the Act.

**5.04.175 State Revenue Sharing Fund.**

(Added by Ordinance No. 145065, effective January 19, 1978.) The State Revenue Sharing Fund is hereby created for the receipt and expenditure of monies received from the State of Oregon under Senate Bill 11 (Engrossed) effective July 27, 1977. All payments received from the State of Oregon under this Act, interest earned thereon while in this Fund and any other monies which are appropriate revenues of this Fund shall be deposited to this Fund. The monies shall be expended only for purposes authorized under this Act.

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**5.04.180 CityFleet Operating Fund.**

(Added by Ordinance No. 161018, amended by Ordinance Nos. 163837, 176003, 178797 and 181483, effective January 18, 2008.)

- A.** The CityFleet Operating Fund is hereby created as an internal service fund within the Office of Management and Finance described in Chapter 3.15 of this Code. The major operating funds for this Fund shall be generated by Interagency Agreements with the City bureaus and others using the services. Other receipts of the Fund shall include service charges to users, interest earned by the Fund and any other monies which are appropriate revenues. Expenditures from the Fund shall be in accordance with appropriations made by the Council.
- B.** Short-term loans from the General Fund to the CityFleet Operating Fund, which are to be repaid in the same fiscal year in which the loan is made, are hereby authorized without interest to provide temporary working capital, as needed, provided that each loan is first approved in writing by the Commissioner of Finance and Administration.

**5.04.185 Facilities Services Operating Fund.**

(Added by Ordinance No. 163837; amended by Ordinance Nos. 176003 and 181483, effective January 18, 2008.)

- A.** The Facilities Services Operating Fund is hereby created (by Ordinance 163156, June 27, 1990) as an internal service fund within the Office of Management and Finance described in Chapter 3.15 of this Code. The major operating funds for this Fund shall be generated by Interagency Agreements with the City bureaus and others using the services. Receipts of the Fund shall include proceeds of these Interagency Agreements, service charges to users, interest earned by the Fund, and any other monies which are appropriate revenues. Fees shall be collected and deposited into this Fund for all property management related services involving leases, and for the purchase and sale of City owned real property. Expenditures from the Fund shall be in accordance with appropriations made by the Council.
- B.** The costs of repair, maintenance, taxes or any other expense incurred in providing any property management services, shall be the responsibility of the bureau or agency using or responsible for the property. All net revenues (defined as revenue, less all appropriate expenses) from rents, leases or sales shall accrue to the bureau or agency using or responsible for the property.
- C.** Any property that is not specifically used or the responsibility of any bureau or agency is defined as “unassigned property,” and shall be the responsibility of the Office of Management and Finance (General Fund). Net revenue for these properties shall be considered total revenue from the rent and sale of all these properties, less total expenses for all these properties. Any net revenue from these properties, shall be transferred to the General Fund at the end of each fiscal year.

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- D.** Any property acquired by the City from any source shall be inventoried with the Office of Management and Finance.
- E.** Short-term loans from the General Fund to the Facilities Services Operating Fund, which are to be repaid in the same fiscal year in which the loan is made, are hereby authorized to provide temporary working capital, as needed, provided that each loan is first approved in writing by the Commissioner of Finance and Administration.

**5.04.190      Communications Service Operating Fund.**

(Repealed by Ordinance No. 181483, effective January 18, 2008.)

**5.04.200      Printing and Distribution Services Operating Fund.**

(Added by Ordinance No. 161018; amended by Ordinance Nos. 163837, 176003 and 181483, effective January 18, 2008.)

- A.** The Printing and Distribution Services Operating Fund is an internal service fund within the Office of Management and Finance described in Chapter 3.15 of this Code. The major operating funds for this Fund shall be generated by Interagency Agreements with the City bureaus and others using the services. Other receipts of the Fund shall include service charges to users, interest earned by the Fund and any other monies which are appropriate revenues. Expenditures from the Fund shall be made in accordance with appropriations made by the Council.
- B.** Short-term loans from the General Fund to the Printing and Distribution Services Operating Fund, which are to be repaid in the same fiscal year in which the loan is made, are hereby authorized to provide temporary working capital, as needed, provided that each loan is first approved in writing by the Commissioner of Finance and Administration.

**5.04.210      Improvement Warrant Sinking Fund.**

(Added by Ordinance No. 139574, effective March 13, 1975.) The Improvement Warrant Sinking Fund is hereby created. Funds obtained from the issuance of general obligation improvement warrants issued pursuant to statute and authorized by the Council shall be placed in this Fund and expended only for payments duly authorized for the construction of public improvements. All proceeds from the collection of unbonded assessments, the sale of improvement bonds, and the foreclosure of improvement liens for unbonded assessments, realized from the improvement with respect to which such general obligation improvement warrants are issued, shall be placed in the fund to be applied to the call and payment of such warrants as rapidly as funds are available as provided by statute.

**5.04.220      Economic Development Trust Fund.**

(Added by Ordinance No. 140900, effective November 20, 1975.) The Economic Development Trust Fund is hereby established for receipt and accountability for the assets of the Trust for economic development in the model cities neighborhood established by the agreement between the City and MEDIA authorized by Ordinance No. 132652, passed

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May 6, 1971. The City succeeded the Metropolitan Economic Development Industrial Alliance as trustee, and this Fund shall be administered by the City in accordance with the terms of the trust, set forth in the agreement and by Resolution No. 31575, adopted May 28, 1975.

This Fund shall receive the assets turned over to the City by MEDIA and shall also receive principal and interest on loans receivable, interest on invested capital, proceeds from sale of investments and any other income of the Trust. Expenditures shall be in accordance with appropriations made by the Council for purposes of the Trust.

**5.04.230 Insurance and Claims Operating Fund.**

(Added by Ordinance No. 142290; amended by Ordinance Nos. 150375, 176003 and 181483, effective January 18, 2008.)

- A. The Insurance and Claims Operating Fund is hereby created as an internal service fund under the Office of Management and Finance, described in Chapter 3.15 of this Code. Receipts of the Fund shall include service charges to user funds for administrative and legal expenses, insurance premiums and loss reserves, interest earned by the Fund and any other monies which are appropriate revenues. Expenditures from the Fund shall be in accordance with the appropriations made by the Council.
- B. Expenditures and encumbrances shall be limited to the balance in the Fund at the time and to purposes for which there is an appropriation or other source of reimbursement authorized at the time.

**5.04.240 Workers' Compensation Self Insurance Operating Fund.**

(Added by Ordinance No. 144762; amended by Ordinance Nos. 150375, 176003 and 181483, effective January 18, 2008.) The Workers' Compensation Self Insurance Operating Fund is hereby created as an internal service fund under the Office of Management and Finance described in Chapter 3.15 of this Code. Receipts of the Fund shall include service charges to user funds for administrative and legal expenses, insurance premiums, expected and unanticipated loss reserves, interest earned by the Fund and any other monies which are appropriate revenues. Expenditures from the Fund shall be made in accordance with appropriations made by the Council. Expenditures and encumbrances shall be limited to the balance in the Fund at the time and to purposes for which there is an appropriation or other source of reimbursement authorized at the time.

**5.04.250 System Development Charge Sinking Fund.**

(Added by Ordinance No. 147298, effective February 28, 1979.) The System Development Charge Sinking Fund is hereby created. Funds obtained from the issuance of General Obligation Bancroft Bonds issued pursuant to statute and authorized by the City Council for this purpose shall be placed in this Fund and expended only for payments duly authorized for construction or expansion of systems development. All proceeds from the collection of Bonded Assessments, realized from System Development Charge Assessments with respect to such General Obligation Bancroft Bonds are issued, shall be

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placed in the fund to be applied to the call and payment of General Obligation Bancroft Bonds pursuant to the call schedule set forth in the offer and as provided by statute.

**5.04.270 Washington County Water Supply Construction Fund.**

(Added by Ordinance No. 148968, effective January 26, 1980.) The Washington County Water Supply Construction Fund is hereby created. Contributions from other water purveyors and the City of Portland and receipts obtained from the issuance of general obligation bonds, payable from water revenues, issued for the purpose of constructing a water supply line to Washington County shall be placed in this fund and expended only for duly authorized payments for the oversizing of the southeast Water Supply Line and the Washington County Water Supply Line. Upon completion of the supply line to Washington County and after all liabilities for the construction thereof have been satisfied, any balance remaining in this Fund shall be transferred to the Washington County Water Supply Bonded Debt Service Sinking Fund and this Fund shall be discontinued.

**5.04.280 Washington County Water Supply Bonded Debt Service Sinking Fund.**

(Added by Ordinance No. 148986, effective January 26, 1980.) The Washington County Water Supply Bonded Debt Service Sinking Fund is hereby created. Water revenues in the form of contributions from other water purveyors and the City of Portland shall be placed in this Fund and expended only for duly authorized payments of principal and interest for bonds issued for the purpose of constructing a water supply line to Washington County. Upon payment of all principal and interest of said bond issue, any balance remaining in this Fund shall be returned, on a prorated basis, to the contributors and this Fund shall be discontinued.

**5.04.290 Water Growth Impact Charge Trust Fund.**

(Added by Ordinance No. 153288, effective May 26, 1982.) The Water Growth Impact Charge Trust Fund is hereby created. Revenues received by the City for growth impact charges from other water purveyors shall be placed in this Fund and expended only for duly authorized payments for expansion of the total water system capacity. Should this Fund become unnecessary, due to changes in the water sales contracts with other water purveyors, any remaining funds at that time shall be paid to the Water Fund.

**5.04.300 Bull Run Fund.**

(Added by Ordinance No. 156178; effective July 21, 1984.) The Bull Run Fund is hereby created. Receipts received by the City resulting from the sale of items promoting the City water system, such as, but not limited to, bottled water, posters and books, shall be placed in this Fund and expended only for duly authorized payments to directly promote or advertise the City water system to attract development within the City. Should this Fund become unnecessary for any reason, any remaining money remaining in this Fund at the time it is discontinued shall be paid to the Water Fund.

**5.04.310 St. Johns Landfill End Use Plan Fund.**

(Added by Ordinance No. 160973, effective July 23, 1988.) The St. Johns Landfill End Use Plan Fund is hereby created. Revenues received by the City from the Metropolitan

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Service District which are designated for implementation of the St. Johns Landfill End Use Plan per Section 9 of the City-Metro Agreement adopted by Ordinance No. 158522 and other contributions and revenues designated for implementation of the End Use Plan shall be placed in this Fund. Monies from this Fund, including interest earned by the Fund, shall be expended only for duly authorized payments to cover the costs of implementing the St. Johns Landfill End Use Plan. Should this Fund become unnecessary any monies remaining in this Fund shall be paid to the Refuse Disposal Fund.

**5.04.320 Sewer Revolving Loan Fund.**

(Added by Ordinance No. 166407, effective April 7, 1993.) The Sewer Revolving Loan Fund is hereby made a part of the Code of the City of Portland, Oregon, for the receipt of monies derived from transfers made to the Fund from the Sewer System Operating Fund, and monies derived from the re-payment of loans made to properties participating in the Private Plumbing Revolving Loan Program. Monies from this Fund, including interest earned by the Fund, shall be used for making loans to certain owners of single-family residential property located in the Mid-Multnomah County Sewer System Project, and shall be expended only for duly authorized payments to cover the costs of implementing the Private Plumbing Revolving Loan Program. Money in the Sewer Revolving Loan Fund may be commingled with other City money for investment purposes. Should this Fund become unnecessary any monies remaining in this Fund shall be paid to the Sewer System Construction Fund.

**5.04.330 Environmental Remediation Fund.**

(Added by Ordinance No. 167121, effective November 17, 1993.) The Environmental Remediation Fund is hereby made a part of the Code of the City of Portland, Oregon, for the receipt of monies derived from the sale of Revenue Bonds, remediation charges and transfers made to the Fund from the Refuse Disposal Fund; and from which all expenditures relating to the System shall be made. Monies from this Fund, including interest earned by the Fund, shall be used for specifically identified remediation projects and debt service. Money in the Environmental Remediation Fund may be commingled with other City money for investment purposes. Should this Fund become unnecessary any monies remaining in this Fund shall be paid to the Refuse Disposal Fund.

**5.04.400 Sewer System Operating Fund.**

(Added by Ordinance No. 160515, effective March 28, 1988.) The Sewer System Operating Fund is hereby made a part of the Code of the City of Portland, Oregon, for the receipt and expenditure of monies associated with operation and maintenance of the sewer system, including sanitary and drainage services. Monies in the Sewer System Operating Fund may be transferred to the Sewer System Debt Redemption Fund, the Sewer System Construction Fund, or the Sewer System Rate Stabilization Fund. Money in the Sewer System Operating fund may be commingled with other City money for investment purposes.

**5.04.410 Sewer System Construction Fund.**

(Added by Ordinance No. 160515, effective March 28, 1988.) The Sewer System Construction Fund is hereby made a part of the Code of the City of Portland, Oregon, for the receipt and expenditure of monies associated with construction of sewerage facilities, including sanitary and drainage facilities. Money in the Sewer System Construction Fund may be commingled with other City money for investment purposes.

**5.04.420 Sewer System Debt Redemption Fund.**

(Added by Ordinance No. 160515, effective March 28, 1988.) The Sewer System Debt Redemption Fund is hereby made a part of the Code of the City of Portland, Oregon, for the receipt and expenditure of monies associated with the retirement of debt incurred by the sewer system. Money in the Sewer System Debt Redemption Fund may be commingled with other City money for investment purposes.

**5.04.430 Sewer System Debt Proceeds Fund.**

(Added by Ordinance No. 160515, effective March 28, 1988.) The Sewer System Debt Proceeds Fund is hereby made a part of the Code of the City of Portland, Oregon, for the receipt of monies derived from the issuance of Sewer System debt. Monies in the Sewer System Debt Proceeds Fund shall be transferred to the Sewer System Construction Fund for expenditure and to the Sewer System Operating Fund for reimbursement of costs associated with the issuance of debt and to the Sewer System Debt Redemption Fund for the retirement of debt. Money in the Sewer System Debt Proceeds Fund may be commingled with other City money for investment purposes.

**5.04.440 Sewer System Rate Stabilization Fund.**

(Added by Ordinance No. 160515, effective March 28, 1988.) The Sewer System Rate Stabilization Fund is hereby made a part of the Code of the City of Portland, Oregon, for the receipt of monies transferred from the Sewer System Operating Fund. Monies in the Sewer System Rate Stabilization Fund shall be transferred to the Sewer System Operating Fund for expenditure. Money in the Sewer System Rate Stabilization Fund may be commingled with other City money for investment purposes.

**5.04.450 Sewer System Safety Net Fund.**

(Added by Ordinance No. 160515, effective March 28, 1988.) The Sewer System Safety Net Fund is hereby made a part of the Code of the City of Portland, Oregon, for the receipt of monies derived from loans made to the Fund from the State Assessment Deferral Revolving Loan Fund, and monies derived from the payment of deferred assessments by properties participating in the Sewer Safety Net Program. Monies in the Sewer System Safety Net Fund shall be paid to the Local Improvement District Construction Fund for payment of sewer assessments for properties participating in the Sewer Safety Net Program, and shall be used to retire loans received from the State Assessment Deferral Revolving Loan Fund.

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**5.04.460 Use of Sewage Disposal Fund.**

(Added by Ordinance No. 160515, effective March 28, 1988.) The funds described in Portland City Code Sections 5.04.400 through 5.04.450 shall in the aggregate constitute the Sewage Disposal Fund, and shall be used for only those Sewage Disposal Fund purposes authorized by the Charter of the City of Portland, Oregon. If any of the funds associated with operation, maintenance, construction or debt management of the Sewer System become unnecessary or for any reason are dissolved and discontinued, then any remaining balances in that fund or funds shall be transferred to the Sewer System Operating Fund. If the Sewer System Operating Fund is dissolved and discontinued, then any remaining balances in that fund shall be transferred to the City's General Fund. However, in no case shall any funds be transferred to the City's General Fund until all outstanding debt of the sewer system is repaid according to terms and conditions of related bond and note ordinances.

**5.04.470 Portland Police Fitness Room Trustee Account.**

(Added by Ordinance No. 168683, effective April 12, 1995.) The Portland Police Fitness Room Trust Account is hereby created. Into this fund shall be deposited monies received from fitness room membership dues (through payroll deduction), the City of Portland and other contributors. Disbursements shall be made upon a requisition request from a Police Bureau's Fitness Room Committee with signature approval by either the Chief of Police or an Assistant Chief. Monies from this fund by either the Chief of Police or an Assistant Chief. Monies from this fund shall be used for maintenance and repairs of equipment, equipment replacement, and new fitness room equipment.

**5.04.480 Property Management License Fund.**

(Added by Ordinance No. 170223, effective July 1, 1996.) The Property Management License Fund is hereby made a part of the Code of the City of Portland, Oregon, for the receipt of any revenues derived from assessments levied under the former downtown Economic Improvement District created by Ordinance No. 164665, together with all revenues generated by the Downtown Property Management License program (City Code Chapter 6.06.) Monies derived from proceeds of the Downtown Property Management License program and delinquent Economic Improvement District assessments, as well as from interest earned on that money, shall be spent only for the services described in Section 6.06.010 of the Code of the City of Portland and for any costs of the City's administration of the Downtown Property Management License program.

**5.04.490 Graffiti Nuisance Abatement Trust Fund.**

(Added by Ordinance No. 172612; amended by Ordinance No. 172810, effective November 4, 1998.) There is hereby created a City of Portland graffiti nuisance abatement trust fund. Any donations in support of graffiti abatement will be placed into the fund, together with any monies received in connection with voluntary nuisance abatement consent forms. Expenditures from this fund may occur upon the approval of any two of the following: (1) the Mayor; (2) the Commissioner-in-Charge of the Office of Neighborhood Involvement; and (3) the Graffiti Abatement Manager. Such expenditures shall be limited to: the payment of the cost of removal of graffiti; the purchase, acquisition,

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operation and maintenance of graffiti removal equipment and supplies; the costs of administering the graffiti nuisance abatement ordinance; and such other public purposes as may be approved by the City Council.

**5.04.500 Technology Services Fund.**

(Added by Ordinance No. 176003; amended by Ordinance Nos. 177852 and 181483, effective January 18, 2008.) The Technology Services Fund is hereby created as an internal service fund under the Bureau of Technology Services as described in Section 3.15.070 of this Code. The purpose of this Fund is to receive and record expenditures related to the management, operation and delivery of a variety of technology services to City bureaus and offices. The Fund also supports facilitation of multi-year funding of major technology initiatives. The Fund is supported primarily by charges to City bureaus for corporate and bureau-specific services.

**5.04.510 Arts Education and Access Fund.**

(Added by Resolution No. 36939 (approved at November 6, 2012 election); effective December 5, 2012.) The Arts Education and Access Fund is hereby created. The purpose of the Fund is to receive Gross Revenues received from the Arts Education and Access Income Tax and provide the Net Revenues to the School Districts and to the Regional Arts and Culture Council solely for the purposes established in Chapter 5.73 of this Code. In no case shall Net Revenues be transferred from the Arts Education and Access Fund to the City's General Fund, or any other fund, for any other purpose.

**5.04.515 Recreational Marijuana Tax Fund.**

(Added by Resolution No. 37217 (approved at November 8, 2016 election); effective November 8, 2016.) The Recreational Marijuana Tax Fund is hereby created. The purpose of the Fund is to receive gross revenues received from the Recreational Marijuana Tax, to provide funding for the purposes identified in Section 6.07.145 of this Code and costs related to the administration of the tax. Except for those established purposes, in no case shall revenues be transferred from the Recreational Marijuana Tax Fund to the City's General Fund, or any other fund, for any other purpose.

**5.04.520 Mt. Hood Cable Regulatory Commission Agency Fund.**

(Added by Ordinance No. 186065, effective June 5, 2013.) The Mt. Hood Cable Regulatory Commission Agency Fund is hereby created for the receipt and expenditure of monies received from cable franchisees and Public, Education and Government fees on behalf of Multnomah County and the cities of Gresham, Fairview, Troutdale, and Wood Village under the Intergovernmental Agreement, approved by Ordinance No. 166168 enacted on January 20, 1993, and as modified by subsequently approved amendments. Into this Fund shall be deposited all payments received from the cable franchisees of the County and the Cities, interest earned thereon while in this Fund and any other monies which are appropriate revenues of this Fund. The monies shall be expended only for purposes authorized under the Intergovernmental Agreement, and the Commission's approved budget.

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**5.04.530 Inclusionary Housing Fund.**

(Added by Ordinance No. 187855, effective August 1, 2016.) The Inclusionary Housing Fund is hereby created to receive net revenues from the Construction Excise Tax. Disbursements from the fund shall be for the purposes identified in Section 6.08.130 of this Code. Except for those established purposes, in no case shall any funds be transferred from the Inclusionary Housing Fund to the City's General Fund, or any other fund, for any other purpose.

**5.04.540 Housing Property Fund.**

(Added by Ordinance No. 188175, effective December 21, 2016.) The Housing Property Fund is hereby created in order to record the transactions of resources and requirements resulting from the acquisition, development, and operation of property by the Portland Housing Bureau. Except to further these established purposes, in no case shall any funds be transferred from the Housing Property Fund to the City's General Fund, or any other fund, for any other purpose.

**5.04.550 Housing Capital Fund.**

(Added by Ordinance No. 188353, effective April 26, 2017.) The Housing Capital Fund is hereby created to track the transactions related to the capital construction of affordable housing projects by the Portland Housing Bureau, primarily related to the sale and use of General Obligation bond proceeds.

**CHAPTER 5.36 - PROPERTY CONTROL**

**Sections:**

- 5.36.001 Surplus Property Policy.
- 5.36.010 Disposition of Surplus Property.
- 5.36.015 Disposition of Unclaimed Found Personal Property.
- 5.36.020 Sale of Buildings for Removal from City Property.
- 5.25.025 Purchase and Resale by the City of Tax-Foreclosed Property.
- 5.36.030 Loans of Personal Property Owned by City.
- 5.36.035 Lost or Stolen City Property.
- 5.36.040 Parking Meter Fund Equipment.
- 5.36.050 Use of City Automobiles for Transporting Firing Squads.
- 5.36.060 Use of Water Bureau Property by Bureau of Shops.
- 5.36.080 Zoological Specimens.
- 5.36.090 Gifts and Loans of Property.
- 5.36.100 Use of City Property for Elections.
- 5.36.110 Use of City Property for Air Quality Measuring Stations.

**5.36.001 Surplus Property Policy.**

(Replaced by Ordinance No. 179813, effective January 6, 2006.) It is the policy of the City to dispose of surplus property in the most efficient and cost-effective manner possible in accordance with the guidelines in this Chapter and any related administrative rules or policies. Temporary, full-time and part-time City employees, persons acting on the employee's behalf, and any business with which a City employee is associated, as defined by Chapter 5.33, may not purchase or receive surplus property unless offered for public sale.

**5.36.010 Disposition of Surplus Property.**

(Replaced by Ordinance No. 179813; Amended by Ordinance Nos. 181483 and 187165, effective July 10, 2015.)

**A. Definition:**

1. "Surplus Property" means: tangible personal property owned by the City, including equipment and materials, which is no longer needed by the City Bureau or Office that owns it. Examples include inventoried and non-inventoried office furniture, specialized equipment, and items that are obsolete or overstocked.

- B. City Capital Asset Disposal Documentation:** The bureau initiating the transfer, donation, sale, or disposal of surplus property that has been inventoried as a capital asset, shall comply with City Accounting Administrative Rules regarding disposal of capital assets, which establish minimum standards for the disposal of capital assets and subsequent reporting in the financial records.

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- C.** City Assets Procured with the Proceeds of Tax-Exempt Bonds: The bureau initiating the transfer, donation, sale, or disposal of surplus property that was procured with the proceeds of tax-exempt bonds should contact the City's debt management office prior to disposal of the property to determine what, if any, limitations exist on the disposal of such property and the use of any revenue derived from such disposal.
- D.** Usable Surplus Property: Whenever a Commissioner-In-Charge, or designee, determines that surplus property exists, the property may be disposed of in one of the following ways:
- 1.** Inter-Bureau Transfer or Sale - Surplus property may be transferred or sold to another City bureau upon written request from the director of the bureau that has a use for it.
  - 2.** Negotiated Direct Sale - Surplus property with an individual or aggregate current market value under \$5,000 may be sold as follows:
    - a.** The bureau obtains three written or verbal price quotations prior to final sale;
    - b.** The bureau negotiating the sale keeps written records of the price quotations, the amounts, and if necessary, the reason why three quotations could not be obtained;
    - c.** The bureau sells the surplus property to the highest bidder meeting all conditions of the sale; and
    - d.** The bureau applies the proceeds of the sale to its property disposition expenses in the following order: storage, transportation, publication fees and other costs of safekeeping and sale, and then to the City fund owning the property at the time of sale unless otherwise directed by the City Council.
  - 3.** Public Sale - The City Council may authorize the sale of surplus property through an external auction service. If the City does not have a contract with an external auction service, the bureau may conduct a public auction subject to the following conditions:
    - a.** The bureau shall give notice of such public auction at least once within ten days prior to the date of the auction in a newspaper of general circulation published in the City; such notice shall give the time and place of the auction;
    - b.** The bureau shall sell the surplus property to the highest bidder meeting all conditions of the sale; and

How Long in Possession .....  
Where Obtained .....  
.....  
Special Remarks.....  
.....  
.....

AND I HEREBY RELINQUISH ALL CLAIM TO SAID SPECIMEN AND/OR ITS PROGENY:

Signed .....  
Address .....  
Date .....  
Accepted for the Zoo by:  
Signed .....  
Date .....  
Object Number .....

**5.36.090      Gifts and Loans of Property.**

- A.      Whenever any real or personal property or the use thereof shall be offered to the City by way of donation, gift, grant, lease, loan or any other manner made available to the City by any person, firm, or corporation for the purpose of bestowing a gift or benefit upon the City, the Mayor hereby is authorized to accept any and all such real or personal property or the use thereof. The Mayor also hereby is authorized to execute any necessary agreement or document and to agree to any reasonable terms and conditions for the gift, grant, lease, loan or other use of such real or personal property. Provided, however, that any such grant, lease or loan by which the City shall be obligated in an amount exceeding \$250 shall first be approved by the Council by special ordinance.
  
- B.      It shall be the duty of all bureau chiefs to promptly report to the Commissioner In Charge, the receipt of any gift, contribution, donation or other use of personal property from any person, firm or corporation for and on behalf of the City so that the Commissioner may cause such property to be promptly included in the City inventory.

**5.36.100      Use of City Property for Elections.**

The Commissioner In Charge of any property or premises of the City hereby is authorized to permit the use of such premises or facilities as polling places for any election held by the State, county or any municipal corporation.

**5.36.110      Use of City Property for Air Quality Measuring Stations.**

The Commissioner In Charge of any particular parcel of real property owned by the City is hereby authorized to grant permission in writing to any governmental body to install on said real property on a temporary basis an air quality measuring station; provided, however,

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that no such written permission shall be granted unless and until the requesting governmental body has stated in writing that the temporary installation will be accomplished without injury or damage to the City property and that said governmental body will reimburse City for all costs or expenses to City incident to the installation.

**5.36.115 Designation of “Persons In Charge” for Purposes of Excluding Persons From City Property.**

(Repealed by Ordinance No. 188280, effective April 14, 2017.)

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and shall be filed in the office of the City Forester and in the Portland Policy Documents repository described in Chapter 1.07.

- D.** Meetings. The Commission will meet at least ten times per year and may meet more often.
- E.** Duties. The Commission is responsible for carrying out the following duties:
  - 1.** Providing assistance in the development, periodic reviews, and updates to the Urban Forest Plan, and submitting said plan updates to the City Council for approval.
  - 2.** Reviewing and providing input on plans, policies, and projects developed pursuant to other City Code provisions which contain elements or which affect matters related to urban forestry and other matters to ensure that the policies of the Urban Forest Plan are fully considered.
  - 3.** Advising the City Forester, the Director and Commissioner-in-Charge of the Bureau of Parks and Recreation, and Citizen's Budget Advisory Committee on the preparation and contents of the annual Forestry Division budget request.
  - 4.** Considering and making recommendations to the City Council pertaining to:
    - a.** Proposed amendments to this Title;
    - b.** Heritage Tree nominations; and
    - c.** Other City bureau budget proposals that may substantially affect programs relating to trees and the urban forest.
  - 5.** Preparation of an annual report which specifically addresses the relations with and concerns of the various City bureaus and other matters brought forward by the City Forester. The report will include an evaluation of the opportunities and barriers to effective management of the urban forest, and assessment of progress of these issues identified in prior annual reports.

**11.20.030 The Urban Forestry Appeals Board.**

- A.** Membership. The Urban Forestry Appeals Board consists of five members representing diverse interests of the Urban Forestry Commission, selected by a majority of the Commission. Members will serve without compensation for terms not to exceed their membership in the general Commission and may be reappointed.
- B.** Rules of order. The Urban Forestry Appeals Board may elect its own chair and propose rules of procedure as it deems necessary to the conduct of its duties. The Commission will consider and adopt such rules upon majority vote. All rules

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become effective upon adoption by the Commission and shall be filed in the Portland Policy Documents repository described in Chapter 1.07.

- C.** Meetings. The Appeals Board will meet as required to respond and to hear appeals within the time allotted to appeals as described in this Title. Appeal hearings are open to the public.
- D.** Duties. The Appeals Board is responsible for reviewing and deciding appeals of tree permit decisions as authorized in this Title.

### **11.20.040 Technical Assistance.**

When requested by the Urban Forestry Commission and Commissioner of Parks and Recreation, the City may retain the services of a professional review panel of not more than three members, either foresters, arboriculturists, landscape architects or some combination thereof to advise the Commission on the efficiency of proposed actions and planting schemes. At least one member of this panel should be very familiar with Portland. The City Forester will present a list of qualified professionals to the Urban Forestry Commission for its review and selection. A member of the professional review panel may not serve if the member has a conflict of interest.

### **11.20.050 The Urban Forest Plan.**

- A.** Purpose. The Urban Forest Plan (the Plan) establishes a comprehensive framework of goals, policies, and actions to guide City management activities and decisions over the short and long term. The plan will be implemented through the individual and collective works of the City Forester and other City bureaus, agencies, citizens, organizations and other groups.
- B.** Roles. The City Forester, in consultation with the Urban Forestry Commission and City bureaus, is responsible for coordinating the development, update, and implementation of the Urban Forest Plan. Working groups made up of representatives of those bureaus and groups who contribute to the management of the City's urban forest will be formed to develop citywide action plans to implement the Plan, and to monitor and report on progress of those actions.
- C.** Updates. The Plan will periodically, and at least every 10 years, be reviewed and updated to respond to changes in the condition of the urban forest, changes in city policy or changes to applicable regulatory mandates.

### **11.20.060 Heritage Trees.**

(Amended by Ordinance No. 188278, effective April 14, 2017.)

- A.** Generally. Heritage Trees are trees that because of their age, size, type, historical association or horticultural value, are of special importance to the City.

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- B.** Nuisance trees. Trees may not be designated as Heritage Trees if, on the date they would be designated, the tree species is on the Nuisance Plant List.
- C.** Private trees. Trees on private property may not be designated as Heritage Trees without the consent of the property owner; however, the consent of a property owner will bind all successors, heirs, and assigns. When a Private Tree is designated as a Heritage Tree, the owner shall record the designation on the property deed, noting on such deed that the tree is subject to the regulations of this Title.
- D.** Designation. The Urban Forestry Commission (UFC) makes a recommendation to City Council as to whether a tree should be designated as a Heritage Tree. A recommendation to designate a tree shall be supported by at least six members of the UFC. City Council may designate a tree if it finds that the tree's health, aerial space, and open ground area for the root system have been certified as sufficient by an arborist.
- E.** Removal of designation. The Urban Forestry Commission (UFC) makes a recommendation to City Council as to whether the Heritage Tree designation should be removed from a tree. A recommendation to remove the designation shall be supported by at least six members of the UFC. City Council may remove the designation if it finds that the designation is no longer appropriate.
- F.** Heritage Tree removal. Heritage Trees may be removed only with the consent of the UFC, except as provided in Subsection I., below. The UFC shall hold a public hearing on a request to remove a Heritage Tree. Consent to remove the tree shall be supported by at least six members of the UFC.
- G.** List and plaques. The City Forester maintains a list of the City's designated Heritage Trees. The City Forester may place a plaque on or near Heritage Trees.
- H.** Maintenance and Protection. The City Forester maintains Heritage Trees located on streets and on property owned or managed by the City. Heritage trees on private property shall be maintained by the property owner. It is unlawful for any person without prior written authorization from the City Forester to remove, prune, or injure any Heritage Tree. The City Forester shall report to the Urban Forestry Commission any such authorization granted.
- I.** Emergencies.

  - 1.** If the City Forester determines that a Heritage Tree is dangerous and is a threat to public safety, the City Forester may order the tree to be removed without prior consent from the UFC.
  - 2.** In an emergency, when the City Forester is unavailable, pruning only what is necessary to abate an immediate danger may be performed without authorization by the City Forester. Any additional work shall be performed under the provisions of this Section.

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**CHAPTER 11.30 - TREE PERMIT  
PROCEDURES**

**Sections:**

- 11.30.010 Purpose.
- 11.30.020 Description of Tree Permits.
- 11.30.030 Applications.
- 11.30.040 Procedure for Type A Permits.
- 11.30.050 Procedure for Type B Permits.
- 11.30.100 Regulations That Apply After Permit Approval.

**11.30.010 Purpose.**

This Chapter establishes application requirements and procedures for all tree permits required by this Title to ensure that the legal rights of individual property owners and the public are protected. Tree permits are generally required for specific tree related activity when not associated with development.

**11.30.020 Description of Tree Permits.**

- A.** Generally. Tree permits are required for tree-related activities not associated with:
  - 1. Heritage Trees (see Chapter 11.20);
  - 2. Programmatic Permits (see Chapter 11.45); or
  - 3. Tree plans or activities that require a development permit (see Chapter 11.50).
- B.** Types of Permits.

There are two types of tree permits, A and B. This Chapter sets out the procedures for each permit type, including when public notice and opportunity for public appeal are required. Applications for activities subject to both a Type A and Type B permit will be processed as a Type B permit. The type of permit may be modified during the course of the review when the City Forester finds that the standards or review factors are not met or when the approved scope of the tree activity is changed. For example, a Type A tree permit application to remove a dangerous tree may be modified to a Type B removal request when the City Forester finds the tree is not dangerous. Conversely, the City Forester may modify a Type B request to remove a Street Tree by granting a Type A pruning permit instead of allowing the removal. The standards and review factors for granting Type A or B permits are in Chapter 11.40.

Table 30-1 summarizes the public notice and appeal procedures applicable to a Type A or Type B permit.

**Table 30-1  
Public Notice and Appeal requirements for City, Street and Private Trees**

Permit Type	Proposal	City/Street or Private Tree	Public Notice/ Public May Appeal [1]
<b>A</b>	Any Type A request	City/Street Private	No
<b>B</b>	Up to four healthy < 20” diameter nuisance and non-nuisance species trees	City/Street	No
	≥ 20” diameter, healthy nuisance or non-nuisance species tree	City/Street	Yes
	More than four healthy ≥ 12" diameter nuisance and non-nuisance species trees	City/Street	
	≥ 20” diameter, healthy non-nuisance species tree [2]	Private	
	More than four healthy ≥12” diameter non-nuisance species trees	Private	

Note [1] The applicant may appeal any Type A or B permit decision.

Note [2] No public notice or opportunity for public appeal is required for removal of one healthy non-nuisance species tree >20” diameter per lot per calendar year in any residential zone.

**11.30.030 Applications.**

- A.** Applications for Tree Permits shall:
1. Be made in writing or electronically upon forms furnished by the City;
  2. Be legible, accurate, and contain sufficient information in order to evaluate the request; and
  3. Be accompanied by the correct fee.
- B.** A separate application is required for each site, but each application may address multiple trees and multiple types of activities, such as planting, pruning, or removal.
- C.** Marking trees to be removed. Applicants for permits for tree removal shall mark each tree proposed for removal by tying or attaching yellow tagging tape around the trunk of the tree at 4.5 feet above ground level.

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- D.** Consent to site access. By submitting an application for a tree permit, the owner and applicant agrees that authorized City representatives may enter the site during business hours for the purpose of conducting inspections related to the tree permit request.
- E.** Authority. An applicant will be authorized to apply for the Tree Permit, as described below:
- 1.** City Trees. For City Trees, only the Bureau that owns the site may submit an application. Where the City is managing trees on lands not owned by the City, the Bureau assigned to manage or care for trees, the owner or the agent authorized to represent the property owner may submit the application.
  - 2.** Street Trees. The applicant shall be the owner of the adjacent property or be authorized by the owner of the adjacent property where the Street Tree will be planted, pruned or removed. Exceptions to this requirement include:
    - a.** The Bureau of Environmental Services shall act as applicant for permits for Street Trees in greenstreet facilities.
    - b.** The Bureau of Transportation shall act as applicant for permits for Street Trees in center medians.
    - c.** The City Forester may plant, prune or remove Street Trees without obtaining the authorization of the adjacent property owner.
    - d.** Public agencies operating under the conditions of a Programmatic Tree Permit are not required to obtain the adjacent owner's consent for tree-related work on streets.
  - 3.** Private Trees. The applicant shall be the owner of property where the tree is located or be authorized by the owner. For trees that straddle property lines, the owners of all properties where the tree is located shall authorize the application. For commonly held tracts such as open space or private street tracts, the application shall be submitted by the agent or parties authorized to represent the shared ownership interest in the tract. It is the applicant's responsibility to obtain the appropriate consent for tree permit applications.
  - 4.** City, Street and Private Trees within easements, or addressed by deed restrictions or other agreements. Any person having or asserting the right to remove trees under the terms of an easement, deed restriction or other agreement shall comply with the provisions of this Title. An easement holder, beneficiary of a deed restriction, or other person seeking to remove a tree on the property of another under an agreement is authorized to apply

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for permits or approvals required by this Title. The owner of a servient tenement, the grantor of a deed restriction or other person who by agreement has authorized another to possess, occupy or use property owned by the person is authorized to apply for permits or approvals required by this Title. The presence of an easement, deed restriction or other agreement does not change the type of tree. A tree remains either a City Tree, a Street Tree or a Private Tree.

**11.30.040 Procedure for Type A Permits.**

(Amended by Ordinance No. 188278, effective April 14, 2017.) Type A permits are technical determinations regarding the facts of a particular request, and applications of city standards to ensure that work is performed in accordance with best management practices to protect trees, the public, or public infrastructure, and to ensure tree replacement. Type A permits are reviewed administratively by the City Forester. There is no public notice, and only the applicant may appeal the decision.

**A. Application.**

1. Generally. Applications for a Type A Tree Permit shall meet the requirements of Section 11.30.030, Applications.
2. Additional information required.
  - a. If the City Forester requires additional information to review an application, the City Forester will send a notice to the applicant requesting the additional information.
  - b. The applicant will have a maximum of 30 days from the date of the City Forester's notice to submit the additional information.
  - c. If the additional information is not received by the City Forester within 30 days from the date of the City Forester's notice, the application will be voided on the 31st day. The City will not refund the filing fee.

**B. Decision by the City Forester.**

1. The City Forester's decision shall be based on an evaluation of the facts and applicable standards and review factors in Chapter 11.40.
2. The City Forester may issue the permit, deny the permit, or may apply conditions of approval to the permit to ensure the request complies with the applicable review factors and standards. Type A permits may be self issued for Street Tree pruning. The applicant must agree that such pruning will be conducted in accordance with proper arboricultural practices. Self-issued permits are not subject to Subsection B.4. and may not be appealed.

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3. Any work done under a permit shall be performed in strict accordance with the terms and provisions of this Title and conditions of approval of the permit.
  4. The City Forester shall notify the applicant of the decision in writing.
  5. If the applicant does not file a timely appeal as specified in Subsection C., below, the decision is final.
- C.** Appeal. The applicant may appeal the City Forester's decision on a tree permit. Appeals shall be:
1. Filed with the City Forester on forms prescribed by the City;
  2. Filed within 14 days from the date on the City Forester's decision; and
  3. Specifically identify how the City Forester erred in applying the standards or review factors.
- D.** Appeal process.
1. Scheduling the appeal hearing. The appeal hearing will be scheduled within 45 days of the date the appeal was filed. However, the applicant may request the hearing at a later time.
  2. Notice. Notice of the appeal hearing will be sent to the applicant at least 14 days before the hearing.
  3. Hearing.
    - a. Appeals are heard by the Urban Forestry Appeals Board (Appeals Board).
    - b. The Appeals Board will consider the application against the applicable standards or review factors, taking into consideration information provided by the applicant, appellant and City staff, and any observations made by members of the Appeals Board if they visit the site.
- E.** Appeals Board Decision.
1. The Appeals Board may affirm or reverse the City Forester's decision.
  2. The Appeals Board will give due deference to the professional judgment of the City Forester, and will reverse or remand the City Forester's decision only upon a finding that the City Forester's decision is not supported by

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substantial evidence, or upon a finding that the City Forester's decision was arbitrary or capricious, an abuse of discretion or otherwise was not in accordance with the provisions of this Title.

3. The appeal decision of the Urban Forestry Appeals Board is final and may not be appealed to another review body within the City.

**11.30.050 Procedure for Type B Permits.**

(Amended by Ordinance No. 188278, effective April 14, 2017.) Type B permits involve the consideration of relevant technical and qualitative factors to prevent risks to public health and safety or significant undue impacts on neighborhood character, and to ensure that the impacts of tree removal are mitigated. Type B permits are reviewed administratively by the City Forester, and the decision may be appealed to the Urban Forestry Appeals Board by the applicant and any person adversely affected or aggrieved by the decision.

**A. Application.**

1. Generally. Application for a Type B Tree Permit shall meet the requirements of Section 11.30.030, Applications.
2. Additional information required.
  - a. If the City Forester requires additional information to review an application, the City Forester will send a notice to the applicant requesting the additional information.
  - b. The applicant will have a maximum of 30 days from the date of the City Forester's notice to submit the additional information.
  - c. If the additional information is not received by the City Forester within 30 days from the date of the City Forester's notice, the application will be voided on the 31st day. The City will not refund the filing fee.

**B. Decision by the City Forester.**

1. The City Forester's decision shall be based on an evaluation of the facts and applicable standards and review factors in Chapter 11.40.
2. The City Forester may issue the permit, deny the permit, or may apply conditions of approval to the permit to ensure the request complies with the applicable review factors and standards.
3. Any work done under a permit shall be performed in strict accordance with the terms and provisions of this Title and conditions of approval of the permit.

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4. If the application is denied, the City Forester shall notify the applicant of the decision in writing.
  5. If the application is tentatively approved, and public notice is required per Table 30-1, the City Forester shall send notice of the pending approval to the applicant and the neighborhood association. The applicant shall post a copy of the notice on the site in a location clearly visible from the street nearest the tree.
  6. If no appeal is filed within a timely manner as specified in Subsection C., below, the decision is final. The City Forester shall notify the applicant that the decision is final.
- C.** Appeal. The applicant may appeal the City Forester's decision. In addition, when public notice is required per Table 30-1, the neighborhood association or any other person may also appeal the decision. Appeals shall be:
1. Filed with the City Forester on forms prescribed by the City;
  2. Filed within 14 days from the date of the City Forester's decision; and
  3. Specifically identify how the City Forester erred in applying the standards or review factors.
- D.** Appeal process.
1. Scheduling of the appeal hearing. The appeal hearing will be scheduled within 45 days of the date the appeal was filed. However, for good cause shown by any party, the Appeals Board may extend the hearing deadline.
  2. Notice. Notice of the appeal hearing will be sent to the applicant, the appellant, and the neighborhood association at least 14 days before the hearing. The applicant shall post a copy of the appeal hearing notice on the site in a location clearly visible from the street nearest the tree.
  3. Hearing.
    - a. Appeals are heard by the Urban Forestry Appeals Board (Appeals Board).
    - b. The Appeals Board will consider the application against the applicable standards or review factors, taking into consideration information provided by the applicant, appellant, and City staff, or observations made by members of the Appeals Board if they visit the site.

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- c. Additional testimony and evidence may be introduced at the hearing, and the Appeals Board may delay its decision to provide adequate time for other parties to respond.
- d. If additional hearings are scheduled, the Appeals Board may, at its discretion, choose to not allow new evidence after the initial hearing.

**E. Appeals Board Decision.**

- 1. The Appeals Board may affirm or reverse the City Forester's decision, or remand the decision to the City Forester to determine appropriate mitigation.
- 2. The Appeals Board will give due deference to the professional judgment of the City Forester, and will reverse or remand the City Forester's decision only upon a finding that the City Forester's decision is not supported by substantial evidence, or upon a finding that the City Forester's decision was arbitrary or capricious, an abuse of discretion or otherwise was not in accordance with the provisions of this Title.
- 3. The appeal decision of the Urban Forestry Appeals Board is final and may not be appealed to another review body within the City.

**11.30.100 Regulations That Apply After Permit Approval.**

- A. Posting tree removal permits. Permits for tree removal shall be posted while the approved tree removal work is underway. The permit shall be posted in a location visible to pedestrians and motorists.
- B. Certifying compliance with replacement requirements. Applicants shall certify that they have complied with the tree replacement and any other requirements or conditions stipulated on a permit, as applicable.
- C. Permit expiration. Tree Permits expire 90 days from the date of issuance, unless a specific expiration date has been added to the permit by the City Forester or Urban Forestry Appeals Board. The reviewing authority may require a performance guarantee as described in Section 11.10.060, when replacement planting is allowed to be deferred beyond the permit expiration date.
- D. Permit suspension or revocation. The City Forester may suspend or revoke a tree permit. The permit holder shall be notified of the suspension or revocation in writing. Permits may be suspended or revoked when:
  - 1. The permit is issued in error;
  - 2. The permit is issued on the basis of incorrect information supplied by the owner or applicant;

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3. The permit is issued in violation of any of the provisions of City code or an approved land use decision; or
4. The applicant, owner, or contractor listed on a permit is the subject of a pending violation of this Title for the site where the work is proposed or occurring. In such cases, the permit may be suspended until the alleged violation has been resolved.

**CHAPTER 11.40 - TREE PERMIT  
REQUIREMENTS (NO ASSOCIATED  
DEVELOPMENT)**

**Sections:**

- 11.40.010 Purpose.
- 11.40.020 When a Tree Permit is Required.
- 11.40.030 Exemptions.
- 11.40.040 City and Street Tree Permit Standards and Review Factors.
- 11.40.050 Private Tree Permit Standards and Review Factors.
- 11.40.060 Tree Replacement Requirements.

**11.40.010 Purpose.**

The purpose of this Chapter is to manage, conserve and enhance the urban forest when development activity is neither proposed nor occurring. The provisions of this Chapter encourage preservation of high quality trees, large trees, and groves; regulate pruning and planting on City-owned and managed sites and streets to protect public safety and public infrastructure; and ensure replacement for trees that are removed. The permitting procedures that are required to implement these provisions are intended to not only enforce maintenance, removal and preservation requirements but also to educate property owners about the intrinsic urban benefits of trees as well as the principles of tree care.

**11.40.020 When a Tree Permit is Required.**

(Amended by Ordinance Nos. 187216 and 188278, effective April 14, 2017.) A tree permit is required for all trees in the City of Portland as further described below, unless the activity is exempt from the requirements of this Chapter as specified in Section 11.40.030.

- A.** Street Trees. Street trees of any size are regulated by this Chapter unless otherwise specified in Table 40-1 or 40-2.
- B.** City Trees. City trees 3 or more inches in diameter are regulated by this Chapter unless otherwise specified in Table 40-1.
- C.** Private Trees. Private trees 12 or more inches in diameter are regulated by this Chapter unless otherwise specified in Table 40-1. Trees required to be preserved by a condition of a land use review may be subject to other requirements. All applicable Zoning Code landscape requirements, including landscape buffers and parking lot landscaping, must be met on the site.
- D.** Emergency pruning or removal. Emergency pruning or removal of trees is regulated by this Chapter as follows:
  - 1.** If an emergency exists because the condition or location of a tree presents such a clear and present danger to structures or the public that there is insufficient time to obtain a tree permit, the hazardous portion of the tree may be removed without first obtaining a required tree permit.

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2. In the course of performing unexpected or emergency road, sewer or water maintenance activities, representatives of the Responsible Engineer may trim, prune or remove a tree as required to perform the immediate work without first obtaining a required tree permit. If such activities occur during normal business hours, these representatives shall first attempt to contact the City Forester to determine if technical assistance can be made immediately available. If such assistance is not immediately available, then the pruning or removal may occur in accordance with proper arboricultural practices.
  3. Any person who prunes or removes a tree under the provisions of this Subsection shall, within 7 days of such action, apply for a Type A tree permit. The application shall include photographs or other documentation to prove that an emergency existed. The City Forester will evaluate the information to determine whether an emergency existed. Failure to submit an application or provide information documenting the emergency nature of the event may be pursued as a violation per Chapter 11.70.
- E.** State, Federal and court orders. Trees that must be removed or pruned by an order of a court, or of a State or Federal agency are not subject to the public notice and appeal procedures of Chapter 11.30 and approval standards and review factors of this Chapter. However, a tree permit is required and the tree replacement requirements of this Chapter shall be met.
- F.** Hazardous Material Cleanup Orders. Hazardous material cleanup orders, are not subject to the permit procedures of this Title; however, a person removing a regulated tree pursuant to a Hazardous Material Cleanup Order must comply with the tree replacement requirements of this Chapter.
- G.** Trees on levees. Trees on levees that have been identified by a public Drainage District as violating federal regulations or requirements are subject to the requirements of this Chapter for a Type A permit for removal of trees. Required replacement trees shall be placed outside the critical cross section area of the levee, and may be placed on any property in the same watershed that is owned by the applicant; or on property for which the applicant possesses a legal instrument approved by the City, such as an easement, deed restriction, or interagency agreement, sufficient to carry out and ensure success of the replacement.

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**Table 40-1  
Tree Removal in Overlay Zones and Plan Districts [1]**

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing[2]	T33 Tree Size	Title 33 Zoning Code review for removing
Environmental conservation and protection overlay zones “c” “p” See: 33.430.080	<b>Street</b> all <b>City</b> ≥ 3” <b>Private</b> ≥ 6”	<ul style="list-style-type: none"> <li>• Trees within 10 feet of buildings or attached structures</li> <li>• Nuisance species trees</li> <li>• Non-native non-nuisance trees</li> <li>• Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees</li> <li>• Trees projecting into a City-designated view corridor</li> </ul>	<b>Street</b> all <b>City</b> all <b>Private</b> all	<ul style="list-style-type: none"> <li>• Healthy native trees that do not meet the applicable Title 11 situations listed in this table</li> </ul>
Greenway overlay zones “n” “q” “g” “i” “r” See: 33.440.320	<b>Street</b> all <b>City</b> ≥ 3” <b>Private</b> ≥ 6”	<ul style="list-style-type: none"> <li>• Nuisance species trees</li> <li>• Dangerous trees</li> <li>• Trees landward of the greenway setback in “g” “i” “r” overlays</li> </ul>	<b>Street</b> all <b>City</b> all <b>Private</b> all	<ul style="list-style-type: none"> <li>• Native Trees</li> <li>• Non-native non-nuisance trees</li> <li>• Dead or dying trees</li> <li>• Trees not meeting the listed situations when located within or riverward of the greenway setback in “g” “i” “r” overlays</li> <li>• Trees not meeting the listed situations when located in “n” “q” overlays</li> </ul>
Pleasant Valley Natural Resources Overlay Zone “v” See: 33.465.080	<b>Street</b> all <b>City</b> ≥ 3” <b>Private</b> ≥ 6”	<ul style="list-style-type: none"> <li>• Trees within 10 feet of buildings or attached structures</li> <li>• Nuisance species trees</li> <li>• Non-native non-nuisance trees</li> <li>• Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees</li> </ul>	<b>Street</b> all <b>City</b> all <b>Private</b> all	<ul style="list-style-type: none"> <li>• Healthy native trees that do not meet the applicable Title 11 situations listed in this table</li> </ul>
Scenic Resource Overlay “s”  Only applies to trees that are within the scenic corridor setback. See: 33.480.040 B.2.a.	<b>Street</b> all <b>City</b> ≥ 3” <b>Private</b> ≥ 6”	<ul style="list-style-type: none"> <li>• Trees within 10 feet of buildings or attached structures</li> <li>• Nuisance species trees</li> <li>• Dead, Dying, or Dangerous trees</li> <li>• Trees associated with the repair and maintenance of water, sewer or storm water lines</li> <li>• Trees within 20 feet of a public safety RF Transmission Facility</li> <li>• Street, City, or Private trees up to and including 12 inches diameter provided that replanting per 33.480.040.B.2.h(7) is met [3]</li> </ul>	<b>Street</b> ≥ 6” <b>City</b> ≥ 6” <b>Private</b> ≥ 6”	<ul style="list-style-type: none"> <li>• Trees within the scenic corridor setbacks that do not meet the applicable Title 11 situations listed in this table</li> </ul>

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**Table 40-1  
Tree Removal in Overlay Zones and Plan Districts [1]**

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing[2]	T33 Tree Size	Title 33 Zoning Code review for removing
Cascade Station/Portland International Center Plan District See: 33.508.340  Only applies to trees located in a "c" or "p" overlay	<b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"	<ul style="list-style-type: none"> <li>• Trees within 10 feet of buildings or attached structures</li> <li>• Nuisance species trees</li> <li>• Non-native non-nuisance trees</li> <li>• Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees</li> <li>• Trees projecting into a City-designated view corridor</li> </ul>	<b>Street</b> all <b>City</b> all <b>Private</b> all	<ul style="list-style-type: none"> <li>• Healthy native trees that do not meet the applicable Title 11 situations listed in this table</li> </ul>
Columbia South Shore Plan District See: 33.515.262 & 33.515.274  Only applies to trees located in a "c" or "p" overlay	<b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"	<ul style="list-style-type: none"> <li>• Trees within 10 feet of buildings or attached structures</li> <li>• Nuisance species trees</li> <li>• Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees</li> </ul>	<b>Street</b> all <b>City</b> all <b>Private</b> all	<ul style="list-style-type: none"> <li>• Healthy native trees that do not meet the applicable Title 11 situations listed in this table</li> <li>• Healthy non-native non-nuisance trees that do not meet the applicable Title 11 situations listed in this table</li> </ul>
Johnson Creek Basin Plan District 33.537.125  <ul style="list-style-type: none"> <li>• Only applies to trees:</li> <li>• Within 20 feet of the Springwater Corridor lot line;</li> <li>• On a site with any portion in the special flood hazard area; and/or</li> <li>• On a site with any portion in the South Subdistrict.</li> </ul>	<b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"	<ul style="list-style-type: none"> <li>• All Street Trees</li> <li>• Nuisance species trees</li> <li>• Trees within 10 feet of buildings, attached structures, or right-of-way improvements</li> <li>• Dead, Dying, or Dangerous trees</li> <li>• Trees associated with the repair and maintenance of water, sewer or storm water lines</li> <li>• Any other 6" to 12" tree provided that at least two trees are planted. [3]</li> </ul> Trees removed within 20 feet of the Springwater Corridor must be replaced within 20 feet of the corridor	<b>Street</b> n/a <b>City</b> ≥ 6" <b>Private</b> ≥ 6"	<ul style="list-style-type: none"> <li>• Trees within 20 feet of the Springwater Corridor lot line; on a site with any portion in the special flood hazard area; and/or on a site with any portion in the South Subdistrict that do not meet the applicable Title 11 situations listed in this table</li> </ul>

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<b>Table 40-1 Tree Removal in Overlay Zones and Plan Districts [1]</b>				
<b>Overlay Zone or Plan District</b>	<b>T11 Tree Size</b>	<b>Title 11 tree permits for removing[2]</b>	<b>T33 Tree Size</b>	<b>Title 33 Zoning Code review for removing</b>
Portland International Airport Plan District See: 33.565.540 Applies only to trees located in a "c" or "p" overlay	<b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"	<ul style="list-style-type: none"> <li>• Trees within 10 feet of buildings or attached structures</li> <li>• Nuisance species trees</li> <li>• Non-native non-nuisance trees</li> <li>• Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees. This does not apply in landscaped areas of golf courses</li> <li>• Trees projecting into a City-designated view corridor</li> </ul>	<b>Street</b> all <b>City</b> all <b>Private</b> all	<ul style="list-style-type: none"> <li>• Healthy native trees that do not meet the applicable Title 11 situations listed in this table</li> </ul>
Rocky Butte Plan District See: 33.570.040	<b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"	<ul style="list-style-type: none"> <li>• All Street Trees</li> <li>• Nuisance species trees</li> <li>• Trees within 10 feet of buildings, attached structures, or right-of-way improvements</li> <li>• Dead, Dying, or Dangerous trees</li> <li>• Trees associated with the repair and maintenance of water, sewer or storm water lines</li> <li>• Any other 6" to 12" diameter tree provided that at least two trees are planted [3]</li> </ul>	<b>Street</b> n/a <b>City</b> ≥ 6" <b>Private</b> ≥ 6"	Trees that do not meet the applicable Title 11 situations listed in this table
South Auditorium Plan District See: 33.580.130	<b>Street</b> all <b>City</b> ≥ 3" <b>Private</b> ≥ 6"	<ul style="list-style-type: none"> <li>• Dead, Dying, or Dangerous trees provided at least one tree is planted in the same general location or in accordance with the adopted landscaping plan</li> </ul>	<b>Street</b> all <b>City</b> ≥ 6" <b>Private</b> ≥ 6"	Trees that do not meet the applicable Title 11 situations listed in this table
Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply. [2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester. [3] Minimum planting is required to meet zoning code requirements.				

**11.40.030 Exemptions.**

The following are exempt from the requirements of this Chapter:

- A.** Heritage Trees. Heritage Trees are addressed in Chapter 11.20:
- B.** Trees outside City Limits. Trees that are outside the City Limits, including "County Urban Pocket Areas."
- C.** Programmatic permits. Activities carried out by public agencies operating under a programmatic permit per Chapter 11.45.
- D.** Tree Removal in association with development permits addressed through Chapter 11.50, Trees in Development Situations.

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- E.** Agricultural use. Trees on lots that are part of an allowed farm or forest operation, including plant nurseries, when such removal is a customary and necessary activity for the associated agricultural use as provided for in Title 33, Planning and Zoning. Timber harvesting is subject to Oregon Department of Forestry requirements, ORS Chapter 527, and OAR Divisions 600-665.
- F.** Work done by the City Forester and City Forestry crews involving City and Street Trees. However, the City Forester shall keep records of the location and number of City and Street Trees planted, pruned, and removed.

**11.40.040 City and Street Tree Permit Standards and Review Factors.**

(Amended by Ordinance No. 188278, effective April 14, 2017.) Type A and B permit applications for tree related work affecting City or Street Trees shall be reviewed using the following applicable review factors and standards in accordance with the application procedures set forth in Chapter 11.30.

**Table 40-2  
Summary of Permit Requirements for City and Street Trees**

Activity	Permit Type	Tree Replacement [1] (See Section 11.40.060)	Public Notice / Public May Appeal
No Permit is required for: - pruning branches <1/2” or roots <1/4” - removing City Trees <3” in diameter; - removing street trees that are sucker shoots, self-sown trees < 1/2”; or - other activities that are exempt from the requirements of this Chapter (see 11.40.030).			
Planting trees Pruning branches larger than 1/2” or roots larger than 1/4” Other activities as described in 11.40.040 A.3	A	n/a	No
Removal of any regulated tree that is: - dead, dying, or dangerous	A	tree for tree	No
<b>Removing up to 4 healthy trees per site, or abutting right of way per year as follows:</b>			
- less than 3” in diameter	A[2]	tree for tree	No
- 3 to <12” in diameter	B	tree for tree	No
- 12 to <20” in diameter	B	tree for tree	No
- 20” and larger in diameter	B	inch for inch	Yes
<b>Removing more than 4 healthy trees per site, or abutting right of way per year as follows:</b>			
- less than 3” in diameter	A [2]	tree for tree	No
- 3 to <12” in diameter	B	tree for tree	No
- > 12” in diameter	B	inch for inch	Yes
- 20” and larger in diameter	B	inch for inch	Yes

[1] “Tree for Tree” means one tree is required to be planted for each tree removed, “inch for inch” means the City Forester may require up to an equivalent number of inches be planted for the total diameter inches of the tree being removed.

[2] Applies to all Street Trees, in addition to any other City Trees planted as part of a landscaping or mitigation requirement, including trees planted to replace trees removed under a previous tree permit.

- A.** Standards and Review Factors for Type A Permits for City and Street Trees.

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1. Planting. Planting shall meet the specifications in Chapter 11.60 and the following:
  - a. Street Trees. If the City Forester determines that a proposed Street Tree planting is suitable for the space available, and that the species of the tree is appropriate for the location, then the City Forester will grant the permit.

The Responsible Engineer may require the City Forester to submit planting proposals in streets for review for the purpose of protecting existing utilities and sewer branches, and to ensure that the proposed trees are not likely to obstruct the visibility of drivers, cyclists or pedestrians.
  - b. City Trees. If the City Forester determines that a proposed planting on City property is of a species of tree appropriate for the site and that the applicant has the written consent of the City bureau to whom responsibility for the property has been assigned, the City Forester will grant the permit.
2. Pruning or root cutting. The City Forester will grant a permit for pruning of branches 1/2 inch or larger or cutting of roots 1/4 inch or larger if the applicant demonstrates to the City Forester's satisfaction that the pruning or root cutting will be performed in accordance with proper arboricultural practices, and that it will not adversely impact the health or structural integrity of the tree.
3. Other activities. A permit is required to attach permanent objects (e.g. lights, signs, or artwork) to a tree or its supports (e.g. guides, wires, stakes), or for any other type of activity the City Forester determines has the potential to harm a City or Street Tree. In reviewing these requests, the City Forester may impose limitations on the method, location, or duration of such activities.
4. Removal. Trees shall be replaced as indicated in Table 40-2. The City Forester will grant a permit to remove a tree if the City Forester determines that the proposed removal is exempt or allowed by Title 33, Planning and Zoning; and meets at least one of the following:
  - a. Dead trees. The tree is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots or branches exist to sustain life.
  - b. Dying trees. The tree is in an advanced state of decline because it is diseased, infested by insects, or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently

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likely to become a danger or die. The City Forester may apply a condition of approval to the permit to require specific disposal methods for infected wood.

- c. Dangerous trees. The City Forester will evaluate the removal request by first evaluating practicable alternatives to the removal. If the City Forester finds either that the cost of the alternatives significantly exceeds the value of the tree, or that such alternatives will not substantially alleviate the dangerous condition, the City Forester will grant the permit.

**B.** Standards and Review Factors for Type B Permits for City and Street Trees. Because Type B permits for City and Street Trees are required only for removal; the standards and review factors of this Subsection are specific to tree removal.

- 1. Standards. The City Forester shall determine that the following standards are met before granting a Type B permit:
  - a. For trees located in one of the overlay zones or plan districts identified in Table 40-1, the proposed removal is exempt or allowed by Title 33, Planning and Zoning;
  - b. The tree is not required to be preserved by a condition of a land use review, provision of this Title or the Zoning Code, or as part of a required stormwater facility;
  - c. Trees removed shall be replaced as specified in Table 40-2.
- 2. Review Factors. The City, in the absence of extraordinary circumstances, will not permit the removal of a healthy, functioning Street Tree. Maintenance or replacements of sidewalks or curbs, removal of tree litter, or other minor inconveniences do not constitute extraordinary circumstances. Decisions regarding removal of healthy, functioning Street Trees are fact-specific, and are made on a case-by-case basis by the City Forester. In determining whether extraordinary circumstances exist that warrant removal of a healthy tree, the City Forester will consider:
  - a. Whether the species of tree is appropriate for its location, and whether it is a nuisance species tree;
  - b. Whether the tree's crown, stem or root growth habit has developed in a manner that would prevent continued healthy growth or is negatively impacting other trees;
  - c. Whether the maintenance of the tree creates an unreasonable burden for the property owner; and

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- d. The impact of removal and replanting on the neighborhood streetscape and any adopted historic or other design guidelines.

**11.40.050 Private Tree Permit Standards and Review Factors.**

Type A and B permit applications for tree related work affecting Private Trees shall be reviewed using the following applicable review factors and standards in accordance with the application procedures set forth in Chapter 11.30.

**Table 40-3  
Summary of Permit Requirements for Private Trees**

Activity	Permit Type	Tree Replacement[1] (See Section 11.40.060)	Public Notice / Public May Appeal
No permit is required for: - planting trees - pruning trees outside of the environmental protection (p), environmental conservation (c), or Pleasant Valley Natural Resource (v) overlay zones; - removal of trees smaller than the sizes regulated by this chapter (see 11.40.020 B.); or - other activities that are exempt from the requirements of this chapter (see 11.40.030)			
Pruning native trees in c, p, or v overlay zones	A	n/a	No
Removal of any tree that is: - dead, dying, or dangerous - a nuisance species identified in the Portland Plant List - located within 10 feet of building or attached structure	A	tree for tree	No
<b>Removing up to 4 healthy non-nuisance species trees per site per year as follows:</b>			
- Smaller than 20" diameter	A	tree for tree	No
- 20" diameter and larger	B	inch for inch	Yes[2]
<b>Removing more than 4 healthy non-nuisance species trees per site per year as follows:</b>			
12" diameter and larger	B	inch for inch	Yes

[1] "Tree for Tree" means one tree is required to be planted for each tree removed, "inch for inch" means the City Forester may require up to an equivalent number of inches be planted for the total diameter inches of the tree being removed.

[2] No public notice or opportunity for public appeal is required for removal of one healthy tree > 20" diameter per lot per year in any residential zone.

**A. Standards and Review Factors for Type A Permits for Private Trees.**

1. Pruning. A pruning permit is required only if the tree is a native tree in the Environmental (c, p) or Pleasant Valley Natural Resource (v) Overlay Zones.

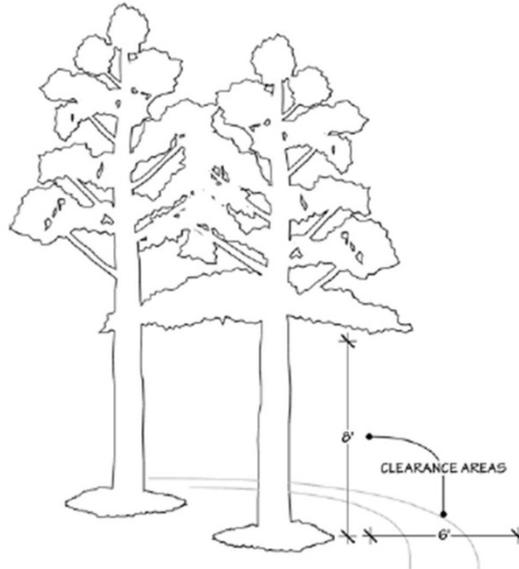
- a. Exceptions. A permit is not required for pruning trees in the following situations:

- (1) Pruning trees located within 10 feet of a building or attached structure;
- (2) Pruning coniferous trees that are within 30 feet of structures, when the structure is within the wildfire hazard zone as shown on the City's Wildfire Hazard Zone Map;

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- (3) Pruning to abate an immediate danger;
- (4) Pruning for trail maintenance when not exceeding a height of 8 feet and a width of 6 feet as shown in Figure 40-1; or

**Figure 40-1  
Trail Vegetation Pruning and Maintenance Area**



- (5) Crown maintenance and crown reduction of trees within the Portland International Airport Plan District or Cascade Station/Portland International Center Plan District that project above or will, upon maturity project above the height limit delineated by the "h" overlay zone or are identified as attracting wildlife species of concern related to air traffic safety.
- b.** Standards. The City Forester will grant a Type A Permit for pruning if the applicant demonstrates to the City Forester's satisfaction that the pruning will meet the following:
- (1) Pruning is limited to 5 native trees per calendar year per 10,000 square feet of site area;
  - (2) An arborist shall prepare and submit a pruning plan and supervise or conduct the work. The pruning plan shall describe the nature and extent of the proposed pruning as

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necessary to ensure proper arboricultural practices are followed; and

- (3)** Additional pruning may be allowed if the applicable criteria are met through an environmental review or natural resource review per Title 33, Planning and Zoning.
- 2.** Removal. Trees shall be replaced as indicated in Table 40-3. The City Forester will grant a permit to remove a tree if the City Forester determines that the proposed removal is exempt or allowed by Title 33, Planning and Zoning; and meets at least one of the following:

  - a.** Dead trees. The tree is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots or branches exist to sustain life.
  - b.** Dying trees. The tree is in an advanced state of decline because it is diseased, infested by insects, or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die. The City Forester may apply a condition of approval to the permit to require specific disposal methods for infected wood.
  - c.** Dangerous trees. The City Forester may evaluate the removal request by first evaluating practicable alternatives to the removal. If the City Forester finds either that the cost of the alternatives significantly exceeds the value of the tree, or that such alternatives will not substantially alleviate the dangerous condition, the City Forester will grant the permit.
  - d.** Nuisance species trees. The tree is listed on the "Nuisance Plant List".
  - e.** Trees within 10 feet of a building or attached structure. The trunk of the tree at its base is located completely or partially within 10 horizontal feet of the wall of a building or attached structure.
  - f.** Healthy trees. Up to 4 healthy trees may be removed per site per calendar year if each tree meets the following:

    - (1)** Each tree is less than 20 inches in diameter;
    - (2)** None of the trees are Heritage Trees; and
    - (3)** None of the trees are required to be preserved by a condition of a land use review, provision of this Title or the Zoning Code, or as part of a required stormwater facility;

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- B.** Standards and Review Factors for Type B Permits for Private Trees. Because Type B permits for Private Trees are required only for removal; the standards and review factors of this Subsection are specific to tree removal.
- 1.** Standards. The City Forester shall determine that the following standards are met before granting a Type B permit:
    - a.** For trees located in one of the overlay zones or plan districts identified in Table 40-1, the proposed removal is exempt or allowed by Title 33, Planning and Zoning;
    - b.** The tree is not required to be preserved by a condition of a land use review, or provision of this Title or the Zoning Code; and
    - c.** Trees removed shall be replaced as specified in Table 40-3.
  - 2.** Review Factors. The City encourages retention of healthy Private Trees where practical alternatives to removal exist, and where those alternatives meet the owner's objectives for reasonable use and enjoyment of the property. Factors are considered to ensure that significant adverse impacts are avoided or mitigated, weighing the broader economic, ecological, and community concerns. These decisions are fact-specific and are made on a case-by-case basis. In making these decisions, the City Forester will consider:
    - a.** Whether there are practical alternatives that meet the owner's objectives without removing the tree;
    - b.** Whether the species of tree is appropriate for its location;
    - c.** Whether the tree's crown, stem, or root growth habit has developed in a manner that would prevent continued healthy growth or is negatively impacting other trees; and
    - d.** Whether the removal will significantly affect public safety or neighborhood character based on the following:
      - (1)** The age, size, form, general condition, pruning history and any unique qualities or attributes of the trees;
      - (2)** The visibility of the trees from public streets and accessways;
      - (3)** The cumulative impacts of current and prior tree removals in the area; and

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- (4) When the tree is associated with a grove, whether removal of the tree will have a significant adverse impact on the viability of other trees or make other trees considerably more vulnerable to windthrow.

**11.40.060 Tree Replacement Requirements.**

Generally, the City Forester will require replacement of trees removed under a Tree Permit as specified in Subsection A. However, the City Forester may instead allow payment into the Tree Planting and Preservation Fund as specified in Subsection B., or may waive or reduce the replacement requirement as specified in Subsection C.

**A. Tree replacement specifications**

- 1. **Quantity.** Specific tree replacement requirements are shown in Tables 40-2 and 40-3. Where the requirement specifies "up to inch for inch" replacement, the City Forester will determine the appropriate number of new trees that are required based on the total number of diameter inches of the trees removed. The replacement requirement will compensate for the lost functions of trees removed, and ensure the application meets the applicable standards and review factors.
- 2. **Planting.** Size, species, location, timing of planting, and on-going maintenance of replacement trees shall be in accordance with the technical specifications in Chapter 11.60.

**B. Payment into Tree Planting and Preservation Fund.** When the City Forester determines that there is insufficient or unsuitable area to accommodate some or all of the replacement trees within the street planting area or site, the City Forester may require payment into the Tree Planting and Preservation Fund instead of requiring replacement trees. Payment is based on the adopted fee schedule.

**C. Waivers.** The City Forester may waive or reduce the replacement requirement when the City Forester determines:

- 1. The abutting right-of-way and site already meet the tree density standards of Chapter 11.50; or
- 2. That the full mitigation required by this Chapter would impose an unreasonable burden on the applicant.

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**CHAPTER 11.45 - PROGRAMMATIC TREE  
PERMITS**

**Sections:**

- 11.45.010 Purpose.
- 11.45.020 Application Requirements.
- 11.45.030 Procedures.
- 11.45.040 Review Factors.
- 11.45.050 Permit Specifications.

**11.45.010 Purpose.**

Programmatic Permits may be issued by the City Forester for routine public facility or utility operation, repair and replacement, on-going maintenance programs, and for resource enhancement programs managed by a public agency. The purpose of a Programmatic Permit is to eliminate the need for individual tree removal, pruning or planting permits for ongoing activities that cover a wide geographic area and may include City, Street, and Private Trees. Programmatic permits are not subject to the standards, review factors, or general procedures of the Type A or B permits, but are instead evaluated to prevent cumulative adverse impacts of the activities and ensure that on balance the activities will meet the goals and objectives of the Urban Forest Plan in a reasonable time period. Tree preservation, protection, removal, and planting when associated with a development permit are subject to the procedures found in Chapter 11.50 and not these tree permit requirements.

**11.45.020 Application Requirements.**

- A.** Applications for Programmatic Tree Permits shall:
  - 1.** Be made in writing or electronically upon forms furnished by the City;
  - 2.** Be legible, accurate, and contain sufficient information in order to evaluate the request; and
  - 3.** Be accompanied by the correct fee.
- B.** Authority. Programmatic Permits may only be obtained by Public Agencies and Utilities as defined in this Title. Consultation on applicability is encouraged prior to application submittal.

**11.45.030 Procedures.**

(Amended by Ordinance No. 188278, effective April 14, 2017.)

- A.** Requesting Additional Information.

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1. If the City Forester requires additional information to review an application, the City Forester will send a notice to the applicant requesting the additional information.
  2. The applicant will have a maximum of 30 days from the date of the City Forester's notice to submit the additional information.
  3. If the additional information is not received by the City Forester within 30 days from the date of the City Forester's notice, the application will be voided on the 31st day. The City will not refund the filing fee.
- B.** Notice. When the City Forester determines that the application contains sufficient information, the City Forester shall mail notice by US mail or electronically to all recognized organizations within the geographic area affected by the permit request. The notice shall announce the permit application and provide instructions for obtaining additional information, providing comments or to request notification of the City Forester's decision.

In addition to the public notice, the City Forester will provide a summary of pending and approved Programmatic Permits to the Urban Forestry Commission.

- C.** Decision. The City Forester shall take action to approve, approve with conditions, or deny a Programmatic Permit request within 120 days of determining an application contains sufficient information. The decision will be based on an evaluation of the request against the applicable review factors in Section 11.45.040.
- D.** Permit limitations.
1. Time Limits. The City Forester may approve a Programmatic Permit for a period of up to 5 years. An annual report from the applicant to the City Forester on activity conducted under the permit is required.
  2. Tree Size Limits.
    - a. The programmatic permit will not allow the removal of healthy non-nuisance species trees 6 or more inches in diameter, except as provided in Subsection D.2.b., below.
    - b. If an applicant requests removal of healthy non-nuisance species trees 6 or more inches in diameter, an opportunity for public appeal shall be provided in accordance with Subsection F.2.b.
    - c. For any request, the City Forester may further limit allowed tree removal in order to meet the review factors in Section 11.45.040.
  3. Tree Work Limits. All work conducted under a programmatic permit must be conducted in accordance with proper arboricultural practices.

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- E.** Revocation. The City Forester may revoke a Programmatic Permit upon finding the applicant is not adhering to the limitations imposed or is acting beyond the activities permitted by the Programmatic Permit. Non compliance with the Programmatic Permit may also be cause for any other enforcement action as stated in this Title.
- F.** Appeals.
  - 1.** Timely Filing. Appeals shall be filed on forms as prescribed by the City within 14 days from the date of the written decision. Such appeals shall specifically identify in writing how the decision-maker erred in his/her decision.
  - 2.** Appellant.
    - a.** An applicant may appeal a denial, required conditions or specifications of an approval, or the revocation of any Programmatic Permit. Appeal Hearings will be conducted as specified in Subsections 11.30.040 D. through E.
    - b.** The public may appeal an approval, required conditions or specifications of Programmatic Permits that authorize the removal of healthy non-nuisance species trees 6 or more inches in diameter. Appeal Hearings will be conducted as specified in Subsections 11.30.050 C. through E.
  - 3.** Appeal Body Referral. The Appeals Board may refer the appeal request to the full Urban Forestry Commission.

### **11.45.040 Review Factors.**

The City Forester may approve a Programmatic Permit upon finding that the following review factors are met or will be met with conditions:

- A.** The proposed activity will result in a net gain to the urban forest functions and benefits described in the purpose statement of Chapter 11.05, considering the applicants proposed performance measures, proposed tree planting and other proposed means to improve the overall health of the urban forest.
- B.** The applicant's proposed outreach and notification program, if warranted, will adequately and in a timely manner alert neighboring residents, businesses and the City prior to conducting work authorized under the programmatic permit.

### **11.45.050 Permit Specifications.**

Approved permits shall include the following specifications. The City Forester may modify these specifications during the permit period in order to respond to concerns, changes in regulations, or previously unforeseen issues, provided the applicant is notified in writing

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and provided an opportunity to appeal the change in accordance with Section 11.45.030, above:

- A.** Duration of permit;
- B.** Geographic area covered by the permit;
- C.** Permitted activities and any restrictions on the method, number, type, location or timing of activities;
- D.** Procedures and thresholds for informing neighboring residents, businesses and the City of upcoming permitted activities; and
- E.** Monitoring, performance tracking and reporting requirements. The City Forester may prescribe rules or procedures that specify the manner in which such tracking and reporting occur.

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**CHAPTER 11.50 - TREES IN DEVELOPMENT  
SITUATIONS**

**Sections:**

- 11.50.010 Purpose.
- 11.50.020 When a Tree Plan is Required.
- 11.50.030 Development Impact Area Option for Large Sites and Streets.
- 11.50.040 Tree Preservation Standards.
- 11.50.050 On-Site Tree Density Standards.
- 11.50.060 Street Tree Planting Standards.
- 11.50.070 Tree Plan Submittal Requirements.
- 11.50.080 Changes to Approved Tree Plans and Emergency Tree Removal.

**11.50.010 Purpose.**

The regulations of this Chapter support and complement other City development requirements, with a focus on achieving baseline tree preservation and total tree capacity on a site, considering the anticipated use and level of development. This Chapter regulates the removal, protection and planting of trees through the development process to encourage development, where practicable, to incorporate existing trees, particularly high quality or larger trees and groves, into the site design, to retain sufficient space to plant new trees, and to ensure suitable tree replacement when trees are removed. It is the intent of these provisions to lessen the impact of tree removal and to ensure mitigation when tree preservation standards are not met.

**11.50.020 When a Tree Plan is Required.**

A tree plan is required in conjunction with all development permits, unless the site or activity is exempt from Section 11.50.040 Tree Preservation Standards; Section 11.50.050 On-Site Tree Density Standards; and Section 11.50.060 Street Tree Planting Standards. If multiple development permits are required for a development proposal, including demolitions and subsequent construction, the same Tree Plan shall be included with each permit. For tree removal when no development permit is required or following completion of the development permit, see Chapter 11.40.

**11.50.030 Development Impact Area Option For Large Sites and Streets.**

(Amended by Ordinance No. 188278, effective April 14, 2017.) Where development is proposed on a site larger than one acre or where work is occurring in the street and is not associated with an adjacent development site, the applicant may choose to establish a development impact area. For sites using the development impact area option, tree preservation requirements shall be based on the trees within the development impact area and tree density will be based on meeting Option A as applied only to the area within the development impact area. Trees may be planted to meet tree density requirement elsewhere on the site.

**11.50.040 Tree Preservation Standards.**

(Amended by Ordinance Nos. 187675 and 188278, effective April 14, 2017.)

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- A.** Where these regulations apply.
- 1.** Except when exempted by Subsection B., below, this Section applies to trees within the City of Portland and trees on sites within the County Urban Pocket Areas in the following situations:
    - a.** On sites. Development activities with ground disturbance or a construction staging area greater than 100 square feet on unpaved portions of the site where there are Private Trees 12 or more inches in diameter and/or City Trees 6 or more inches in diameter and the site:
      - (1)** is 5,000 square feet or larger in area; and
      - (2)** has existing or proposed building coverage less than 85 percent.
    - b.** In streets. Development activities with ground disturbance or construction staging not limited to existing paved surfaces where there are Street Trees 3 or more inches in diameter.
  - 2.** Any Heritage Trees and trees required to be preserved through a land use condition of approval or tree preservation plan cannot be removed using the provisions in this Chapter, but may be counted toward the tree preservation requirements of this Section.
- B.** Exemptions. The following are exempt from the tree preservation standards of this Section:
- 1.** On portions of sites located within an IH, IG1, EX, CX, CS, or CM zone.
  - 2.** Trees that are dead, dying, dangerous, or a nuisance species, as documented in a Tree Plan per Subsection 11.50.070 B. These are subtracted from the total number of trees to be addressed by the standards.
  - 3.** Trees exempted from this standard by a land use decision.
  - 4.** Tree preservation requirements approved in a land division or planned development review under Title 33, Planning and Zoning and the requirements of that review are still in effect.
  - 5.** Repair and replacement of existing fences and decks that are not changing in footprint or length when no trees are to be removed as a part of the project.
- C.** Tree Preservation Requirement. Any trees preserved shall be protected in accordance with the specifications in Section 11.60.030. The regulations for Private Trees in Subsection 11.50.040 C.1. sunset after December 31, 2019. After

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December 31, 2019 the regulations in effect will be those in effect on January 1, 2015.

### 1. Private Trees.

#### a. General tree preservation.

- (1) Tree preservation is not required for development activities within 10 feet of existing primary structures, garages, or detached accessory structures permitted as living space if the submitted tree plan confirms the following:
  - (a) Tree removal is not a part of the project; and
  - (b) Ground disturbance will not occur in the root protection zone of any existing tree on site, as defined in Subsection 11.60.030 C.1.a.
- (2) Retention. An applicant shall preserve and protect at least 1/3 of the non-exempt trees 12 inches and larger in diameter located completely or partially on the development site, unless mitigation occurs per Subsection 11.50.040 C.1.a.(2) below. Retaining trees at least 6 and less than 12 inches in diameter that are documented in a report prepared by an arborist or landscape professional to be Garry Oak (*Quercus garryana*), Pacific Madrone (*Arbutus menziesii*), Pacific Yew (*Taxus brevifolia*), Ponderosa Pine (*Pinus ponderosa*), or Western Flowering Dogwood (*Cornus nuttallii*) species are not included in the total count of trees on the site but may be used toward meeting the preservation standard.
- (3) Mitigation. For each tree not preserved and protected below the 1/3 requirement, payment to the Tree Planting and Preservation Fund is required as shown in Table 50-1. The fee is calculated using the per-inch Restoration Fee for Tree Removal in the adopted fee schedule for Title 11. In cases where more than one tree is proposed for removal in excess of that allowed by Subsection 11.50.040 C.1.a.(1), the mitigation payment required to meet the 1/3 retention standard is based on the largest tree or trees proposed for removal.

**Table 50-1  
Required Mitigation**

<b>Size of Tree Removed (inches in diameter)</b>	<b>Required Mitigation</b>
At least 12 and less than 20	The cost of (2) two-inch diameter replacement trees
At least 20 and less than 36	The cost of (4) two-inch diameter replacement trees
At least 36 or more	The cost per inch of tree removed

- b.** Preservation of trees 36 inches or greater.
- (1)** Retention. An applicant shall preserve and protect all non-exempt trees 36 inches in diameter or greater located completely or partially on the development site, unless mitigation and notice occurs per Subsections 11.50.040 C.1.b.(2) and 11.50.040 C.1.b.(3), below. Retention or mitigation of these trees may also be used to meet the standards for general tree preservation in Subsection 11.50.040 C.1.a. above.
  - (2)** Mitigation. For each tree 36 or more inches in diameter not preserved and protected, payment to the Tree Planting and Preservation Fund is required as shown in Table 50-1. The fee is calculated using the per-inch Restoration Fee for Tree Removal in the adopted fee schedule for Title 11.
  - (3)** Notice. If a tree 36 inches or greater in diameter is not preserved and protected as allowed by Subsection 11.50.040 C.1.b.(2) above, the property owner or the property owner’s representative must post a notice on the site and send a notice to the recognized Neighborhood Association and District Coalition in which the site is located. The notices are for notification purposes only. The notices do not provide for public comment on the proposal or for appeal of the proposal. The property owner or the property owner’s representative must provide a signed certification to the Bureau of Development Services that a notice was posted on the site and a notice was sent to the Neighborhood Association and District Coalition. The development permit may not be issued until the business day following the day the notification period is completed.
    - (a)** The posted notice must:



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Portland Housing Bureau may adopt administrative rules for the administration of Subsection 11.50.040 C.1.b.(4).

- c. Exception for Capital Improvement Projects. Trees on private property that are part of a capital improvement project and within the development impact area are regulated as City and Street Trees.

**2. City and Street Trees.**

- a. Retention. For development on City owned or managed sites, new public streets, or improvements to existing streets, applicants are required to consult with the City Forester at the preliminary project design phase if City or Street Tree removal is likely to occur to complete the project. The purpose of this consultation is to identify potential impacts and opportunities to retain existing trees, as well as any measures required to protect trees on site, on adjacent sites, or in the street.

- b. Mitigation. Any required mitigation specified below shall occur on the site, in the street planter strip, or in the same watershed either by planting or a payment into the Tree Planting and Preservation Fund. The City Forester may reduce or waive the following mitigation requirements.

- (1) Approved Street Tree removal in conjunction with improvements to partially or fully unimproved streets. Each tree at least 12 inches in diameter that is allowed to be removed shall be replaced with at least one tree. Trees planted to meet Street Tree Planting Standards will be credited toward meeting this requirement.

- (2) Any other Street or City Tree allowed to be removed that is 6 or more inches in diameter shall be replaced with at least one tree in addition to trees required to meet required tree density or Street Tree planting standards.

**11.50.050 On-Site Tree Density Standards.**

(Amended by Ordinance Nos. 187675 and 188278, effective April 14, 2017.)

- A. Where these Regulations Apply. This Section applies to sites within the City of Portland and the County Urban Pocket Areas. Unless exempted in Subsection 11.50.050 B., the following are subject to the On-Site Tree Density Standards:

- 1. New Development;
  - 2. Exterior alterations to existing development with a project valuation that is more than the threshold stated in Subsection 33.258.070 D.2.a.

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### B. Exemptions.

1. The following development activities are exempt from the on-site tree density standards:
  - a. A specific condition of land use review approval exempts the site from these density standards;
  - b. The site is within the Portland International Airport Plan District or Cascade Station/Portland International Center Plan District and is subject to the Airport Landscape Standards; see Title 33, Planning and Zoning.
  - c. On portions of sites located within an IH, IG1, EX, CX, CS, or CM zone.
  - d. Work conducted under Demolition, Site Development, Septic, Plumbing or Zoning Permits.
2. Sites with the following primary uses are exempt from the on-site tree density standards:
  - a. Railroad Yards;
  - b. Waste Related;
  - c. Agriculture;
  - d. Aviation and Surface Passenger Terminals;
  - e. Detention Facilities;
  - f. Mining;
  - g. Radio Frequency Transmission Facilities; or
  - h. Rail Lines and Utility Corridors;

C. New development shall meet City specifications and standards in Chapter 11.60 and the on-site tree density requirements in Subsection D., below. Exterior alterations shall meet City specifications and standards in Chapter 11.60 and the on-site tree density requirements in Subsection D., below, but are only required to spend 10 percent of project value on the requirements in Subsection D. and the nonconforming upgrades required by Chapter 33.258, Nonconforming Situations.

D. On-Site Tree Density Requirements.

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1. Required Tree Area. The required tree area is based on the size of the site and the type and size of proposed and existing development as shown in Table 50-2. Applicants may choose Option A or Option B for calculating required tree area except only Option A may be used to apply standards to a "Development Impact Area".

**Table 50-2  
Determining Required Tree Area**

<b>Development Type</b>	<b>Option A</b>	<b>Option B</b>
One and Two Family Residential	40 percent of site or development impact area	Site area minus building coverage of existing and proposed development
Multi Dwelling Residential	20 percent of site or development impact area	
Commercial/Office/Retail/Mixed Use	15 percent of site or development impact area	
Industrial	10 percent of site or development impact area	
Institutional	25 percent of site or development impact area	
Other	25 percent of site or development impact area	

2. Required Tree Density. The required tree area shall be planted with some combination of large, medium or small canopy trees at the following rates:

**Table 50-3  
Number of Required Trees and Minimum Planting Area**

<b>Canopy size category (at maturity)</b>	<b>Number of trees required per size of tree area</b>	<b>Min. required planting area per tree (min. dimension)</b>
Large	1 per 1,000 s.f.	150 s.f. (10' x 10')
Medium	1 per 500 s.f.	75 s.f. (5' x 5')
Small	1 per 300 s.f.	50 s.f. (3' x 3')

Refer to Chapter 11.60, Technical Specifications, to calculate tree canopy size categories. When the canopy size category of the tree species is not or cannot be determined, the tree will be considered a small canopy tree.

3. Tree Density Credits
  - a. Trees planted on site to meet any required stormwater or other landscaping requirement may be counted toward the On-site tree density requirements.

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- b.** Trees that are retained and protected, including trees preserved per Section 11.50.040, may be credited as follows:

  - (1)** Trees between 1.5 and less than 6 inches in diameter count as one small canopy size tree.
  - (2)** Trees 6 or more inches in diameter count as one medium canopy size tree for each full increment of 6 diameter inches.
- c.** Payment in lieu of planting. The applicant may pay a fee to the Tree Planting and Preservation Fund per Section 11.15.010 equivalent to the cost of planting and establishing one 1.5-inch caliper tree. The fee per tree shall be credited at a rate of one medium canopy size tree.
- d.** On sites less than or equal to 3,000 square feet, healthy non-nuisance species trees planted or retained in the street planting strip may be credited as described in this Subsection.

**11.50.060 Street Tree Planting Standards.**

- A.** Where these Regulations Apply.

  - 1.** This Section applies to projects within or fronting on any City-owned or -managed streets.
  - 2.** For alterations where the project value is more than \$25,000, the cost of required Street Tree improvements is limited to 10 percent of the value of the proposed development.
- B.** Exemptions. The following are exempt from the Street Tree planting standards of this Section:

  - 1.** Development activities associated with the following:

    - a.** Additions, alterations, repair or new construction where the project value is less than \$25,000;
    - b.** Activity that is limited to the street, and does not modify or create sidewalks, tree wells, or tree planting areas; or
    - c.** Demolition Permits.
  - 2.** Where physical constraints preclude meeting the Street Tree planting requirement because:

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- a. Existing above or below grade utilities prevent planting Street Trees; or
- b. The design of the street will not accommodate Street Tree planting because the planting strip is less than 3 feet wide, there is not a planting strip, or there is insufficient space to add tree wells.

**C. Street Tree Planting Requirement.**

Any proposed change in width in a public street right-of-way or any other proposed street improvement, including the development of new public streets, shall include areas for tree and landscape planting where practical. Utility connections and specifications for planting such areas shall be integrated into the site plan. Specific locations and species will be determined by the Responsible Engineer and City Forester. Planting in public streets shall meet the specifications in Chapter 11.60 and the following:

- 1. One Street Tree shall be planted or retained for each full increment of 25 linear feet per side of street frontage. When the required number of trees cannot be planted, a fee in lieu of planting may be required. For City projects, required trees that cannot be planted within the improvement area may be planted elsewhere in the same watershed, instead of paying a fee in lieu of planting.
- 2. For projects affecting 200 linear feet of frontage or more, the applicant shall consult on the design of such improvements with the City Forester early in the project design phase to identify opportunities to integrate existing trees and maximize new Street Tree planting considering the planter width, the location of existing and proposed utilities, and visibility requirements.
- 3. When new streets are being created in association with a land division, Street Tree planting may be deferred until the completion of the building permit on each new lot, subject to City Forester approval.

**11.50.070 Tree Plan Submittal Requirements.**

(Amended by Ordinance No. 188278, effective April 14, 2017.) A tree plan submittal shall include the following information. The tree plan information may be combined with other relevant plan sheets. The submittal shall include:

- A. Site Plan Requirements. The site plan shall include the following information with sufficient detail to show that the proposal complies with this Title.
  - 1. Existing improvements;
  - 2. Any construction staging areas on site;
  - 3. Proposed alterations including structures, impervious area, grading, and utilities;

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### 4. Existing trees:

#### a. Trees on the site. Indicate the location and the diameter size of:

- (1) Any Heritage Trees and trees required to be preserved as part of a condition of land use approval. These shall be clearly labeled.
- (2) All trees completely or partially on the site that are at least 6 inches in diameter.
- (3) Trees smaller than 6 inches in diameter shall be shown when proposed to be retained for tree density credit. On City-owned or –managed sites, the City Forester may require smaller size trees be shown.

Applicants using the development impact area option as described in Section 11.50.030, need only identify the trees on the site inside and 25 feet beyond the edge of the development impact area. For all trees shown to be retained on the tree plan (including those beyond the development impact area), tree protection methods detailed in Subsection 11.60.030 C. shall be implemented. Protection may be achieved using the Prescriptive Path or Performance Path.

#### b. Trees in the street. For the street area adjacent to the development site or development impact area, indicate the location and the diameter size of:

- (1) Any Heritage Trees and trees required to be preserved as part of a condition of land use approval
- (2) All trees within the adjacent street that are at least 3 inches in diameter.

Applicants using the development impact area option within the street when not associated with development of an adjacent site as described in Section 11.50.030, shall identify trees 3 or more inches in diameter inside and 15 feet beyond the edge of the development impact area.

When the 15 foot distance extends onto property outside the street, provide estimates of tree size and location for trees 6 or more inches in diameter on these properties. For City projects, the City Forester or project arborist may determine

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which trees on adjacent properties shall be identified per this Subsection.

5. Proposed tree activity:
  - a. Indicate trees to be retained and proposed tree protection measures meeting the specifications in Chapter 11.60. Trees that are retained but are not protected in accordance with the protection requirements in Chapter 11.60 may not be used to meet preservation or density standards.
  - b. Indicate trees to be removed. It is the applicant's responsibility to obtain the appropriate consent from the adjacent property owner for tree removal when the tree is only partially on the site.
  - c. Show location, species, planting size and number of trees proposed to be planted. Trees to be planted shall meet the specifications in Chapter 11.60.

**B.** Narrative requirements.

1. If alternative tree protection measures are proposed, documentation addressing the requirements in Section 11.60.030, Tree Protection Specifications, shall be included.
2. If a tree is to be exempted from tree preservation standards based on poor tree health or condition, supporting documentation from an arborist shall be included.
3. If a tree is to be exempted from tree preservation standards based on it being listed on the Nuisance Plants List, supporting documentation from a landscape professional or an arborist shall be included.

**11.50.080 Changes to Approved Tree Plans and Emergency Tree Removal.**

- A. When changes are necessary to an approved Tree Plan and the changes will not affect compliance with any applicable conditions of a land use review, the change may be reviewed as a revision to the approved development permit. Any proposed revisions to the Tree Plan will be approved upon demonstrating the applicable tree preservation and density standards are met. When development activity has already commenced on the site and the applicant is proposing to retain alternate trees not previously shown to be protected, an arborist report will be required that documents the alternate tree is healthy and has not been injured by the development activity.
- B. Emergency Tree Pruning or Removal. Emergency pruning or removal of trees is regulated by this Chapter as follows:

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1. If an emergency exists because the condition or location of a tree presents such a clear and present danger to structures or the public that there is insufficient time to obtain a tree permit, the hazardous portion of the tree may be removed without first obtaining a revision to an approved tree plan.
2. Any person who removes a tree under the provisions of this Section shall, within 7 days of such action, apply for a revision to the approved tree plan. The application shall include photographs or other documentation to prove that an emergency existed. The BDS Director will evaluate the information to determine whether an emergency existed. Failure to submit an application or provide information documenting the emergency nature of the event may be pursued as a violation per Chapter 11.70.

**CHAPTER 11.60 - TECHNICAL  
SPECIFICATIONS**

**Sections:**

- 11.60.010 Where These Regulations Apply.
- 11.60.020 Tree Planting Specifications.
- 11.60.030 Tree Protection Specifications.
- 11.60.040 Tree Pruning and Root Cutting Specifications.
- 11.60.050 Tree Removal Specifications.
- 11.60.060 Tree Maintenance Specifications and Responsibilities.

**11.60.010 Where These Regulations Apply.**

- A.** City of Portland. This Chapter applies to all regulated trees within the City of Portland.
- B.** County Urban Pocket Areas. Trees in the County Urban Pocket Areas are subject to all regulations of this Chapter except Section 11.60.060, Tree Maintenance Specifications.

**11.60.020 Tree Planting Specifications.**

(Amended by Ordinance No. 188278, effective April 14, 2017.) The following specifications apply to trees planted to meet a requirement of this Title. These specifications may be combined with other requirements as necessary to ensure trees are properly selected, spaced, and sized.

- A.** Prohibited Locations.
  - 1.** In the South Waterfront Plan district area, planting trees is not allowed between the riverfront trail and the river at major or minor viewpoints as designated in Title 33 Planning and Zoning.
  - 2.** In the Columbia South Shore Well Field Wellhead Protection Area as designated in Title 21, planting trees over the top of polyethylene geomembrane liners installed to meet the requirements of the Columbia South Shore Well Field Wellhead Protection Manual is prohibited.
  - 3.** Trees may not be planted on or within 25 feet south of the toe of the Marine Drive levee slope.
- B.** Planting size. In general, the following represent the minimum tree planting size standard; however, the City Forester may allow smaller or require larger trees to suit the site conditions.
  - 1.** Broadleaf trees. Broadleaf trees shall meet the minimum caliper size as determined by the development type listed in Table 60-1:

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**Table 60-1  
Broadleaf Tree Size Requirements**

Development Type	Tree Size	
	On Site	Street
One and Two Family Residential	1.5"	1.5"
Multi Dwelling Residential	1.5"	2"
All others	1.5"	2.5"

2. Coniferous trees. Conifer trees shall be a minimum of 5 feet in height.
3. Native tree exception. The minimum planting size for native broadleaf trees may be reduced to ½" caliper on sites when planted in an environmental (c, p), greenway (n, q, or greenway setback and riverward portion of g, i, and r overlay zones), or Pleasant Valley Natural Resource (v) overlay zone. When planting Garry Oak, Pacific Madrone, or native conifers in these areas, the minimum planting size may be reduced to a 3 to 5-gallon container size. For Street Trees in these areas, the City Forester may approve a smaller planting size for native species.

C. Canopy size category. Tree canopy types are categorized as small, medium, or large based on the estimated canopy size at maturity. The "Portland Tree and Landscaping Manual" suggested plant lists include the size categories recognized for many trees. To determine the size category of a tree not listed in the "Portland Tree and Landscaping Manual", the applicant shall provide an objective source of information about the tree's mature height, crown spread, and growth rate. This information can come from published sources, internet sources, or nursery information such as cut sheets.

The canopy size category is calculated according to the following formulas, which incorporate the estimated height and crown spread of a mature specimen and the tree species' growth rate:

1. Small trees have a canopy factor of less than 40, Medium trees have a canopy factor from 40 to 90, and Large trees have a canopy factor greater than 90;
2. Canopy factor = (Mature height of tree) x (Mature canopy spread) x (Growth rate factor) x 0.01;
3. The growth rate factor is 3 for fast-growing trees, 2 for medium-growing trees, and 1 for slow-growing trees.

D. Species requirements.

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1. Species diversity. If there are fewer than 8 required trees, they may all be the same species. If there are between 8 and 24 required trees, no more than 40 percent can be of one species. If there are more than 24 required trees, no more than 24 percent can be of one species. This standard applies only to the trees being planted, not to existing trees.

For Street Trees, the City Forester may make an exception to this requirement in order to fulfill or complement an adopted street or landscape plan.

2. Nuisance species. Trees listed in the "Nuisance Plants List" are prohibited for proposed planting or required replacement.
3. Native species. Any trees required to be planted in environmental (c, p), greenway (n, q, or greenway setback and riverward portion of g, i, and r overlay zones), scenic corridors (s), or Pleasant Valley Natural Resource (v) overlay zones shall be native species. Refer to the "Portland Plant List" for information on appropriate native species for the specific site conditions. Planting activities shall be conducted with hand tools, and may not disturb other native vegetation.

In streets, the City Forester may make an exception to allow planting of non-native Street Trees in these areas when the proposed species of tree will not likely displace native species, and the soil conditions, available growing space, or other site constraints make planting a native tree species infeasible.

4. Adopted guidelines. The City Forester will require species that do not conflict with the requirements of this Section and, to the extent practical, are consistent with characteristics set forth in applicable historic design or other adopted guidelines.
5. Street Tree species. Street Tree species shall conform to the City Forester's "Recommended List of Street Trees". The City Forester may approve or require an alternate or unlisted species when the alternate species is an appropriate and viable selection and is consistent with applicable objectives of an adopted area-specific tree plan or guidelines.

**E. Installation and establishment.**

1. Installation. All required trees shall be planted in-ground, except when in raised planters that are used to meet Bureau of Environmental Services stormwater management requirements. Plant materials shall be installed to current nursery industry standards and proper arboricultural practices. Plant materials shall be labeled for the inspector and properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.

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2. **Timing.** All trees required or approved to be planted by this Title shall be planted or payment in lieu of planting made prior to the expiration of the permit or City's final acceptance of the project, as applicable. However, it is encouraged that planting occur during the wet months or as per City Forester recommendations. Planting of trees may be deferred between May 1 and September 30 upon filing a performance guarantee as provided in Section 11.10.060 or other assurance deemed acceptable by the City Forester or BDS Director as applicable.
3. **Maintenance.** Maintenance of required trees including meeting the maintenance specifications in this Chapter is the ongoing responsibility of the property owner. Trees that die shall be replaced in kind. The cost of the tree and maintenance is the responsibility of the property owner.

### **11.60.030 Tree Protection Specifications.**

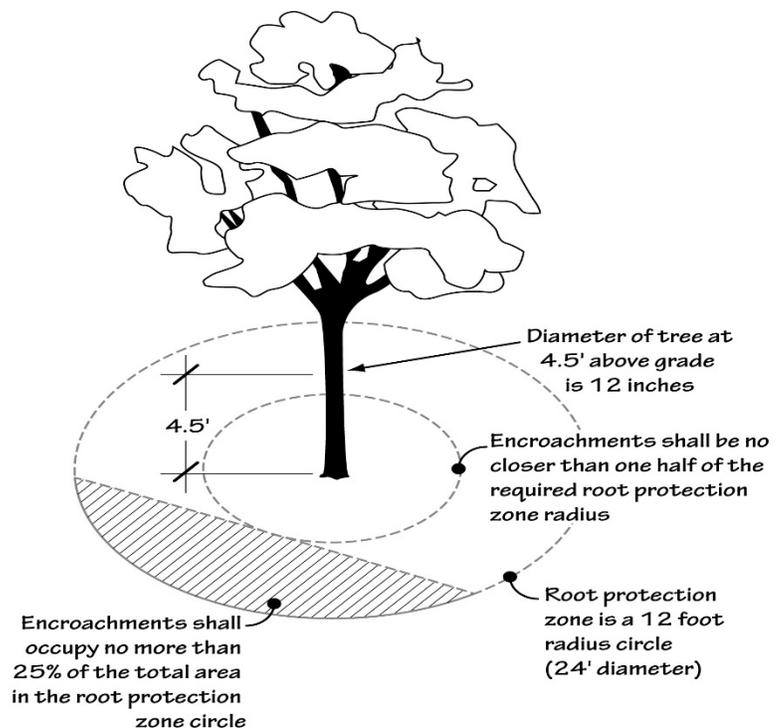
(Amended by Ordinance No. 188278, effective April 14, 2017.)

- A. **Intent.** Tree protection during development helps to reduce the negative impacts of construction. The tree protection regulations keep the foliage crown, branch structure and trunk clear from direct contact and injury by equipment, materials or disturbances; preserve roots and soil in an intact and non-compacted state; and visibly identify the root protection zone in which no soil disturbance is permitted and other activities are restricted. Maintaining these protections through development will lessen undesirable consequences that may result from uninformed or careless acts, preserve both trees and property values, and reduce risks associated with damaged or destabilized trees.
- B. **Applicability.** These standards apply to any tree that is required to be retained on site or in the street during a development activity. Proposed tree protection shall meet the requirements of Subsection C., below, except that the City Forester may approve or require alternate protection methods for Street or City Trees.
- C. **Protection methods.** The Tree Plan shall show that trees retained are adequately protected during construction using one of the methods described below:
  1. **Prescriptive Path.**
    - a. A root protection zone is established as follows:
      - (1) For trees on the development site - a minimum of 1 foot radius (measured horizontally away from the face of the tree trunk) for each inch of tree diameter (see Subsection 11.80.020 C., Measurements):

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- (2) Street Trees – the City Forester may prescribe greater or lesser protection than required for on-site trees.
- (3) Existing encroachments into the root protection zone, including structures, paved surfaces and utilities, may remain. New encroachments into the root protection zone are allowed provided:
  - (a) the area of all new encroachments is less than 25 percent of the remaining root protection zone area when existing encroachments are subtracted; and
  - (b) no new encroachment is closer than 1/2 the required radius distance (see Figure 60-1);

**Figure 60-1  
Permissible RPZ Encroachments**



- b. Protection fencing
  - (1) Protection fencing consisting of a minimum 6-foot high metal chain link construction fence, secured with 8-foot metal posts shall be established at the edge of the root



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- c.** The protection zone shall be marked with signage, stating that penalties will apply for violations, and providing contact information for the arborist;
- d.** If the alternative methods require the arborist be on site during construction activity, the applicant shall submit a copy of the contract for those services prior to permit issuance and a final report from the arborist documenting the inspections and verifying the viability of the trees prior to the City's final inspection;
- e.** If the alternative tree protection method involves alternative construction techniques, an explanation of the techniques and materials used shall be submitted;
- f.** The arborist shall sign the tree preservation and protection plan and include contact information.

The BDS Director may require the proposed tree protection method to be peer reviewed for adequacy; reject the proposal if deemed insufficient to meet Subsection C.2.b, above; or require a performance guarantee per Section 11.10.060 in order to ensure the protection methods are properly implemented.

- 3.** Additional information. The City may request additional information regarding the proposed development, including construction management approaches, if the proposed development and tree protection appear to conflict. The purpose of this provision is to ensure that logistical considerations are adequately addressed in order to prevent the need for changes to the tree protection measures during the construction process.
- D.** Changes to tree protection. Changes to the tree protection measures during the course of the development may be approved as a revision to a permit provided that the change is not the result of an unauthorized encroachment into a root protection zone, and the applicant demonstrates that the tree protection standards of this Section continue to be met. When an unauthorized encroachment has occurred, the city may pursue an enforcement action or other remedy per Chapter 11.70.
- E.** Tree protection inspections. The City Forester or BDS Director may conduct inspections during the course of project activity to determine compliance with this Title and confirm that tree protection zones are being maintained and root protection methods are effective. No person may refuse entry or access to a permitted development site to any authorized representative of the City who provides proper credentials and requests entry for the purpose of conducting a Tree Protection inspection. In addition, no person may obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties.

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### **11.60.040 Tree Pruning and Root Cutting Specifications.**

Pruning or root cutting shall be in accord with proper arboricultural practices, using clean and sharp tools. No tree may be excessively pruned or topped as defined in this Title.

### **11.60.050 Tree Removal Specifications.**

Trees shall be removed in a manner that will not jeopardize the public safety or damage structures including utility lines or services, or adjacent trees. In most cases, trees shall be entirely removed. Where appropriate, standing dead trees, or snags, may be left by cutting them to a height that will not threaten a target such as people or structures. Fire safety and preventing harmful pests should also be considered. However, well situated snags can function as important wildlife habitat providing nesting sites and a food source for foraging birds.

- A.** Completion. To prevent the creation of hazards from partially removed trees, once work has commenced to remove a tree, this work shall be completed in a timely manner. A tree will be considered completely removed when reduced to a stump no taller than 4.5 feet. The City Forester may grant an exception to this specification to allow snag creation. For Street Tree removals, the City Forester may direct that the stump be ground out up to 18 inches below grade.
- B.** Disposal of wood and woody debris.
  - 1.** City and Street Trees. Disposal, use, or reuse of wood and woody debris from City or Street Trees is at the sole discretion of the City Forester including specific disposal methods for infected wood. Cost for disposal is the responsibility of the property owner (or adjoining property owner for Street Trees). If the City Forester determines that the cost of storage or sale of the wood is not commercially feasible, the City Forester may give such surplus wood to the adjoining property owner or other group as the City Forester may so designate. Unless the City Forester has given the wood to a group, organization, or individual, it is unlawful for any person to possess or dispose of any wood from any City or Street Tree.
  - 2.** Private Trees. Disposal, use, or reuse of wood and woody debris from Private Trees is at the property owner's discretion, provided storage of wood does not constitute a public health or safety nuisance. In environmental (c, p), or Pleasant Valley Natural Resource (v) overlay zone, large woody debris may be required to remain or portions of trees left standing as snags. If the City Forester has determined that the tree is affected by a pathogen or insect infestation that will likely adversely impact surrounding trees, all portions of the tree shall be removed from the site and properly disposed at the property owner's expense.

**11.60.060 Tree Maintenance Specifications and Responsibilities.**

The following specifications apply to all trees in the city. The purpose of these provisions is to protect the health, safety and welfare of the public, safeguard public infrastructure assets, and ensure the continued health of the urban forest.

**A. General.**

- 1.** Permits required. Any person pruning, removing, or conducting any other work on any Street Tree or City Tree and any person removing any regulated Private Tree in order to comply with the requirements of this Section, shall first obtain a Type A tree permit in accordance with the provisions of Chapter 11.30. The application fee may be waived when the City forester has directed the work to be done.
- 2.** Responsibilities.
  - a.** Property owner. It is the duty of every owner of property to maintain trees located on the property or on the adjacent street planting area in accordance with this Section. Further, the owner shall be responsible for all costs associated with such maintenance, removal and any tree replacement, if required.
  - b.** Bureau of Transportation. For trees located in center medians, the Bureau of Transportation is responsible for the requirements of this Section.
  - c.** Bureau of Environmental Services. For trees located in green street facilities as described in Title 17, the Bureau of Environmental Services is responsible for the requirements in this Section.
- 3.** City Forester authority for tree maintenance. The City Forester may or may direct others to prune, remove or treat to control insects and disease for any trees in the streets, parks, other City owned or managed properties, or private properties if the City Forester determines that controlling insect infestations, disease or dangerous conditions is needed to maintain the public health, safety or health of the urban forest.
- 4.** Available remedies. In addition to specific remedies cited in this Section, any infractions or violations of these requirements may additionally be corrected or enforced per the provisions in Chapter 11.70.

**B. Dead, Dying and Dangerous Trees.**

- 1.** All trees which are determined by the City Forester or a private arborist to be dead, dying, or dangerous as defined in this Title are required to be removed to safeguard people or property. The City may require a replacement tree at the property owner's expense.

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2. Conflicting determinations. In the case where there are conflicts in the determinations from a private arborist or arborists, the City Forester shall make the final determination.
  3. Exceptions. A dead or dying tree that is being maintained as a snag, or does not otherwise result in a public nuisance as described in this Section or Chapter 29.20, Property Nuisances, may remain provided it is not deemed dangerous.
- C. Dutch Elm Disease prevention and eradication.
1. Infected elms and elmwood. All species and varieties of elm trees (genus *Ulmus*) infected with the fungus known as Dutch elm disease (*Ophiostoma ulmi* or *Ophiostoma novo-ulmi*) as determined by laboratory analysis are declared to be a public nuisance. It is the duty of any owner of a lot or parcel where infected elmwood is present to promptly remove any such elm tree or dead elmwood under the supervision and direction of the City Forester.
  2. Pruning restrictions. Pruning any species or varieties of elm trees between April 15 and October 15 is prohibited. This prohibition may be waived by the City Forester when such pruning is necessary to remove hazard limbs, provide the clearances otherwise required by this Section or for other causes as deemed necessary by the City Forester. In cases where the City Forester has allowed pruning to occur during the pruning prohibition period, the responsible party shall properly dispose of removed elm wood within 24 hours.
  3. Authority to inspect. The City Forester is hereby authorized to enter upon any lot or parcel during business hours for the purposes of inspecting any elm tree or dead elmwood situated thereon, obtaining specimens for the purpose of laboratory analysis or to determine whether such tree because it is dead or substantially dead may serve as a breeding place for the European or native elm bark beetle (genus *Scolytus*). If the City Forester determines that the tree serves such purpose, the City Forester may declare the elm tree or dead elmwood a public nuisance.
  4. Determination and action. If, based on analysis of specimens removed from any elm tree, it is determined that such tree is infected, or the City Forester determines that any dead or substantially dead elm trees or dead elmwood may harbor the elm bark beetle, the City Forester will serve a written notice requiring the property owner or responsible party to remove, destroy and properly dispose of such trees or dead Elmwood located on the property or on the adjacent street planting area. If the property owner or responsible party fails, neglects or refuses to remove and destroy, or properly dispose of, such elm tree or dead elmwood within 15 days after service of such

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notice, the City Forester may abate the nuisance as provided in Chapter 11.70.

- D.** Clearances. The property owner or responsible party is required to prune or remove, if necessary, any tree located on the property or on the abutting street planting area when said trees are not maintained to meet the branch clearances as set forth below:
1. Sidewalk clearance. Branches of trees extending over sidewalks may not be less than 7½ feet above the sidewalk.
  2. Roadway clearance. Branches of trees extending into any public or private roadway may not be less than 11 feet above the pavement. Moreover, on any street designated as a Regional Trafficway, Major City Traffic Street, District Collector, or a one-way street where parking has been prohibited, branches shall be trimmed to a height of 14 feet above the crown of the street.
  3. Overhead powerline clearance. Branches of any tree may not interfere with any light, pole, or overhead powerline used in connection with or as a part of the City or Public Utility system. In addition to the authority granted to the City to prune or direct property owners to prune trees in violation of this Section, a Public Utility operating pursuant to an approved Programmatic Permit may also prune any tree which interferes with the safe operation of the utility system.
- E.** Visibility. The owner or responsible party shall keep trees located on the property or on the adjacent street planting area from completely or partially obstructing visibility as follows:
1. Visibility of traffic control devices such as directional and informational signs as defined by the Manual of Uniform Traffic Control Devices;
  2. Visibility for drivers, bicyclists, or pedestrians; or
  3. In any way that presents an unreasonable hazard to the travelling public.
- F.** Sidewalks and curbs.
1. Obstructions. The owner or responsible party shall keep the sidewalk adjacent to the owner's property clear of branches, leaves, flowers, fruit or other organic matter that may obstruct or render the passage of persons unsafe.
  2. Repairs. When the curb or sidewalk, or both, abutting any property become damaged or in a state of disrepair because of a tree maintained by the property owner, the repair of the curb or sidewalk, or both, will be treated as other curb or sidewalk repairs in accordance with the provisions of Title 17. The removal of any tree or portion thereof, as the Responsible Engineer

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in consultation with the City Forester may determine necessary, will be granted through the appropriate tree permit. The City may require alternative construction methods be used in order to retain the tree. If the tree is removed, the City Forester may require that the removed tree be replaced in accordance with the required permit.

### G. Public waterlines, storm sewers and sanitary sewers.

1. **Damage from Roots.** Whenever the Responsible Engineer finds that roots of any tree have entered any sewer, drain or waterline in the street or City-owned easement, and are stopping, restricting, retarding the flow of sewage or drainage, or causing waterline leakage or believes that removal of the tree is necessary to reasonably prevent future root entry into the sewage, drainage, or water facility, the Responsible Engineer may refer the condition to the City Forester.
2. **Remedies.** In addition to the remedies described in Chapter 11.70, the City Forester may remedy the violation by directing the property owner or responsible party to prune the roots or remove the tree. If the City Forester believes that the required amount of root pruning will irreparably damage or destroy the tree, the City Forester will notify the owner and require removal and replacement of the tree. Nothing in this Subsection will be construed to limit the Responsible Engineer's authority to separately invoke abatement proceedings.

**CHAPTER 11.70 - ENFORCEMENT**

**Sections:**

- 11.70.010 Purpose.
- 11.70.020 Where These Regulations Apply.
- 11.70.030 Violations.
- 11.70.040 Enforcement Authority.
- 11.70.050 Prohibited Actions.
- 11.70.060 Inspections and Evidence.
- 11.70.070 Notice and Order.
- 11.70.080 Correcting Violations of this Title.
- 11.70.090 Enforcement Actions.
- 11.70.100 Nuisance Abatement.
- 11.70.110 Summary Abatement.
- 11.70.120 Administrative Review.
- 11.70.130 Appeals to the Code Hearings Officer.
- 11.70.140 Further Appeals.
- 11.70.150 Waivers.

**11.70.010 Purpose.**

This Chapter establishes an enforcement system to prohibit illegal tree activity in order to further the City's goals for optimizing and enhancing the urban forest. The primary focus of this system is to seek corrective action and restoration before seeking more punitive measures. Nevertheless, penalties are necessary to ensure that it does not become less costly to violate the Title than to abide by its requirements. The enforcement actions prescribed herein are established to be effective deterrents for egregious or willing misconduct and are intended to escalate for the severity or repeated nature of the violation.

**11.70.020 Where These Regulations Apply.**

- A.** City of Portland. This Chapter applies to all trees within the City of Portland.
- B.** County Urban Pocket Areas. Trees in the County Urban Pocket Areas are subject to all regulations of this Chapter except Subsections 11.70.050 A. through C. and E. through G. (some Subsections of Prohibited Actions); 11.70.060 B. (a Subsection of Inspections and Evidence); and 11.70.080 C. (a Subsection of Correcting Violations of This Title).

**11.70.030 Violations.**

- A.** Each specific incident and each day of non-compliance for the following may be considered a separate violation of Title 11:
  - 1.** Any failure, refusal or neglect to comply with any provision of this Title;
  - 2.** Allowing or causing a tree-related condition that threatens to injure the public health or safety, or threatens to damage public or private property; or

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- 3.** Causing or allowing any prohibited actions as cited in this Chapter to occur.
- B.** The following constitute violations of Title 33 Planning and Zoning and not Title 11:
- 1.** Overlay Zones and Plan Districts. Removal of any tree in Overlay Zones or Plan Districts when the removal is not exempt or allowed by Title 33 Planning and Zoning or has not been otherwise authorized through an applicable development permit or land use review.
  - 2.** Conditions of land use reviews. Unauthorized removal of a tree required to be protected as a condition of a land use review while a condition of approval is in effect.

### **11.70.040 Enforcement Authority.**

The City Forester and BDS Director are hereby authorized to enforce this Title utilizing Title 3 adopted remedies and any of the remedies prescribed in this Title. Enforcement responsibilities are summarized in Table 70-1.

When violations occur that involve trees in overlay zones and plan district areas, the City Forester and BDS Director will consult and coordinate their enforcement action to the degree possible in order to avoid the issuance of multiple or conflicting orders.

When violations of the tree maintenance specifications of Section 11.60.060 affect public infrastructure or jeopardize the travelling public, the Responsible Engineer is authorized to invoke summary abatement to correct the violation. In cases where multiple violations of City code exist on a property, the City Forester, BDS Director, and Responsible Engineer are authorized, but not required, to delegate enforcement authority of this Title to another Bureau to facilitate a coordinated remedy and single agency responsible for obtaining compliance.

**Table 70-1  
Summary of Enforcement Authority**

	Heritage Trees	City/Street Trees	Private Trees	Overlay Zones and Plan Districts	
				City/Street Trees	Private Trees
Development permit[1,2,3] (Ch. 11.50)	BDS/CF	BDS/CF	BDS	BDS/CF	BDS
Tree Permit, no development[4] (Ch. 11.40)	CF	CF	CF	CF/BDS	CF/BDS
Maintenance violations[4] (Ch. 11.70)	CF	CF	CF/BDS	CF/BDS	CF/BDS

CF = City Forester                      BDS = BDS Director

Note [1] For sites in County Urban Pocket Areas, enforcement applies only to on-site trees, and is done by BDS.

[2] Trees specifically required to be preserved by condition of land use approval that have been removed or damaged will be enforced by the BDS Director through Title 33 Planning and Zoning.

[3] The BDS Director is the lead enforcement authority for violations of development permits issued by BDS. The BDS Director may consult with the City Forester when Heritage, City, or Street Trees are involved. The City Forester is the lead enforcement authority for violations during development not covered under a BDS permit.

[4] The City Forester is the lead enforcement authority when no development is occurring. The City Forester may consult with the BDS Director when the provisions of Titles 29 or 33 are also violated.

**11.70.050 Prohibited Actions.**

Any of the following actions constitute violations of this Title and may be declared a nuisance for the purposes of correcting or abating the unlawful action.

- A.** Failure to properly maintain trees. It is unlawful for any person to fail to comply with any of the tree maintenance specifications set forth in Section 11.60.060.
- B.** Conducting regulated activities without a tree permit. It is unlawful for any person to plant, place, prune, alter, remove, destroy, cut, break or injure any tree without first obtaining a tree permit for said action, except as provided in this Title.
- C.** Non-compliance with terms and conditions of a tree permit. It is unlawful for any person to violate the conditions or time limits imposed upon any tree permit.
- D.** Non-compliance with terms and conditions of a development permit. It is unlawful to fail to adhere to the requirements of a development permit for tree preservation, protection or planting.
- E.** Topping and excessive pruning. It is unlawful for any person to top or excessively prune any tree. Trees shall be allowed to grow in their natural form. A tree that has been topped or excessively pruned may be considered "removed" for the purposes of establishing penalties and any replacement requirements. The City may also require the property owner or responsible party to treat the tree as described in Section 11.70.080.

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- F.** Attachments to trees. It is unlawful to attach or keep attached to any City or Street Tree, any signs, ropes, wires, chains or other devices whatsoever, when such devices are determined to threaten the viability of the tree or are likely to create a hazard. Any attachments to City or Street Trees are subject to obtaining a tree permit from the City Forester, as stated in Chapter 11.40.
- G.** Interference with tree grates and tree guards. It is unlawful for any person to damage, interfere or otherwise misuse any tree grate or guard set for the protection of any Street Tree, City tree, or Heritage tree. Removal of such devices may only occur as authorized by the City Forester.
- H.** Failure to install or maintain protection measures. It is unlawful for any person to fail to install required tree protection measures prior to commencing any development activity subject to Chapter 11.50. Furthermore, it is unlawful for such person to move any required protection measures, neglect or fail to maintain such measures throughout the development activity, or allow any restricted activity or disturbance to occur within the protection area without prior City approval.
- I.** Removal or failure to maintain required trees. It is unlawful for any person to fail to maintain in a healthy condition, trees required to be planted by virtue of a tree permit or development permit, including landscape trees and trees necessary to meet tree density standards. Any such trees that die shall be replaced.

### **11.70.060 Inspections and Evidence.**

- A.** The City may conduct inspections whenever it is necessary to enforce any provisions of this Title, to determine compliance with this Title or whenever the City has reasonable cause to believe there exists any violation of this Title. Inspections shall occur during business hours. If the responsible party is at the site when the inspection is occurring, the BDS Director, City Forester, or other authorized representative shall first present proper credentials to the responsible party and request entry. If such entry is thereupon refused, the BDS Director or City Forester shall have recourse to any remedy provided by law to obtain entry, including obtaining an administrative search warrant.
- B.** If any tree is removed without a tree removal permit, a violation will be determined by measuring the circumference of the stump at the ground to establish the diameter size of the tree. For purposes of this Subsection, the diameter size of the tree is the circumference divided by 3.14.
- C.** In cases where a tree stump has been removed, the BDS Director or City Forester may use photographs of the tree including the city's most current aerial images to determine if a violation has occurred. For aerial photographs, when the associated canopy measures 1,600 square feet at the edge of the dripline, this may be considered prima facie evidence of a violation of this Chapter. Nothing in this

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Subsection will be construed to limit the introduction of other photographic evidence before the Code Hearings Officer.

- D.** When there is insufficient evidence to demonstrate whether a removed tree was a nuisance or native tree species, the tree will be considered as a non-native, non- nuisance tree.
- E.** Tree removal, topping, or other injury caused by natural causes or weather will not be deemed a violation of this Title, provided there is no other clear evidence to suggest that the tree was deliberately removed or injured.

**11.70.070 Notice and Order.**

- A.** Notification required. Except in the case of summary abatement or immediate danger, if the BDS Director or City Forester finds one or more violations of the provisions of this Title on a property or adjacent street, the BDS Director or City Forester shall notify the property owner to prune, remove or take any other action as necessary to correct the violations. Notification to the property owner will be accomplished by mailing a notice to the owner, at the owner's address as recorded in the county assessment and taxation records for the property. The notice may be sent via either first class or certified mail. Notice to the property owner may also be accomplished by posting notice on the property. Additional notice to the responsible party, if different than the owner, may also be provided at the City's discretion.
- B.** Content of the notice. The notice shall include:
  - 1.** The date of posting (if notice was posted at the property);
  - 2.** The street address or a description sufficient for identification of the property;
  - 3.** A statement that one or more violations of this Title exist at the property with a general description of the violations;
  - 4.** Disclosure that penalties, charges, and liens may result from a failure to remedy the violations;
  - 5.** Specification of a response period during which the property may be brought into compliance with this Title before penalties, charges or liens will be assessed; and
  - 6.** Disclosure that the owner's right to request an administrative review to appeal the findings of the notice of violation and a description of the time limits for requesting an administrative review as set forth in this Chapter.
- C.** Compliance inspections and penalties. Once a notice has been mailed, the owner will be responsible for all enforcement penalties associated with the property, as

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described in this Chapter, until the violations are corrected and the City has been so notified. Except in the case of summary abatement, whenever the owner believes that all violations listed in the first or any subsequent notice of violation have been corrected, they shall notify the City.

- D.** Time limits. The BDS Director or City Forester shall set time limits in which the violations of this Title are to be corrected. Failure to comply with the time limits may be considered a separate violation of this Title.
- E.** Information filed with County Recorder. If the City finds violations of this Title on any property, the City may record with the County Recorder information regarding City code violations and possible liens on the property.

### **11.70.080 Correcting Violations of this Title.**

(Amended by Ordinance No. 188278, effective April 14, 2017.)

- A.** General. The following list of remedies gives the City Forester and BDS Director broad discretion in applying a reasonable and effective means to restore a tree or site where trees have been illegally removed or damaged, or where a dead, dying, dangerous, or nuisance tree has been identified to be preserved to meet Subsection 11.50.040 C.1. The rights and remedies provided in this Chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law including the enforcement actions described in Section 11.70.090. The City Forester or BDS Director may adopt administrative rules to establish priorities and guidelines for the following remedies.
- B.** Standard remedies. Standard remedies are intended to address a wide variety of violations of this Title. Additional remedies specific to City and Street Trees, and trees in development situations are described in Subsections C. and D. When the City determines that a violation of this Title has occurred, any or all of the standard remedies described in this Subsection, and any applicable additional remedies described in this Section may be required depending on the severity and extent of the violation.
  - 1.** Minor Infractions. For minor infractions that do not result in damage to a tree, the City will first seek to correct the violation without penalties. These infractions may include failing to prune or remove a tree in violation of Chapter 11.60, failing to install or maintain tree protection when prohibited activities have not occurred within the root protection zone, or failing to plant a tree as required by a development permit or condition of granting a tree removal permit.

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2. Treatment. For trees that are damaged but were not removed and where the City Forester concurs that the tree may still be viable, the violation will not be considered an "illegal tree removal" provided:
  - a. The property owner or responsible party contracts for the services of an arborist to assess the damage and prescribe a treatment regimen;
  - b. The property owner or responsible party enters into a contract with his/her arborist to complete the treatment regimen. The treatment and associated monitoring period shall be at least 1 year, but may be longer; and
  - c. The arborist shall provide the City with updates on the services performed, when they were performed, and the status of the tree's condition at intervals determined by the original treatment regimen. If the tree dies at any time during the treatment and monitoring period, the property owner or responsible party shall remove and replace the tree subject to the tree replacement requirements described in Subsection B.3.
  - d. In lieu of the treatment regimen and monitoring period described above, the City Forester may instead accept a performance guarantee per Chapter 11.10. The performance guarantee shall be sufficient to cover the cost of removing the tree plus the cost of tree replacement as described in Subsection B.3. When the property owner or responsible party selects this option, death of the tree within the 3 year timeframe may be deemed prima facie evidence that the damage was the sole cause of the tree's death.
3. Revised Tree Plan and Payment in Lieu. In cases where a dead, dying, dangerous or nuisance species tree is identified to be preserved to meet Subsection 11.50.040 C.1., the City Forester may require a revision to the submitted tree plan to ensure that only healthy, viable trees are preserved to meet the requirement. If the applicant disagrees with the City's determination on the health or species of a tree to be preserved, an arborist report can be submitted by the applicant to demonstrate compliance. If no trees remain on site to meet the preservation requirement, the applicant may pay the applicable mitigation fee, as defined in Subsection 11.50.040 C.
4. Tree Replacement and Payment in Lieu. The City may require replacement for any trees removed illegally. The City may require greater than tree-for-tree replacement, but may not require greater than inch-for-inch replacement. The amount of replacement trees will be determined by the volume of removed tree canopy. For each tree that the City positively determines was dead, dying, or dangerous, the replacement will be limited to one tree. The responsible party shall enter into a replanting and

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maintenance plan agreement approved by the City. When the responsible party is unable to accommodate the required replacement planting on the site or adjacent street, the balance of required inches may be paid as a fee in lieu of planting to the Tree Planting and Preservation Fund.

5. **Tree Permit Violation Review.** The City may require any person who cuts, removes, or damages any tree without a permit as required by this Title or is in non-compliance with any term, condition, limitation or requirement of a tree permit or Tree Plan, to submit an application for a Tree Permit Violation Review. Trees removed in violation of Title 33 Planning and Zoning requirements may also be processed in accordance with the enforcement provisions of that Title.

Tree Permit Violation Applications are processed as Type B permits, and are subject to public notice but not the public appeal procedures of Chapter 11.30. The purpose of this review is to establish appropriate replacement requirements and notify interested parties. Failure to abide by the conditions of the approval will be treated as a repeat offense.

- C. **Additional remedies for City and Street Trees.** In addition to the remedies provided by any other provision of this Chapter, when the City Forester determines that a violation of this Title has occurred involving a City Tree or Street Tree, the City Forester may seek additional remedies as described below.

1. **Restoration Fees.** The City may require any person to pay into the City's Urban Forestry Fund a restoration fee for the damaged or removed tree according to the City's adopted fee schedule. The restoration fee may be doubled if any of the following apply:
  - a. The person has been convicted of a previous violation of this Title; or
  - b. The tree was subject to the protection requirements of a Tree Plan.
2. **Civil Remedies.** The City will have the right to obtain, in any court of competent jurisdiction, a judgment against any person removing or causing damage to any City tree or Street Tree in violation of this Title. In any such action, the measure of damages is the actual replacement value of the damaged or destroyed trees as well as any other consequential damage to other public facilities within the street.

- D. **Additional remedies for Private Trees Subject to a Tree Plan.** In addition to the remedies provided by any other provision of this Chapter or other Titles, when the BDS Director determines that a violation of this Title has occurred involving a Private Tree shown to be protected on a Tree Plan, the BDS Director may require

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the property owner or responsible party to correct the violation using any of the following remedies.

1. Tree Protection Re-inspection Fee. When an inspection of a site subject to development under an approved Tree Plan finds that tree protection measures have not been installed as required or are not properly maintained, the City may issue a correction notice and require the responsible party to pay a Tree Protection Re-inspection Fee. Payment of the fee is required prior to final inspection.
  2. Tree Plan Revision. For tree removal or injury which results in removal, and where the tree was not required to be preserved by virtue of a land use approval, the BDS Director may require the applicant to prepare a revision to the approved plans and demonstrate conformance with the applicable tree preservation and tree density standards in Chapter 11.50, including any additional tree planting, payments, or preservation of alternate trees.
- E.** Additional remedies for Heritage Trees. In addition to the remedies provided by any other provision of this Chapter, when the City Forester determines that a violation of this Title has occurred involving a Heritage Tree, the City Forester may seek additional remedies as described below.
1. Restoration Fees.
    - a. Private Heritage Trees. The City may require any person to pay into the City's Tree Planting and Preservation Fund for the damage or removal of a Heritage Tree, according to the City's adopted Title 11 Tree Fee Schedule.
    - b. City and Street Heritage Trees. The City may require any person to pay into the City's Urban Forestry Fund for the damage or removal of a Heritage Tree, according to the City's adopted Title 11 Tree Fee Schedule.

**11.70.090 Enforcement Actions.**

(Amended by Ordinance No. 188278, effective April 14, 2017.)

- A.** General. The following list of enforcement actions gives the City Forester and BDS Director additional means to obtain compliance with the requirements of this Title. The rights and remedies provided in this Chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law. The City Forester or BDS Director may adopt administrative rules to establish priorities and guidelines for the following enforcement actions.
- B.** Standard enforcement actions. Standard enforcement actions may be invoked for general violations of this Title, including conducting tree activities without a

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required tree permit. In addition to these standard actions, the City Forester may take additional actions for City and Street Tree violations as described in Subsection C.

1. Civil penalties. The City Forester or BDS Director may issue a fee, penalty notice or citation, as applicable, to any person who cuts, removes, prunes or harms any tree without a permit as required by this Title or is otherwise in non-compliance with any term, condition, limitation or requirement of an approval granted under this Title, and require payment of a civil penalty up to \$1,000 per day. Each tree constitutes a separate violation, and each day that the person fails to obtain a permit or remains in non-compliance with a permit or tree plan may also constitute a separate violation.
2. Initiating a proceeding before the Code Hearings Officer. The City Forester and BDS Director are each authorized to initiate proceedings before the Code Hearings Officer, as stated in the procedures in Title 22 Hearings Officer, to enforce the provisions of this Section when the responsible person fails to respond to the City Forester or BDS Director's notice or citation as described in Subsection B.1, above. The Hearings Officer may order any party to:
  - a. Abate or remove any nuisance;
  - b. Install any equipment or plant trees necessary to achieve compliance;
  - c. Pay to the City of Portland a civil penalty of up to \$1,000 per day. In determining the amount of any civil penalty to be assessed, the Code Hearings Officer will consider the following:
    - (1) The nature and extent of the property owner or responsible party's involvement in the violation;
    - (2) The benefits, economic, financial or otherwise, accruing or likely to accrue as a result of the violation;
    - (3) Whether the violation was isolated and temporary, or repeated and continuing;
    - (4) The magnitude and seriousness of the violation;
    - (5) The City's cost of investigation and remedying the violation;
    - (6) Any other applicable facts bearing on the nature and seriousness of the violation.



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- (1) The property is a subject of a notice of violation of this Title as described in Section 11.70.070;
  - (2) A response period of 30 days has passed since the effective date of the initial notice of violation; and
  - (3) The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
- b. The amount of the fees and penalties in the monthly enforcement penalty shall be charged as set forth in the Title 11, Trees Fee Schedule, as approved by the City Council.
- c. Properties in violation for 3 months from the initial notice of violation will be assessed fees and penalties in the form of an enforcement penalty that is twice the amount as listed in the Title 11, Trees Fees Schedule, as approved by the City Council.
- d. Whenever the owner believes that all violations listed in the first or any subsequent notice of violation have been corrected, they shall notify the Director. Upon receipt of such notice, the Director will promptly schedule an inspection of the property and notify the owner if any violations remain uncorrected.
- e. Once monthly enforcement penalties begin, they will continue until all violations listed in the first or any subsequent notice of violation have been corrected, inspected and approved.
- f. When a property meets the conditions for charging fees and penalties as described in this Section, the BDS Director or City Forester, as applicable, will file a statement with the City Auditor that identifies the property, the amount of the monthly penalty, and the date from which the charges are to begin. The Auditor will then:
  - (1) Notify the property owner of the assessment of enforcement penalties;
  - (2) Record a property lien in the Docket of City Liens;
  - (3) Bill the property owner monthly for the full amount of enforcement penalties owing, plus additional charges to cover administrative costs of the City Auditor; and
  - (4) Maintain lien records until the lien and all associated interest, fees, penalties, and costs are paid in full; and the BDS Director or City Forester, as applicable, certifies that

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all violations listed in the original or any subsequent notice of violation have been corrected.

- C. Additional Enforcement Actions for City and Street Tree Violations. The City Forester may impose the following additional actions for City or Street Tree violations.
  - 1. Criminal penalties. In addition to any other remedy provided in this Chapter, the City Attorney, acting in the name of the City, may seek Criminal Penalties in any court of competent jurisdiction. The court may require that any responsible party violating any provision of this Title will, upon conviction, be fined a sum not exceeding \$1,000 or will be imprisoned for a term not exceeding 6 months.
  - 2. Institution of legal proceedings. In addition to any other remedy provided in this Chapter, the City Attorney, acting in the name of the City, may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Title.

**11.70.100 Nuisance Abatement.**

(Amended by Ordinance No. 188278, effective April 14, 2017.)

- A. Abatement. If, within the time limit set by the City in the notice of violation, any nuisance described in the notice has not been removed and abated, or cause shown, as specified in Sections 11.70.100 through .130 of this Title, why such nuisance should not be removed or abated, or where summary abatement is authorized, the BDS Director or City Forester may cause the nuisance to be removed and abated, including disposal in an approved manner.
- B. Warrants. The BDS Director or City Forester may request any Circuit Court judge to issue a nuisance abatement warrant whenever entry onto private property is necessary to remove and abate any nuisance, or whenever the BDS Director or City Forester has reasonable cause to believe that there exists upon any property any violation as described in Section 11.70.030 above.
- C. Grounds for issuance of nuisance abatement warrants; affidavit.
  - 1. Affidavit. A nuisance abatement warrant will be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the removal and abatement of the nuisance, the property to be entered, the basis upon which cause exists to remove or abate the nuisance, and a statement of the general types and estimated quantity of the items to be removed or conditions abated.

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2. Cause. Cause will be deemed to exist if reasonable legislative or administrative standards for removing and abating nuisances are satisfied with respect to any property, or if there is cause to believe that a nuisance violation exists, as defined in this Title, with respect to the designated property.

### D. Procedure for issuance of a nuisance abatement warrant.

1. Examination. Before issuing a nuisance abatement warrant, the judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.
2. Issuance. If the judge is satisfied that cause for the removal and abatement of any nuisance exists and that the other requirements for granting the application are satisfied, the judge will issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated. The warrant will contain a direction that it be executed during business hours, or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.
3. Police assistance. In issuing a nuisance abatement warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the representative of the bureau in any way necessary to enter the property and remove and abate the nuisance.
4. Return. A nuisance abatement warrant shall be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this Subsection, the warrant unless executed is void.

### E. Cost of nuisance abatement.

1. Whenever a nuisance is abated by the City, the BDS Director or City Forester shall keep an accurate account of all expenses incurred for each nuisance abated including but not limited to abatement costs, civil penalties, fees, administrative costs, recorders fees and title report charges as set forth in the Title 11, Trees Fee Schedule, as approved by City Council.
2. When the City has abated a nuisance maintained by any owner of real property, for each subsequent nuisance which is abated by the City within 2 consecutive calendar years concerning real property, owned by the same

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person, an additional civil penalty as set forth in the Title 11, Trees Fee Schedule, shall be added to the costs, charges and civil penalties. The additional civil penalty shall be imposed without regard to whether the nuisance abated by the City involved the same real property or is of the same character as the previous nuisance.

3. Costs and penalties resulting from nuisance abatement shall be assessed as a lien upon the real property as provided in Section 11.70.090 Enforcement Actions.

**11.70.110 Summary Abatement.**

- A. When summary abatement is authorized by this Title, the decision regarding whether or not to use summary abatement will be at the City's discretion. In the case of summary abatement, notice to the owner or occupant of the property prior to abatement is not required.
- B. Following summary abatement, the BDS Director or City Forester, as applicable, shall post upon the property liable for the abatement a notice describing the action taken to abate the nuisance violation. In addition, a Notice of Summary Abatement shall be mailed to the property owner. The notice shall include:
  1. The date the nuisance on the property was abated;
  2. The street address or description sufficient to identify the property;
  3. A statement of the violations of Title 11 that existed at the property and were summarily abated;
  4. Disclosure that penalties, charges and liens will result from the summary abatement; and
  5. Disclosure of the owner's right to appeal the findings of the notice as set forth in this Chapter.

**11.70.120 Administrative Review.**

- A. Whenever a property owner or responsible party has been given a notice as required by this Chapter and has been directed to make any correction or to perform any act and the owner or responsible party believes the finding of the notice was in error, the owner or responsible party may have the notice reviewed by the BDS Director or City Forester, as applicable. If a review is sought, the owner or responsible party shall submit a written request to the City within 15 days of the date of the notice. Such review will be conducted by the BDS Director or City Forester, as applicable. The owner or responsible party requesting such review will be given the opportunity to present evidence. Following the review, the BDS Director or City Forester, as applicable will issue a written determination.

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- B.** Nothing in this Section limits the authority of either the BDS Director or City Forester to initiate a proceeding under Title 22 Hearings Officer.

**11.70.130 Appeals to the Code Hearings Officer.**

A determination issued as stated in Section 11.70.120 may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of City Code.

**11.70.140 Further Appeals.**

All appeals from the Code Hearings Officer's determination in accordance with Section 11.70.130 will be by writ of review as authorized by Section 22.04.010 of the City Code and ORS 34.010 - 34.100.

**11.70.150 Waivers.**

The BDS Director or City Forester may grant an exception when the enforcement of the requirements of this Title would cause undue hardship to the owner or occupants of the affected property, or whenever the BDS Director or City Forester deems it necessary in order to accomplish the purpose of this Title.

- A.** To carry out the intent of this Section the BDS Director and City Forester shall establish written policies in the form of waivers to explain the exceptions available to property owners. Waivers will include the following information:
  - 1.** An explanation of the purpose of the waiver and a list of the requirements the owner shall meet in order to qualify for the waiver;
  - 2.** An explanation of the period of time during which the waiver will be in effect;
  - 3.** A list of the actions the owner shall perform to fulfill their responsibilities to maintain the waiver and to prevent the waiver from being cancelled.
- B.** The owner shall apply for a waiver in writing. This Section may not be construed so as to evade the provisions of Title 22 Hearings Officer.

**CHAPTER 11.80 - DEFINITIONS AND  
MEASUREMENTS**

**Sections:**

- 11.80.010 Defining Words.
- 11.80.020 Definitions and Measurements.

**11.80.010 Defining Words.**

Words used in the tree code have their normal dictionary meaning unless they are listed in Section 11.80.020 below. Words listed in Section 11.80.020 have the specific meaning stated, unless the context clearly indicates another meaning.

**11.80.020 Definitions and Measurements.**

(Amended by Ordinance No. 188278, effective April 14, 2017.)

- A.** Information about the use of terms in the tree code is contained in Section 11.10.030.
- B.** The definition of words with specific meaning in the tree code are as follows:
  - 1.** "Appeals Board" is the Urban Forestry Appeals Board. The duties and composition are in Section 11.20.030.
  - 2.** "Arboriculture" refers to the horticultural focus on the study and care of trees and other woody plants.
  - 3.** "Arborist" means a professional listed as a certified arborist by the International Society of Arboriculture or a consulting arborist registered with the American Society of Consulting Arborists.
  - 4.** "Attached Structure" means a structure attached to a building.
  - 5.** "BDS Director" is the Director of the Bureau of Development Services or the BDS Director's designee. The duties of the BDS Director are in Section 11.10.010.
  - 6.** "Building" means a structure that has a roof, is enclosed on at least 50 percent of the area of its sides and required a development permit prior to construction.
  - 7.** "Building Coverage" has the same meaning as in Title 33 Planning and Zoning.
  - 8.** "Business Hours" means 7:30 am to 5 pm, during working days.
  - 9.** "City" is the City of Portland.

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10. "City Forester" is the Manager of Urban Forestry, or the Manager's designee. The duties of the City Forester are in Section 11.10.010.
11. "Commission" means the Urban Forestry Commission, also referred to as the UFC. The duties and composition are in Section 11.20.020.
12. "Construction Staging Area" means a designated area for the storage of equipment and vehicles, stockpiles, waste bins, and other construction-related materials during a construction project. Any construction trailers are to be included in the construction staging area. In some cases, more than one staging area may be established on site.
13. "County Urban Pocket Areas" refers to properties within unincorporated Multnomah County that are subject to the existing Intergovernmental Agreement to Transfer Land Use Planning Responsibilities Between the City of Portland and Multnomah County.
14. "Diameter" refers to the cross-sectional size expressed in inches of a tree measured 4.5 feet above the ground. See Subsection 11.80.020 C., Measurements.
15. "Days" means calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding holidays as identified in Human Resources Administrative Rule 6.02.
16. "Development, Alteration" has the same meaning as in Title 33, Planning and Zoning.
17. "Development Impact Area" is the area on a site affected by proposed site improvements, including buildings, structures, parking and loading areas, landscaping, and paved or graveled areas. The development impact area also refers to areas devoted to storage of materials, or construction activities such as grading, filling, trenching, or other excavation necessary to install utilities or access.
18. "Development Permit" refers to permits issued by the City such as building permits, zoning permits, site development permits, public works permits and capital improvement projects.
19. Development Types:
  - a. "Single Dwelling" refers to a house, attached house, or manufactured home with or without an accessory dwelling unit located on its own lot or parcel as those terms are defined in Title 33 Planning and Zoning

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- b.** "One and Two Family Residential" refers to a house, attached house, duplex, attached duplex, or manufactured home on one lot or parcel as those terms are defined in Title 33 Planning and Zoning
  - c.** "Multi-Dwelling Residential" refers to more than two dwelling units on a single lot or parcel, as well as Group Living, and Single Room Occupancy housing as defined in Title 33 Planning and Zoning.
  - d.** "Commercial/Office/Retail/Mixed Use" means development that includes one or more of the following primary uses. The uses refer to the Use Categories in Title 33 Planning and Zoning: The uses are: Household Living, Commercial Parking, Quick Vehicle Servicing, Office, Retail Sales And Service, Self-Service Storage and Vehicle Repair.
  - e.** "Industrial" means development that includes one or more of the following primary uses. The uses refer to the Use Categories in Title 33 Planning and Zoning. The uses are: Industrial Service, Manufacturing And Production, Warehouse And Freight Movement and Wholesale Sales.
  - f.** "Institutional" means development that includes one or more of the following primary uses. The uses refer to the Use Categories in Title 33 Planning and Zoning. The uses are: Colleges, Community Service, Daycare, Medical Centers, Parks and Open Areas, Religious Institutions and Schools.
  - g.** "Other" means development that includes one or more of the following primary uses referred to in Title 33 Planning and Zoning. The uses are: Commercial Outdoor Recreation, Major Event Entertainment and Basic Utilities.
- 20.** "Injury" means a wound inflicted upon a tree resulting from any activity, including trenching, excavating, altering the grade, smothering within the root protection zone of a tree, bruising, scarring, tearing or breaking of roots, bark, trunk, branches or foliage, herbicide or poisoning, or any other action leading to the death or permanent damage to tree health including the following:
- a.** "Disturbance" is the various activities from construction or development that may damage trees.
  - b.** "Excessive Pruning" is removing in excess, one-fourth (25 percent) or greater, of the functioning leaf, stem or root area in a single growing season. Exceptions are when clearance from overhead utilities or public improvements is required or to abate a hazardous condition or other public nuisance. Excessive pruning does not

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include normal pruning that follows ANSI standards, see "Proper Arboricultural Practices," and "Pruning"

- c. "Removal" is felling, cutting or removing any portion of the crown trunk, or root system of a tree, that results in the loss of physiological viability, or any procedure in which the natural result will lead to the death of the tree, including girdling, poisoning, topping or drowning the tree.
  - d. "Smothering" is the result of compaction or compression of the soil particles or texture that may result from the movement of heavy machinery and trucks, storage of construction materials, structures, paving, or any other means that creates an upper layer that is impermeable within the root protection zone.
  - e. "Topping" means the inappropriate pruning practice used to reduce tree height by cutting to a predetermined crown limit without regard to tree health or structural integrity. Topping does not include acceptable pruning practices as described in the American National Standards Institute (ANSI) "A-300 Pruning Standards" and companion "Best Management Practices for Tree Pruning" published by the International Society of Arboriculture, such as crown reduction, utility pruning, or crown cleaning to remove a safety hazard, dead or diseased material. Topping is considered "removal".
21. "Land Use Review" is a procedure for a specific use or development required under Title 33 Planning and Zoning.
22. "Nuisance Plant List" is a list within the "Portland Plant List" that identifies nuisance trees and plants.
23. "Overlay Zones and Plan Districts" refer to any of the following overlay zones or plan districts as shown on the Official Zoning Map, unless the specific regulation states otherwise:
- a. Environmental Overlays shown on the Official Zoning Map with a "c" or "p".
  - b. Pleasant Valley Natural Resource Overlay, shown on the Official Zoning Map with a "v".
  - c. Willamette River Greenway Overlay Zones, as applied to the Natural "n", or Water Quality "q", overlays and only within or riverward of the greenway setback portion of the Recreational "r",

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General "g" and Industrial "i" overlays, as designated on the Official Zoning Map.

- d.** Scenic Resources Overlay, for trees located within scenic corridors, shown on the Official Zoning Map with an "s".
  - e.** Aircraft Landing Zone, for trees located within the aircraft landing zone, shown on the Official Zoning Map with an "h".
  - f.** Johnson Creek Basin Plan District, only applied to the South subdistrict, to areas within the special flood hazard area, and to sites that abut the Springwater Corridor.
  - g.** Rocky Butte Plan District.
  - h.** South Auditorium Plan District.
- 24.** "Person" includes any individual, property owner, firm, association, corporation, agency, entity, or organization of any kind.
- 25.** "Proper Arboricultural Practices" refers to the methods employed during tree planting or cutting or removing any part of the branching structure of a plant in the crown, trunk or root areas in accordance the most recent edition of the American National Standards Institute (ANSI) "A-300 Standards" and published "Best Management Practices" of the International Society of Arboriculture.
- 26.** "Pruning" is the removal or reduction of parts of a tree that are not requisite to growth or production, are no longer visually pleasing, or are injurious to the health or development of the tree.
- 27.** "Public Agency" means any public agency or public utility as defined in ORS 757.005, or drainage district as defined in ORS 174.116.
- 28.** "Recognized Organization" is a neighborhood, community, business, or industrial association, or organization recognized or listed by the Office of Neighborhood Involvement (ONI). Recognized organization also includes the ONI district offices.
- 29.** "Responsible Engineer" for the Bureau of Transportation this shall be the City Engineer, for the Bureau of Environmental Services this shall be the Chief Engineer of the Bureau of Environmental Services, and for the Portland Water Bureau this shall be the Chief Engineer of the Portland Water Bureau. Each Responsible Engineer may delegate their authority and duties to another employee in the same bureau. The duties are as prescribed in Section 11.10.010.

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30. "Responsible Party" is a person in control of property in fee ownership or tenancy where a tree is located or property adjacent to a Street Tree. The responsible party may include the owner or owners, lessees, tenants, occupants or other persons in charge. In cases of violations, the responsible party may also include the person, partnership, or corporation who violated the provisions of this Title.
31. "Site" has the same meaning as in Title 33 Planning and Zoning.
32. "Street" has the same meaning in Section 9-101 of the City Charter.
33. "Treatment" is the application of therapeutic remedies or corrections to site conditions when injury to trees has occurred to improve the chances of long term viability. Generally these measures should occur only under the direction of an arborist. Treatment measures include compensatory or corrective pruning, fertilization, inoculation, soil fracturing, grade restoration and supplemental irrigation.
34. "Tree Area" is the amount of area on a development site that is used to calculate the required number of trees to be planted to meet tree density standards.
35. "Tree Plan" is a site plan showing trees to be preserved and protected, planted, or removed. Specific requirements for Tree Plans are in Chapter 11.50.
36. Tree Related Terms:
  - a. "City Tree" is a tree within City limits that is on property owned or managed by the City. A tree that straddles a property line between private property and City-owned or -managed property is a Private Tree, shared by the City and adjacent property owner. A tree on a property line between City-owned or managed property and the street is a Street Tree.
  - b. "Dangerous Tree" is one where the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.
  - c. "Dead Tree" is a tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, or branches exist to sustain life as determined by an arborist.

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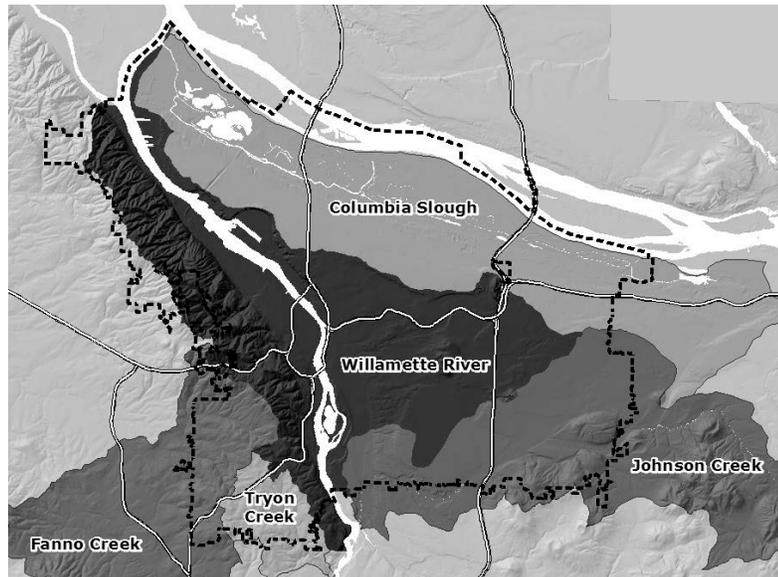
- d.** "Dying Tree" is a tree in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die.
- e.** "Heritage Tree" is a tree designated as a Historic Landmark Tree, a Historic Tree, or a Heritage Tree.
- f.** "Native Tree" is a tree listed on the "Portland Plant List" as native to the Willamette Valley.
- g.** "Non-Native Non-Nuisance Tree" is a tree that is not identified on the Portland Plant List as a native species or a nuisance tree.
- h.** "Nuisance Tree" is a tree of a species listed on the "Nuisance Plant List".
- i.** "Protected Tree" is a tree that shall be retained and protected because of a condition of approval on a land use review, a tree plan, or because it is a Heritage Tree.
- j.** "Private Tree" is a tree on property that is not owned or managed by the City. A tree that straddles a property line between private property and City-owned or –managed property is a Private Tree, shared by the City and adjacent property owner. A tree that straddles a private property line and the street is a Street Tree.
- k.** "Street Tree" means any tree growing in or upon any city managed street. In some cases, property lines lie several feet behind the sidewalk or edge of road pavement. Where a street is not fully improved with curbs or sidewalks but is paved, a tree may be considered a Street Tree if it is located within 15 feet of the edge of pavement, unless a survey by a licensed surveyor or property boundaries can clearly establish otherwise. For completely unimproved streets, the actual property line will be used to demarcate between Private Trees and Street Trees. A tree that straddles a private property line and the street is a Street Tree.
- l.** "Tree" means a perennial, woody stemmed plant that typically supports a distinct crown of foliage and typically reaches a mature height of at least 16 feet and excludes plants listed as shrubs or herbaceous plants in the Tree and Landscaping Manual published by the Bureau of Development Services or the Portland Plant List.
- m.** "Tree Grove" is a group of six or more native trees at least 12 inches in diameter, or Oregon white oak trees or Pacific madrone trees that

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are at least 6 inches in diameter and that form a generally continuous canopy, or are spaced as appropriate for that species or species assemblage. Groves are generally non-linear. Other trees and understory vegetation located within the grove are considered part of the grove and are counted as part of the canopy area. A tree grove may be identified by a qualified professional, such as an arborist or environmental scientist, based on the types, configuration, or functions of a grouping of trees. Functions include structural support and wind protection for the trees within the grove, microclimate and shade, and habitat such as nesting, foraging, and cover for birds and other wildlife.

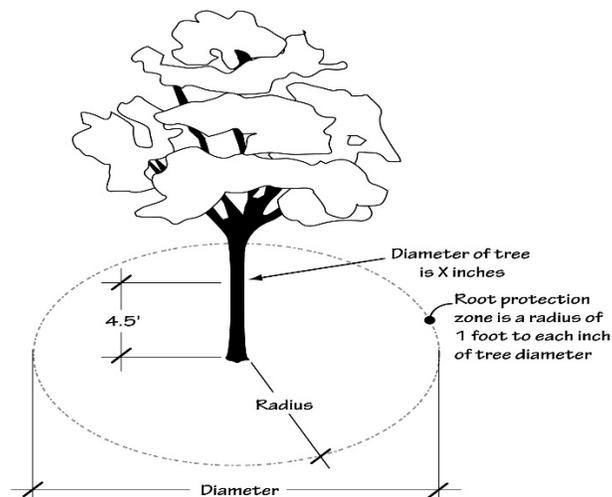
37. "Utility" is a public utility, business, or organization that supplies energy, gas, heat, steam, water, communications, or other services through or associated with telephone lines, cable service and other telecommunications, sewage disposal and treatment, and other operations for public service. It does not include transportation service, railroad operations, or service otherwise licensed under City Code
38. "Watershed" means one of the areas as shown in Figure 80-1 and further defined by the Bureau of Environmental Services. For the purposes of establishing planting within a specific watershed as part of this Title, watersheds end at the City limits and the following also apply:
  - a. Columbia Slough – sites on Hayden Island are included in this watershed
  - b. Willamette River – sites in Northwest Portland that are west of the Willamette River watershed are included in this watershed
  - c. Fanno Creek/Tryon Creek – these two watersheds are managed as a single watershed unit
  - d. Johnson Creek – all sites within the Johnson Creek watershed

Figure 80-1  
Watershed Boundaries



- C. Measurements. For the purposes of establishing distances and other types of required measurements, the following methods are applied.
1. Root Protection Zone (Prescriptive Path). To determine the required root protection zone, measure the size of the tree to be protected. For each diameter inch of the tree, measure one foot away from the tree to establish the radius of the circle surrounding the tree. Each 1 inch diameter of tree requires 1 foot radius for the root protection zone. See Figure 80-2.

Figure 80-2  
Root Protection Zone



2. Tree Location. A tree's location for purposes of establishing the applicable requirements of this Title is determined by the trunk at the point where it

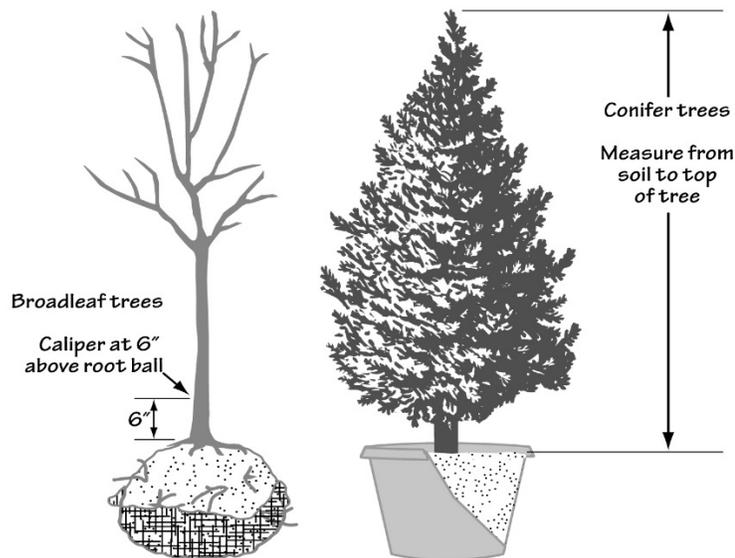
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meets the ground. Surface roots extending from the trunk are not used to determine the tree's location.

### 3. Measuring Tree Size

- a. New trees. New trees are measured in caliper inches, which is the diameter of the trunk 6 inches above the soil or root ball for bare root trees. For coniferous trees, tree height is used. See Figure 80-3.

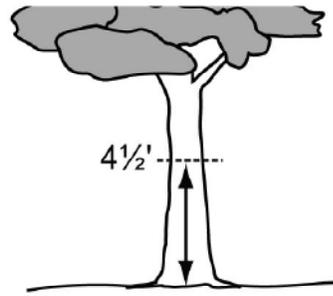
**Figure 80-3**  
**Measuring Tree Size for New Trees**



- b. Existing trees.

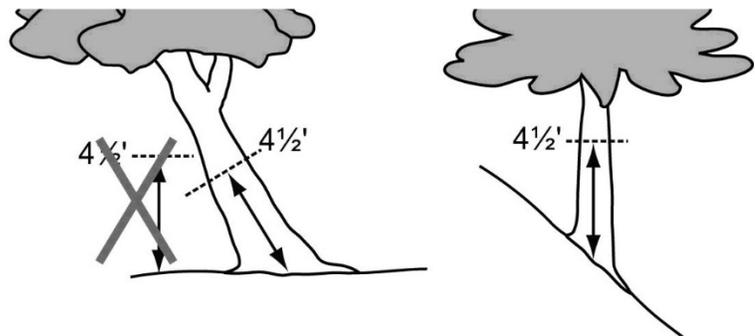
- (1) Existing trees are generally measured in terms of diameter inches at a height of 4-1/2 feet above the ground. See Figure 80-4. The diameter may be determined by measuring the circumference of the tree trunk and dividing by 3.14.

**Figure 80-4**  
**Measuring Tree Size for Existing Trees**



- (2) When the trunk is at an angle or is on a slope, the trunk is measured at right angles to the trunk 4.5 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk; see Figure 80-5.

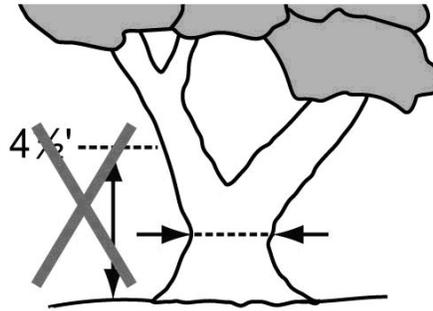
**Figure 80-5**  
**Measuring Existing Trees with an Angle or on Slopes**



- (3) When the trunk branches or splits less than 4.5 feet from the ground, measure the smallest circumference below the lowest branch. See Figure 80-6.

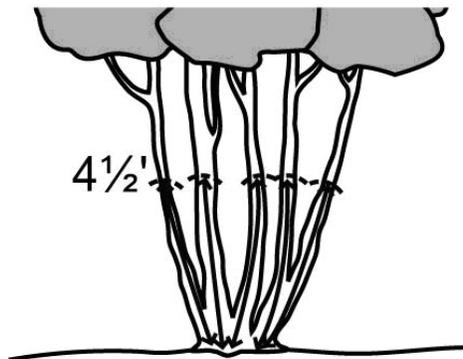
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**Figure 80-6  
Measuring Split Trunk Tree**



- (4) For multi-stemmed trees, the size is determined by measuring all the trunks, and then adding the total diameter of the largest trunk to one-half the diameter of each additional trunk (see Figure 80-7). A multi-stemmed tree has trunks that are connected above the ground and does not include individual trees growing close together or from a common root stock that do not have trunks connected above the ground.

**Figure 80-7  
Measuring Multi-stemmed Trees**



**CHAPTER 14B.130 - MARIJUANA  
REGULATORY LICENSE PROCEDURE AND  
REQUIREMENTS**

(Chapter added by Ordinance No. 187359, effective  
September 30, 2015.)

**Sections:**

- 14B.130.010 Purpose.
- 14B.130.020 Definitions.
- 14B.130.030 License Required.
- 14B.130.040 Minimum Standards.
- 14B.130.050 Application Procedure.
- 14B.130.060 Notice.
- 14B.130.070 Issuance and Renewal of the License.
- 14B.130.080 Requirements.
- 14B.130.090 Inspection of Property and Records.
- 14B.130.100 Penalties.
- 14B.130.110 Revocation or Suspension of License.
- 14B.130.120 Review by the Director and Appeals to the Code Hearings Officer.
- 14B.130.130 Severability.

**14B.130.010 Purpose.**

The purpose of this Chapter is to protect and preserve the public health, safety, and general welfare of Portland communities by setting requirements for the licensing and siting of businesses that produce, process, sell or transfer marijuana and marijuana items. The standards and procedures exercise the City's authority in accordance with applicable Oregon statutes and administrative rules. This Chapter is adopted pursuant to authority under Oregon statutes, as well as in exercise of the City Charter home rule authority, to regulate business operations in producing, processing, selling or transferring marijuana and marijuana items within the City. Nothing in this Chapter is intended to promote or condone the sale, transfer, distribution, possession or use of marijuana in violation of applicable laws.

**14B.130.020 Definitions.**

(Amended by Ordinance Nos. 187557, 188178 and 188329, effective May 19, 2017.) As used in this Chapter, unless the context requires otherwise, the following definitions apply:

- A. "Applicant" means any individual that is directly involved in the management and operation of, or has at least 10 percent ownership interest in, the marijuana business or medical dispensary in the City.
- B. "Cannabinoid concentrates" means any substance obtained by separating cannabinoids from marijuana by;

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1. A mechanical extraction process;
  2. A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;
  3. A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or
  4. Any other process identified by the Oregon Liquor Control Commission or the Oregon Health Authority, by rule.
- C. “Cannabinoid edibles” means food or potable liquids into which a cannabinoid concentrate, extract, or dried marijuana leaves or flowers have been incorporated.
- D. “Cannabinoid extracts” means a substance obtained by separating cannabinoids from marijuana by;
1. A chemical extraction process using hydrocarbon-based solvent, such as butane, hexane, or propane;
  2. A chemical extraction process using the hydrocarbon based solvent carbon dioxide, if the process uses high heat or pressure, or;
  3. Any other process identified by the Oregon Liquor Control Commission or the Oregon Health Authority, by rule.
- E. “Cannabinoid Product” means an edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contain cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include;
1. Usable marijuana by itself;
  2. A concentrate by itself;
  3. A cannabinoid extract by itself;
  4. Industrial Hemp, as defined in ORS 571.300.
- F. “Chief of Police” means the Chief of the Bureau of Police, or the Chief’s designee.
- G. “Consumer” means a person who purchases, acquires, owns, holds, or uses marijuana seeds, immature marijuana plants, marijuana or marijuana items other than for the purpose of resale.

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- H.** "Director" means the Director of the Office of Neighborhood Involvement, or the Director's designee.
- I.** "Financial consideration" or "For consideration" means value that is given or received either directly or indirectly through sales, barter, trade, fees, charges, dues, contributions or donations.
- J.** "Licensee" means a person who holds a license issued under PCC Chapter 14B.130.
- K.** "Licensee representative" means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.
- L.** "Licensed premises" means all public and private enclosed areas at the location that are used for the business operated at the location, including offices, kitchens, rest rooms and storerooms; all areas outside a building that the City has specifically licensed for the production, processing, wholesale sale, retail sale or transfer of marijuana and marijuana items.
- M.** "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include industrial hemp, as defined in ORS 571.300.
- N.** "Marijuana Business" means any business located within the City that is licensed or has submitted or is required to submit an application to be licensed by the Oregon Liquor Control Commission as any of the following;
- 1.** "Marijuana micro-producer tier I" means a person who produces marijuana in the City with an indoor canopy size of up to 625 square feet in the City.
  - 2.** "Marijuana micro-producer tier II" means a person who produces marijuana in the City with an indoor canopy size 626 to 1250 square feet in the City.
  - 3.** "Marijuana micro-wholesaler" means a person that only purchases or receives seeds, immature plants or usable marijuana from a producer with a micro tier I or tier II canopy for resale to a person other than a consumer in the City.
  - 4.** "Marijuana processor" means a person who processes marijuana items in this City.
  - 5.** "Marijuana producer" means a person who produces marijuana in the City.
  - 6.** "Marijuana retailer" means a person who sells or makes available for purchase marijuana or marijuana items in the City.

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- 7. “Marijuana retail courier” means a marijuana retailer who sells or makes available for purchase marijuana or marijuana items only by delivery to residences located within the City.
- 8. “Marijuana wholesaler” means a person who purchases marijuana or marijuana items in this State for resale to a person other than a consumer.
- O. “Marijuana items” means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.
- P. “Marijuana Laboratory” means any person who is conducting tests of marijuana under Oregon law.
- Q. “Marijuana Regulatory License” means a license issued by the City to produce, process, sell or transfer marijuana and marijuana items.
- R. “Medical Dispensary” means a business located within the City that is registered with the Oregon Health Authority under ORS 475.314 and authorized to transfer usable marijuana, marijuana items and immature marijuana plants, or a site for which an applicant has submitted an application for registration under ORS 475.314.
- S. “Primary Contact” means the person designated in the application who has authority to conduct business with the City on behalf of the applicant or licensee.
- T. “Processor” means the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts.
- U. “Produces” means the planting, cultivation, or growing of marijuana.
- V. “Sale” or “Sales” means any transfer, exchange or barter, in any manner or by any means, for consideration, and includes all sales made by any person including gifts for the purposes of advertising by marijuana businesses.
- W. “Research Certificate Holder” means any person authorized under Oregon law to receive marijuana items for the purpose of medical or public health and safety research.

**14B.130.030 License Required.**

- A. No person shall establish, conduct, maintain or operate a medical dispensary or marijuana business in the City without a valid marijuana regulatory license issued by the Office of Neighborhood Involvement.
- B. Any person that advertises or otherwise holds themselves to be producing, processing or offering marijuana or marijuana items for sale or financial

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consideration within the City will be presumed to be a medical dispensary or marijuana business subject to the terms of Chapter 14B.130.

- C. No medical dispensary or marijuana business may lawfully exist in the City absent the issuance of a state license and full regulatory oversight of the marijuana establishment by the State as well as the City. Compliance with the requirements of this Chapter does not provide a defense to criminal prosecution under otherwise applicable law.

**14B.130.040 Minimum Standards.**

(Amended by Ordinance Nos. 187391, 187557 and 188178, effective December 21, 2016.)

- A. A marijuana regulatory license may only be issued for a specific, fixed location which shall be considered the licensed premises. The licensed premises must be within a building or structure subject to a building or zoning permit. Licensee must obtain the applicable permits and remain in compliance with fire, building and zoning codes.
- B. If the location is a medical dispensary, the location may be no closer than 1,000 feet of another medical dispensary. The distance between the dispensaries shall be computed by direct measurement of the nearest portion of the building in which one medical dispensary is located to the nearest portion of the building in which the other medical dispensary is located.
- C. Except for marijuana retail couriers, if the location is a marijuana retailer, the location may be no closer than 1,000 feet of another marijuana retailer. The distance between the retailers shall be computed by direct measurement of the nearest portion of the building in which one marijuana retailer is located to the nearest portion of the building in which the other marijuana retailer is located.
- D. Distance Restrictions for Dispensaries and Retailers.
  - 1. Except for marijuana retail couriers, a marijuana regulatory license will not be granted for a medical dispensary or a marijuana retailer that is within 1,000 feet of another medical dispensary or another marijuana retailer. The distance between the dispensaries and retailers shall be computed by direct measurement of the nearest portion of the building in which one medical dispensary or marijuana retailer is located to the nearest portion of the building in which the other medical dispensary or marijuana retailer is located.
  - 2. The distance requirement in Subsection 14B.130.040 D.1. shall not apply for applications for medical dispensary licenses received by the Director between November 1, 2015 and January 29, 2016, that meet the following criteria:





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marijuana business for review of the application under Subsection 14B.130.070 C.

- b.** An information form, as developed by the Office of Neighborhood Involvement that includes a description of the planned business operations and a security plan describing how the applicant intends to comply with the requirements of Section 14B.130.080.
  - c.** If the application is for a medical dispensary or marijuana retailer, a Marijuana Control Plan to address security protocols, potential nuisance activities and other public safety concerns.
- 2.** A Business License Certificate of Compliance as provided in Section 7.02.300, and;
  - 3.** Documentation of having an existing security system and proof of application submittal for an alarm permit from the Portland Police Bureau, and electrical permit from the Bureau of Development Services as needed for the premise.
  - 4.** Documentation of having an existing air filtration system or proof of application submittal for applicable permits to ensure odor impacts upon neighboring properties are minimized.
  - 5.** Proof of ownership or legal possession of the premises to be licensed for the term of the proposed license. If the licensed premises will be leased, the application shall include, a true and complete copy of the executed lease showing the property owner has authorized the use as a medical dispensary or marijuana business.
  - 6.** Marijuana producers and processors must provide documentation showing that all applicable City permits have been applied for or obtained.
  - 7.** A non-refundable application fee as stated in the fee schedule adopted by City Council. Fees will be updated annually or on an as needed basis and will be sufficient to cover the cost of administering this Chapter. The approved fee schedule will be available through the Office of Neighborhood Involvement.
  - 8.** The Director may, at the Director's discretion, require additional documentation associated with the application as may be relevant to the requirements of this Chapter. To the extent any materials have been included with the applicant's state license application and forwarded to the City by the state licensing authority, the Director may rely upon the information forwarded from the state without requiring submittal of the

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same materials in conjunction with the marijuana regulatory license application.

9. The licensee shall notify the Office of Neighborhood Involvement of any changes in the information required in Subsections 14B.130.050 A.1.a.-c. within 10 business days of the change.

- B. Applications for renewal of marijuana regulatory licenses must demonstrate compliance with Subsections 14B.130.050 A.1.-7. on a form provided by the Office of Neighborhood Involvement and pay an annual fee as stated in the fee schedule adopted by City Council.

**14B.130.060 Notice.**

- A. The Director shall provide notice of an application before a final decision is made to the Bureau of Police, Portland Fire & Rescue, Bureau of Revenue and Financial Services, and Bureau of Development Services.
- B. For medical dispensaries and marijuana business retailers, the Director shall provide notice of an application before a final decision is made to:
  1. Property owners and property occupants within 300 feet of the proposed licensed premises except for renewal applications and locations previously licensed for the proposed use with change in ownership;
  2. The District Coalition Office and Neighborhood Association in which the marijuana regulatory Licensee is located, or proposed to be located.
  3. Area residents by posting a public notice where the marijuana regulatory licensee is located, or proposed to be located.

**14B.130.070 Issuance and Renewal of the License.**

(Amended by Ordinance Nos. 188178 and 188329, effective May 19, 2017.)

- A. Upon filing of an application and payment of the required application fee, the Director shall ensure that the location proposed to be licensed or registered meets the minimum standards as defined in Section 14B.130.040. If the proposed location meets the minimum standards the Director shall proceed with processing the application. If the location does not meet the minimum standards the Director shall deny the application.
- B. If the proposed location meets the minimum standards as defined in Section 14B.130.040, the Director in consultation with the Chief of Police, shall conduct an investigation of the application and all principals listed according to the requirements in Subsection 14B.130.050 A. If no cause exists for denial, the Director shall issue the license after the following has been received;

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1. Proof that a state license or registration has been issued.
  2. The license fee as stated in the fee schedule adopted by City Council. Fees will be updated annually or on an as needed basis and will be sufficient to cover the cost of administering this Chapter. The approved fee schedule will be available through the Office of Neighborhood Involvement.
  3. Marijuana producers and processors must provide documentation showing that all applicable City permits have been obtained and received final inspection approval. Except for applications for license renewals, the documentation may include a temporary Certificate of Occupancy.
- C.** Except as provided for in Subsection 14B.130.070 D., the Director shall deny an initial or renewal application for a marijuana regulatory license if any of the following apply.
1. The applicant, or any person engaged in the direct management and operation of the medical dispensary or marijuana business, or anyone with 10 percent or more interest in the business has previously owned or operated a business regulated by Chapter 14B.130; and
    - a. The license has been revoked for cause that would be grounds for revocation pursuant to Chapter 14B.130.
    - b. The Director has determined that the business has contributed to crime or livability incidents in the area where the medical dispensary or marijuana business is located.
  2. Any statement in the application is false or any required information is withheld;
  3. If the application is for a medical dispensary, the location is not registered with the state under ORS 475.314;
  4. If the application is for a marijuana business, the location is not licensed with the Oregon Liquor Control Commission;
  5. The Director finds by preponderance of the evidence that the applicant or any person directly engaged in the management and operation of the medical dispensary or marijuana business has violated local or State law including a permitting or licensing requirement.
- D.** Notwithstanding Subsection 14B.130.070 B., the Director may grant a license after consulting with the Chief of Police despite the presence of one or more factors as outlined in Subsection 14B.130.070 C., if the applicant establishes to the Director's satisfaction that,

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1. The behavior evidenced by such factor is not likely to reoccur;
  2. The behavior evidenced by such factor is remote in time; or
  3. The behavior evidenced by such factor occurred under circumstances that diminish the seriousness of the factor as it relates to this Chapter.
- E.** Marijuana regulatory licenses are valid for a term of 1 year and a renewal schedule will be established by rule. The license is non-transferable and valid only for a single fixed location.
1. When the business location is to be changed, the licensee shall provide the address of the new location in writing to the Director to review for compliance with the requirements of this Chapter at least 60 days prior to the change.
  2. A person with multiple dispensaries or business locations must apply for and obtain a license for each separate location.
- F.** Upon denial of an application for a marijuana regulatory license, the Director shall give the applicant written notice of the denial in accordance with the minimum requirements of Chapter 3.130 of Portland City Code.
1. Service of the notice shall be by mail to the address of the primary contact for the application on file with the Director. In addition, the Director may also send notices to other addresses known for the applicant or person including electronic delivery.
  2. Mailing of the notice will be prima facie evidence of receipt of the notice.
- G.** The denial will be effective the date the notice is sent.
- H.** Denial of a marijuana regulatory license may be appealed by filing written notice of an appeal within 10 business days of the date of denial in accordance with Section 14B.130.120.

**14B.130.080 Requirements.**

(Amended by Ordinance Nos. 187391, 187611 and 188178, effective December 21, 2016.)

- A.** A marijuana regulatory licensee must comply with the following regulations:
1. Licensee must display the marijuana regulatory license at the business location in a manner readily visible to patrons.
  2. Licensee may not allow consumption of marijuana or marijuana items on the premises licensed under Chapter 14B.130, except as specifically

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authorized by Oregon law for employees of medical marijuana dispensaries who are valid, current registry identification cardholders.

- 3.** Licensee must install and maintain in proper working order at the licensed premises a security system including alarms, safes, and surveillance cameras.
    - a.** Licensee must maintain camera surveillance data backup.
    - b.** Licensee must retain camera surveillance data for a minimum of 30 days.
- B.** Any person with a marijuana regulatory license for a medical dispensary or marijuana retailer must comply with the following regulations:
- 1.** Licensee must designate personnel at the entrance intended for consumers to require all persons entering the premises to produce an approved form of identification according to ORS 614.24.1.a-e in order to ensure that no one under the age of 21 is allowed on the premises, except as provided for under ORS 475.314.
  - 2.** Licensee must maintain hours of operation no earlier than 7 a.m. and no later than 10 p.m.
  - 3.** Licensee must not make marijuana or marijuana items available for sale from a vendor cart, temporary structure, or satellite location, or through exterior openings of the licensed premises, such as drive-thru facilities or walk up windows.
- C.** Any person with a marijuana regulatory license for a marijuana retailer must comply with the following regulations:
- 1.** Licensee may provide delivery of marijuana and marijuana items to a residence in Portland in accordance with OAR 845-025-2880, as in effect on December 1, 2016 and subject to compliance with the requirements of this Chapter.
  - 2.** Licensee may sell marijuana items for medical purposes in accordance with OAR 845-025-2900, effective December 1, 2016.
- D.** Any person with a processor marijuana regulatory license must comply with the following requirements:
- 1.** Licensee must not allow the licensed location to be open to the general public.

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2. Licensee must adhere to applicable state and local regulations for food production, ensuring that marijuana items made for consumption by eating or drinking are processed in a licensed facility.
- E. Any person with a marijuana micro-producer tier I, marijuana micro-producer tier II, producer, marijuana micro-wholesaler or marijuana wholesaler marijuana regulatory license must comply with the following requirements:
1. Licensee must not allow the licensed location to be open to the general public.

**14B.130.090 Inspection of Property and Records.**

(Amended by Ordinance No. 188178, effective December 21, 2016.)

- A. Upon presentation of proper credentials, a Licensee shall allow any representative of the Bureau of Police or the Office of Neighborhood Involvement to enter the business location to ensure compliance with the provisions of Chapter 14B.130. The inspection will be for the limited purpose of inspecting the property and related records as provided in this Chapter and the administrative rules. Except by mutual agreement with the Licensee or by court order, any inspection under this Section may occur only during the Licensee's normal business hours.
1. The Director shall first present proper credentials and demand entry to the property. If entry is refused, the Director may attempt to secure entry by any legal means.
  2. If the Director has first obtained an inspection warrant to secure entry onto the property, no owner or occupant shall refuse, fail or neglect, after proper request, to promptly permit entry by the Director to the property.
- B. It shall be unlawful for any owner or occupant to refuse to permit entry by the Director to inspect the property under this Chapter after an inspection warrant has been obtained.
- C. Grounds for Issuance of inspection warrants.
1. Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or

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investigation might be frustrated if entry were sought without an inspection warrant.

2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with this Chapter exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity this Chapter.

**D.** Procedure for Issuance of inspection warrants.

1. Examination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.
2. Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8 a.m. and 6 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.
3. Police Assistance. In issuing an inspection warrant on unoccupied property, including inspection warrants pursuant to Section 14B.130.090, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to ensure the safety of the Director or representative of the bureau in completing the inspection.

**E.** Execution of inspection warrants.

1. Occupied Property. Except as provided in Subsection 2. of this Section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

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2. Unoccupied Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in Subsection 1. of this Section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.
3. Return. An inspection warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this Subsection, the warrant unless executed is void.

**14B.130.100 Penalties.**

(Amended by Ordinance Nos. 187557 and 188178, effective December 21, 2016.)

- A. The Director may assess civil penalties in an amount up to \$5,000 for any violation of this Chapter.
- B. Procedure.
  1. Having made a determination that a violation of this Chapter has occurred, the Director shall give written notice of a decision to assess civil penalties. The Director's written notice shall be in accordance with the minimum requirements of Chapter 3.130 of the Portland City Code.
  2. Service of the notice shall be by mail to the address of the primary contact for the Licensee on file with the Director. In the case of a person operating without a Marijuana Regulatory License, service of the notice shall be by mail to such address as the Director has on file for that person, or is otherwise available to the Director. In addition, the Director may also send notices to other addresses known for the person including electronic delivery.
  3. Mailing of the notice will be prima facie evidence of receipt of the notice.
  4. The civil penalty will be due 10 business days from the date of the notice unless appealed in accordance with Section 14B.130.120.
- C. In determining the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Director shall consider:
  1. The extent and nature of the person's involvement in the violation;
  2. The economic or financial benefit accruing or likely to accrue as a result of the violations;

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3. Whether the violations were repeated or continuous, or isolated and temporary;
4. The magnitude and seriousness of the violation;
5. The City's costs of investigating the violations and correcting or attempting to correct the violation; and,
6. Any other factors the Director may deem to be relevant.

**14B.130.110 Revocation or Suspension of License.**

(Amended by Ordinance No. 188178, effective December 21, 2016.)

- A. The Director may, after consulting with the Chief of Police, revoke or suspend any license issued pursuant to this Chapter.
  1. For any cause that would be grounds for denial of a license; or,
  2. Upon finding that any violation of the provisions of this Chapter, State, or local law has been committed and the citation is connected with the operation of the licensed business location so that the person in charge of the business location knew, or should reasonably have known, that violations or offenses were permitted to occur at the location.
  3. If payment of civil penalties has not been received within 10 business days by the Office of Neighborhood Involvement.
- B. The Director, upon revocation or suspension of any license issued pursuant to this Chapter, shall give the Licensee written notice of the revocation or suspension in accordance with the minimum requirements of Chapter 3.130 of Portland City Code.
  1. Service of the notice shall be by mail to the address of the primary contact for the Licensee on file with the Director. In addition, the Director may also send notices to other addresses known for the applicant or person including electronic delivery.
  2. Mailing of the notice by regular mail will be prima facie evidence of receipt of the notice.
- C. Revocation will be effective and final 10 business days after the date of notice unless the revocation is appealed in accordance with Section 14B.130.120.
- D. Suspension will be effective immediately upon the date of the notice, for the period of time set in the notice not to exceed 30 days.

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**14B.130.120 Review by the Director and Appeals to the Code Hearings Officer.**

(Amended by Ordinance No. 188178, effective December 21, 2016.)

- A. Any determination issued pursuant to Sections 14B.130.070, 14B.130.100 or 14B.130.110 believed to be made in error may be reviewed by the Director if requested by the recipient. The request must be submitted in writing within 10 business days of the determination, and must include all evidence that supports the request. Service of notice of the determination shall be by mail to the address for the primary contact for the application on file with the Director. The Director's determination shall be served by regular mail. Mailing of the notice of determination will be prima facie evidence of receipt of the notice. In addition, the Director may also send notice of the determination to other addresses known for the applicant or person including electronic delivery.
- B. The Director's determination may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of Portland City Code.
- C. The filing of a notice of appeal of revocation or suspension of a license, or of a civil penalty imposed by the Director under this Chapter, will stay the effective date of the action until the Code Hearings Officer issues an opinion.

**14B.130.130 Severability.**

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, void, illegal or unconstitutional, either on its face or as applied, such decision shall not affect the applicability, constitutionality, legality or validity of any remaining portions of this chapter. The Council hereby declares its intention to have adopted this chapter, and each section, subsection, sentence, clause, and phrase of this chapter, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid, void, illegal or unconstitutional, and that the same would have been adopted by the Council had such invalid, void, illegal or unconstitutional sections, subsections, sentences, clauses, or phrases, if any, not been included in this Chapter.

**TITLE 14C**  
**PUBLIC ORDER AND POLICE**  
Police Policy, Regulations and Procedures

**CHAPTER 14C.10 - POLICE DUTIES TO  
INVENTORY PROPERTY**

**Sections:**

- 14C.10.010 Purpose.
- 14C.10.020 Definitions.
- 14C.10.030 Inventories of Impounded Vehicles.
- 14C.10.040 Inventories of Persons in Police Custody.

**14C.10.010 Purpose.**

This Chapter is meant to apply exclusively to the process for conducting an inventory of the personal property in an impounded vehicle and the personal possessions of a person in police custody and shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search or seize possessions for other purposes.

**14C.10.020 Definitions.**

For the purpose of this Chapter, the following definitions shall apply:

- A.** “Valuables” means:
  - 1.** Cash money of an aggregate amount of \$50 or more; or
  - 2.** Individual items of personal property with a value of \$500 or more.
- B.** “Open container” means a container which is unsecured or incompletely secured in such a fashion that the container’s contents are exposed to view.
- C.** “Closed container” means a container whose contents are not exposed to view.
- D.** “Police custody” means either:
  - 1.** The imposition of restraint as a result of an ‘arrest’ as that term is defined at ORS 133.005(1);
  - 2.** The imposition of actual or constructive restraint by a police officer pursuant to a court order;
  - 3.** The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 430, or Chapter 419B; or
  - 4.** The imposition of actual or constructive restraint by a police officer for purposes of taking the restrained person to an approved facility for the involuntary confinement or detaining of persons pursuant to Oregon Revised Statute or this Code.

The movement of buildings or other structures on or over the streets and other public right-of-ways of the City is excluded from the provisions of this Chapter. (See Chapter 17.48, Public Improvements.)

**16.70.680 Liability for Damage to Streets or Other Public Property.**

Any person moving any vehicle of excess weight or size on or over any street or other public right-of-way in the City is responsible for damage to pavement or other public improvement or property caused thereby.

**16.70.690 Designation of Streets for Vehicles of Excess Weight or Size.**

- A.** When in the judgement of the City Traffic Engineer any City street or section thereof is capable of carrying any vehicle or combination of vehicles having a gross weight or overall size in excess of that authorized in ORS 818, the City Traffic Engineer may report to the City Council so declaring that street and fixing the maximum gross weight, width, height, and/or length and types and classes of vehicles or combination of vehicles which may be operated thereon.
- B.** The provisions of any report accepted by the City Council pursuant to recommendation of the City Traffic Engineer under this Section may be changed or rescinded at any time and is subject to any order made pursuant to Section 16.10.200.
- C.** If a report submitted by the City Traffic Engineer under this Section is accepted by the City Council, a duplicate original thereof (and any amendment or revocation thereof) must be filed by the Auditor with the Secretary of State. After such resolution is adopted and filed, no permit is required for the operation upon such street or section thereof of a vehicle or combination of vehicles not exceeding the maximum gross weight and length fixed by the report for vehicles or combinations of vehicles of that type and class.

**16.70.700 Traffic Congestion Thoroughfares.**

**16.70.701 Purpose.**

The purpose of this Chapter is to prohibit the repeated driving of a motor vehicle along and across one portion of a congested public street, which constitutes a strict liability violation without any requirement of culpable mental state, all as described in this Chapter.

**16.70.720 Posting Signs.**

With respect to any traffic congestion thoroughfare, the Chief of the Bureau of Police or his/her designee is authorized to declare that portion of the street to be a traffic congestion thoroughfare and to cause signs, as described in this Chapter, to be posted notifying of that designation.

**16.70.730 Signs.**

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The signs referred to in Section 16.70.720 will notify drivers that they are entering a traffic congestion thoroughfare; that repeated passage of a motor vehicle through or across the traffic congestion thoroughfare is a violation of City Code Section 16.70.740; and that for a subsequent violation, the vehicle will be towed.

**16.70.740 Acts Prohibited.**

Between the hours of 9 p.m. and 5 a.m. of the following morning, no vehicle may pass along or across a traffic congestion thoroughfare, designated as such by signs as described in Section 16.70.730, more than two times.

**16.70.750 Penalty.**

(Amended by Ordinance Nos. 165987 and 176394, effective April 17, 2002. Corrected under authority of PCC Section 1.01.035 on May 15, 2017.)

- A. Except as provided below, violation of this Chapter is an infraction punishable by a fine not to exceed \$150.
- B. Violation of Sections 16.20.470, 16.70.510 A. and 16.10.060, is punishable by a fine of not more than \$500, or by imprisonment not exceeding 10 days or both.

**16.70.760 Subsequent Violation.**

If a vehicle passes along or across a traffic congestion thoroughfare as designated by signs in violation of Section 16.70.740, any single subsequent drive-through of that traffic congestion thoroughfare by that vehicle within the same 9 p.m. to 5 a.m. time period constitutes a separate violation of Section 16.70.740, punishable as provided in section 16.70.750; and the vehicle may be towed and taken to a storage area designated by the City and may be held for not more than 24 hours, all at the expense of the owner or person entitled to possession.

**16.70.770 Notice of Towing For Subsequent Violations.**

Upon issuing a citation for a violation of Section 16.70.740, the officer will give the person to whom the citation is issued a written notice which will state:

NOTICE

You have been cited for violation of Code Section 16.70.740 for repeated passage of a motor vehicle on or across a traffic congestion thoroughfare.

If the vehicle you are driving is again driven along or across this traffic congestion thoroughfare before 5 a.m. this morning, this vehicle may be impounded and towed in accordance with City Code Section 16.70.760.

Chief of the Bureau of Police

**16.70.780 Exemptions.**

This Section does not apply to:

- A. Any publicly owned vehicle of any city, county, public district, state, or federal agency;

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- B. Any vehicle licensed for public transportation; or
- C. Any other vehicle granted an exemption by the Chief of Police because passage of the vehicle along or across the traffic congestion thoroughfare is necessary for commercial or medical reasons.

**16.70.800 Visibility.**

(Amended by Ordinance Nos. 165987, 173369, 183397, 184522, 185448 and 186053, effective January 1, 2015.)

- A. It is the responsibility of the owner or occupant of any property to prevent any vegetation including trees on the property or the abutting public right-of-way from partially or wholly obstructing the visibility of traffic control devices, the visibility of or for drivers, bicyclists, or pedestrians, or in any way presents a safety hazard.
- B. The person who owns or occupies said property is liable to any person who is injured or otherwise suffers damage by reason of the failure to remove or prune such vegetation as required by Title 16 or any other Title of the City Code. Furthermore, said person is liable to the City of Portland for any judgement or expense incurred or paid by the City, by reason of said person's failure to satisfy the obligations imposed by this or any other Title of the City Code.
- C. Any tree removal or pruning required by this Title shall be done in accordance with the provisions of Title 11, including the need to obtain tree permits for removal and pruning.
- D. Vegetation, including trees, in green street or other public stormwater management facilities, shall be trimmed only by the City or under the authorization of the Bureau of Environmental Services (BES).
- E. Any vegetation or tree not removed or pruned as required in this Title is hereby declared to be a public nuisance and may be summarily abated as provided in Title 29.
- F. Whenever the provisions of this section conflict with those of any other section of this code, including but not limited to Titles 11, 16, 17 and 33, the stricter provisions shall govern.

**16.70.810 Street Obstructions and Dangerous Conditions.**

(Added by Ordinance No. 176585, effective July 5, 2002.) No person, whether acting as private citizen, principal, employee or agent shall:

- A. Between the hours of sunset and sunrise, place or allow to remain on any street any obstruction, other than a lawfully parked vehicle or any permitted structure, unless a clearly displayed warning light or lights are:

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1. plainly visible for 200 feet in either direction parallel to the street and at least 25 feet in all other directions, and
  2. placed on the edge or side of the obstruction nearest the center of the street.
- B.** At any time, create a dangerous condition on any street without erecting and maintaining a distinctly visible barricade which provides a clear indication of the danger and directs people safely around it; and/or
- C.** Remove such a barricade from any street while the danger continues.

**16.70.900 Reckless Driving.**

(Added by Ordinance No. 173097, effective by February 10, 1999.)

- A.** A driver of a vehicle commits the crime of reckless driving within the City of Portland if the driver commits two or more of the following violations in a single series of acts in such a way as to endanger the safety of persons or property:
1. Unlawful or unsignaled lane change;
  2. Unsafe passing on the left or right;
  3. Passing in a no-passing zone;
  4. Following too close;
  5. Illegal backing;
  6. Unlawful stop or deceleration;
  7. Failure to signal;
  8. Violation of maximum speed limit in an urban area; or
  9. Taking other actions that a reasonable driver would know endanger the safety of persons or property in a congested urban driving environment such as the City of Portland.
- B.** Violation of this law shall constitute a Class A Misdemeanor as prescribed in State law.

## TITLE 19 - HARBORS

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**TITLE 19 - HARBORS**

(Title replaced by Ordinance No.166293, effective March 3, 1993.)

**TITLE 19  
HARBORS**

**CHAPTER 19.04 - DEFINITIONS**

**Sections:**

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**19.04.010 Anchorage.**

“Anchorage” means any designated location where vessels or watercraft may anchor or moor.

**19.04.020 Aquatic Event.**

“Aquatic event” means an organized water event conducted pursuant to a predetermined schedule or plan which shall have been approved by an appropriate governmental unit(s) prior to a commencement of such event.

**19.04.030 Authorized Emergency Vessel.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) “Authorized emergency vessel” means any patrol vessel or watercraft owned and operated by the Bureau of Police and Portland Fire & Rescue of the City, the Sheriff of Multnomah County, the State of Oregon the government of the United States of America, or any other unit having jurisdictions.

**19.04.035 Berth.**

A place where a ship lies at anchor or at a wharf.

**19.04.040 City.**

“City” means Portland.

**19.04.050 Dead Ship.**

“Dead ship” means any vessel or watercraft, the present movement of which is dependent entirely upon other vessels or watercraft.

**19.04.060 Dock.**

“Dock” means any building or structure used to load cargo onto or unload cargo from vessels, barges, and rafts.

**19.04.065 Harbor Line.**

A Line usually established by the Corps of Engineers or Port of Portland to define the limit within which development may occur.

**19.04.070 Harbor Master.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) “Harbor Master” means that person assigned by the Chief of Portland Fire & Rescue to carry out the duties of Harbor Master. The Chief of Portland Fire & Rescue may assign as many officers as necessary to act as assistants to the Harbor Master in the discharge of his/her duties or to act as Harbor Master during the absence of the appointed Harbor Master.

**19.04.080 Master.**

“Master” means the captain, skipper, pilot, operator, or any person having charge of any vessel.

**19.04.100 Motorboat.**

“Motorboat” means any watercraft 65 feet in length or less which is subject to the ORS 830.005 regulations set out herein. Motorboat classification OAR 250-10-140. All motorboats shall be classified according to their length, as follows:

- A. Motorboats under 16’ in length - Class “A”
- B. Motorboats 16’ in length, but less than 26’ -Class “1”
- C. Motorboats 26’ in length, but less than 40’ - Class “2”
- D. Motorboats 40’ in length, but less than 65’ - Class “3”

**19.04.110 Obstruction.**

“Obstruction” means any vessel, watercraft, or any floating matter of any description which cannot comply with the pilot rules and which may in any way blockade, interfere with or endanger any vessel or impede navigation or which cannot comply with the United States Coast Guard “Rules of the Road: International - Inland” Commandant Instruction M16672.2 series. These rules are hereby made a part of this Title. Copies are available at Group Portland, United States Coast Guard. “Obstruction” also includes cribs or piles, shingle bolts, ties, booms of logs or lumber, rafts of logs or lumber, when they are floating

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loose and not under control, or when they are under control but obstructing any navigable channel.

**19.04.120 Oil.**

“Oil” means any substance in liquid or other form, of animal, mineral, or vegetable origin or any compound, distillation or mixture thereof which may prove hazardous or detrimental in any way.

**19.04.130 Owner.**

“Owner” means the legal or equitable owner of a vessel or watercraft, or the agent or employee of such owner or any other person lawfully in actual physical possession of a vessel or watercraft.

**19.04.150 Person.**

“Person” means any natural person, firm, copartnership, association, or corporation, whether he/she or it is acting for him/herself or itself or as the clerk, servant, employee, or agent of another; and the singular number includes the plural, and the plural the singular.

**19.04.155 Slip.**

A ship’s or boat’s berth between two piers.

**19.04.160 Special Area.**

“Special area” means that water space designated by special marker buoys or other such indicators for the conduct of activities in accordance with official approval by any appropriate governmental unit or agency, other than normal navigation of vessels and watercraft.

**19.04.170 Towboat.**

“Towboat” means a vessel or watercraft normally and regularly engaged in pushing or towing other vessels, watercraft, log and lumber rafts and booms, and like objects.

**19.04.180 Vessel.**

“Vessel” means any contrivance at least 110 feet or more in length overall, used or capable of being used as a means of transportation on water.

**19.04.190 Watercraft.**

“Watercraft” means any contrivance less than 110 feet in length overall, used or capable of being used as a means of transportation on water.

**CHAPTER 19.08 - ENFORCEMENT**

**Section:**

19.08.010 Enforcement.

**19.08.010 Enforcement.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) All sworn personnel of Portland Fire & Rescue are empowered to arrest or issue citations to any person for violation of any of the provisions of Title 19 and Chapter 830, Oregon Revised Statutes, pertaining to small watercraft.

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**CHAPTER 19.10 - PENALTIES AND RIGHT  
OF APPEAL**

**Sections:**

- 19.10.010 Penalties.
- 19.10.020 Right of Appeal.

**19.10.010 Penalties.**

Any person violating any provision or failing to comply with any requirement of this Code, unless provision is otherwise made herein, shall upon conviction thereof, be punished by a fine of not more than \$500 or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. However, no greater penalty shall be imposed than the penalty prescribed by Oregon statute for the same act or omission.

**19.10.020 Right of Appeal.**

Any person, company, or corporation, who feels any order of the Harbor Master, pertaining to the manner of erection, maintaining or operating of any building, mill, warehouse, shipyard, dock, plant, boat, vessel, watercraft, or structure fixed or floating is unreasonable or arbitrary, shall have the right of appeal to the Fire Code Board of Appeals, as provided for by Title 31, of the Code of the City of Portland.

**CHAPTER 19.12 - HARBOR MASTER**

**Sections:**

- 19.12.010 Duties.
- 19.12.020 Powers.
- 19.12.030 Right to Inspect.
- 19.12.040 Aid.

**19.12.010 Duties.**

- A.** It shall be the duty of the Harbor Master to inspect the harbor frequently and report any violation of this Title or any other title or any law respecting the use of wharves, docks, landings, vessels, watercraft, or harbor to the proper authorities of the City, County of Multnomah, the United States, or the State of Oregon, as the case may be to be acted upon as provided by law in cases where he/she is not empowered by this Title to act.
- B.** The Harbor Master, to assure good coordination and develop cooperation, good management and control in the administration of his/her office, shall develop a working liaison with the Captain of the Port United States Coast Guard, Director Port of Portland, Chief Navigation Branch Portland Dist., US Army Corps of Engineers, Director of the Oregon State Marine Board, Director of the Oregon Division of State Lands, and the Sheriff of Multnomah County.

**19.12.020 Powers.**

Whenever the Harbor Master finds it necessary for safe navigation or safety of the Port or harbor, he may order the Master or other person in charge of any vessel or watercraft to change its position or to change the position of the rigging, cargo, booms, or other equipment, or to do any other act necessary to remove obstruction to safe navigation. If the Master or other person in charge of the vessel fails or refuses to comply with the order of the Harbor Master, then the Harbor Master or his/her authorized representatives may remove the obstruction to navigation; and any expense resulting therefrom may be recovered by an action by law, if necessary.

**19.12.030 Right to Inspect.**

To the full extent permitted by law, the Harbor Master or any duly authorized assistants, when engaged in fire prevention, and/or harbor inspection work, is authorized and directed, at any and all reasonable times, to enter and examine any building, mill warehouse, shipyard, dock, plant, boat, vessel, watercraft, or structure, either fixed or floating, in the performance of their duties.

**19.12.040 Aid.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) The Harbor Master shall have full power to arrest any person or persons who violate any of the provisions of this

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Title, and he/she shall have the right to call on the Chief of the Bureau of Police and/or the Chief of Portland Fire & Rescue who shall aid him/her in the execution of his/her duties.

**CHAPTER 19.16 - RULES AND  
REGULATIONS**

**Sections:**

- 19.16.005 Navigation Rules.
- 19.16.010 Wharves to be Inspected - Signs Erected.
- 19.16.015 Unsafe Docks or Waterfront Structures.
- 19.16.020 Decayed Docks Breaking Loose.
- 19.16.025 Notification of Arrival of Ocean Going Vessels.
- 19.16.035 Vessels Changing Docks.
- 19.16.040 Notice of Change of Berth for Ocean Going Vessels.
- 19.16.045 Berthing Ships.
- 19.16.055 Permits for Construction Work.
- 19.16.060 Municipal Boat Landings.
- 19.16.070 Vessels Are Not to be Blocked.
- 19.16.075 Rafts Not to Block Slips or Channels.
- 19.16.080 River Obstructions
- 19.16.085 Removal of Refuse.
- 19.16.090 Buoys Required on Wrecks.
- 19.16.095 Menace to Navigation.
- 19.16.100 Hot Work on Vessels.
- 19.16.105 Length of Tows.
- 19.16.110 Property Found or Salvaged within the Port.
- 19.16.115 Permits for Aquatic Events.
- 19.16.120 Dead Animals and Refuse.
- 19.16.130 Check to be Kept of Employees Handling Bulk or Dangerous Cargo.
- 19.16.135 Flammable and/or Combustible Liquid Storage on Docks.
- 19.16.140 Oil Vessel Transfer Equipment.
- 19.16.145 Oil on Waters of the Harbor.
- 19.16.150 Mooring Hazardous Vessels.
- 19.16.155 Hazardous Materials.
- 19.16.170 Precautions in Mooring.
- 19.16.175 Vessels at Berth.
- 19.16.180 Watchmen on Ocean Going Vessels.
- 19.16.185 Mooring of Vessels.
- 19.16.190 Street Ends.
- 19.16.195 Equipment and Use of Docks.
- 19.16.200 Passenger Docks to be Fenced.
- 19.16.205 Respiration Protection Required.
- 19.16.210 Drinking Water and Toilets to be Provided.
- 19.16.215 Making Unnecessary Noise Prohibited.
- 19.16.220 Garbage Not to be Dumped.
- 19.16.225 Handling Loose Materials.
- 19.16.235 Care and Use of Boats.

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- 19.16.240 Safety Measures to be Observed.
- 19.16.245 Vending Prohibited.
- 19.16.250 Floating Dwellings.
- 19.16.253 Canoe Houses and Small Boat Storage.
- 19.16.255 Ballast Logs.
- 19.16.265 Heating Combustible Matter.
- 19.16.270 Lines Not to Cross Channel.
- 19.16.275 Restrictions of Towage.
- 19.16.280 Speed of Vessels.
- 19.16.290 Connections for Potable Water.
- 19.16.295 Pipe Lines to be Installed.
- 19.16.300 Signal Lights.
- 19.16.305 Closing and Lighting Docks and Wharves.
- 19.16.310 Lights and Gangways on Vessels at Wharves.
- 19.16.315 Safety Nets on Vessels.
- 19.16.320 Safeguarding Hawsers or Ropes from Rats.
- 19.16.325 Precautions on Vessels at Night.
- 19.16.330 Conditions of Vessels at Docks or Wharves.
- 19.16.335 Removal of Vessels from Docks or Wharves.
- 19.16.345 Rules Governing Operation of Canoes, Sailboats, and Motorboats.
- 19.16.355 Protection of Water Mains.
- 19.16.360 Derrick Booms near Bridges.
- 19.16.365 Interfering with Dumping Snow.
- 19.16.370 Recovery of Bodies or Evidence from River.
- 19.16.375 Protection of Bridges.
- 19.16.380 Damage to City Property.
- 19.16.385 Dead Ships Moored Permit Required.
- 19.16.400 Boats and Boating.
- 19.16.435 Standard Whistle Signal for Fire in Port.
- 19.16.500 Duckworth Dock Moorage.
- 19.16.515 Exclusions.

### **19.16.005 Navigation Rules.**

Except as otherwise specified vessels shall be subject to United States "Navigation Rules" Commandant Instruction M16672.2 Series Rules available at United States Coast Guard and are hereby made part of this Title.

### **19.16.010 Wharves to be Inspected - Signs Erected.**

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A.** The Harbor Master in coordination with the Director of the Bureau of Development Services shall cause to be inspected, not less than every 5 years, all docks, sheds, warehouses, or other structures within the harbor limits, which shall extend out over water or unfilled land. After the inspection, a safe loading limit, in pounds, shall

be posted at the entrance to the building, and no loading shall be over this limit at any time.

- B.** Whenever the Director of the Bureau of Development Services and/or Harbor Master, as officers of the City, finds that any such structure is becoming dangerous due to decay, rot, faulty design, or any other condition, he/she may limit the load, and the load limit shall be posted at the entrance to the structure; and if found unsafe, he/she may order the structure closed until repaired or removed. The Harbor Master or his/her assistants shall enforce these orders when so notified by the Director of the Bureau of Development Services.
- C.** They do not assume the responsibility for the safe manner and use of any structure, or damages from any loading, except where the structures are owned in whole or in part by the City.

**19.16.015 Unsafe Docks or Waterfront Structures.**

(Amended by Ordinance No. 176955, effective October 9, 2002.) Whenever the Harbor Master, in his/her judgement finds that any dock or waterfront structure has become unsafe or dangerous so as to render the same or any portion thereof unsafe to life or property, he/she shall ask the Director of the Bureau of Development Services to make a survey of the property; if he/she declares the same to be unsafe to life or property, the Harbor Master shall order the same barricaded with proper fencing, and danger signs posted by day and red lights by night, which shall remain intact until necessary repairs thereto as the engineers report are practicable shall be made. If the repairs are not practicable, the Harbor Master shall order the removal of the dock or waterfront structure. If the owner, agent, or lessee of the property shall fail to comply promptly with the order of the Director of the Bureau of Development Services, the Harbor Master shall prohibit the use of the unsafe portion of the dock or waterfront structure for any purpose whatsoever, and shall erect or cause to be erected the necessary barricade, signs, and lights; and if the dock or waterfront structure is to be removed or razed the Director of the Bureau of Development Services shall, with the Harbor Master, remove or have removed any and all of the unsafe portions of the dock or waterfront structure, and all of the expense therefrom shall be paid by and recoverable from the owner, agent, or lessee of any such dock or waterfront structure. Nothing contained herein shall prevent a condemnation as otherwise provided, nor shall the provisions herein contained relieve the owner, agent, or lessee from the duty of periodically inspecting the property and promptly proceeding thereafter to make all repairs that are practicable.

**19.16.020 Decayed Docks Breaking Loose.**

It is unlawful for the owner, agent, or lessee in charge of any dock or waterfront structure to allow the whole or any part thereof to fall into or remain adrift in the waters of the City or to float away from the dock. All fender piling or other portions thereof that shall break loose shall be removed at once by the owner, agent, or lessee of any dock; and upon failure to do so, the same shall be removed by the Harbor Master and the expense thereof shall be paid by and recoverable from the owner, agent, or lessee of the property by the City. In the event that any part of a dock or waterfront structure caves in, collapses, or is damaged

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in any way in excess of \$1,000, the owner, agent, or lessee in charge shall notify the Harbor Master within 72 hours.

**19.16.025 Notification of Arrival of Ocean Going Vessels.**

- A.** The local agent, owner or person in charge of any facility where an ocean-going vessel ties up shall immediately report to the Harbor Master the name and local agent for the vessel.
- B.** It is unlawful for any such person to neglect or refuse to give this report.
- C.** The foregoing shall not apply to any vessel whose movements are limited to the inland waters of the Willamette and Columbia Rivers or any of their tributaries.
- D.** Reports to the Merchant Exchange may be allowed in place of the above requirement by the Harbor Master.

**19.16.035 Vessels Changing Docks.**

Every vessel, unless propelled by its engine, moving from one dock to another or from one place to another when necessary to pass through the draw of any bridge or when moving from a dock or wharf to a dock or wharf within the City shall, in order to prevent the obstruction of travel, have the services of a tug or tugs.

**19.16.040 Notice of Change of Berth of Ocean Going Vessel.**

- A.** The local agent, owner or person in charge of any place where any ocean-going vessel is tied up in the Portland Harbor shall notify the Harbor Master when such vessel leaves the place where it is tied up and shall state the destination to which the vessel is moving.
- B.** The notice shall be given no later than four hours after making the move.
- C.** It is unlawful for any such person to neglect or refuse to give this report.
- D.** Reports to the Merchant Exchange may be allowed in place of the above requirement by the Harbor Master.

**19.16.045 Berthing Ships.**

- A.** No vessel may moor or berth next to City property without the Harbor Master's prior approval.
- B.** The Harbor Master may assign space for mooring and berthing of any vessel next to any City property.

- C. The person or owner in control of any vessel berthed pursuant to this Section shall be liable for all charges and expenses including water charges by the Bureau of Water Works and other special costs incurred or provided in connection with berthing, shall be liable for any other expenses connected with the ship during the period of being berthed at the seawall, and also shall be liable for any damages resulting from the berthing or continuance of mooring of the vessel.

**19.16.055 Permits for Construction Work.**

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. No person shall construct or repair or wreck any old work or drive or remove any piling within the harbor zone within the City of Portland or remove any earth or other material from the river banks or bed shoreward of or adjacent to the harbor line without first securing a permit from the Bureau of Development Services. After the permit has been issued and before such work has been started, the permit holder must notify the Harbor Master. It shall be the duty of the Harbor Master to stop any such work until a permit shall be secured, if so requested by the Director of the Bureau of Development Services.
- B. Nothing in the above Section shall relieve any person, company, or corporation from securing such other permits as may be required by any other agency such as, U.S. Army Corps of Engineers or the Port of Portland, State Marine Board, and Division of State Lands.

**19.16.060 Municipal Boat Landings.**

(Amended by Ordinance Nos. 169986 and 188312, effective April 5, 2017.)

- A. As used in this Section, the following words and terms have the meanings indicated unless the context clearly requires otherwise:
1. **“PP&R”** shall mean the City of Portland, Bureau of Parks and Recreation. Where appropriate, the term “PP&R” also refers to the staff and employees of Portland Parks and Recreation.
  2. **“Facility”** shall mean PP&R floats, piers, mooring buoys, and boat landings.
  3. **“Commercial vessel”** shall mean a vessel which is used, rigged, or licensed for any commercial use or purpose, and shall include watercraft operated within the terms of a concession lease or agreement with PP&R.
  4. **“Length”** shall mean the overall length of a watercraft.
  5. **“Night”** shall mean any period of time between 3 PM and 9 AM.

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6. **“Docking Season”** shall mean the period of time between May 1 and September 30.
  7. **“Director”** refers to the Director of PP&R also known as the Superintendent of Parks.
- B.** The operator of recreational watercraft may use a municipal boat landing for recreational purposes only. It is unlawful to use a municipal boat landing for any purpose other than recreation without prior written permission of the Director of Parks.
  - C.** No person shall moor or berth a watercraft of any type in a PP&R owned or operated park or marine area except in designated marine park areas and at designated facilities.
  - D.** It is unlawful to moor a watercraft at a municipal boat landing for a period exceeding 24 hours or while the parks is closed, without prior written permission of the Director. The Harbor Master may permit a craft to be moored at a municipal boat landing for more than 24 hours only when the craft is inoperable and reasonable additional time is needed to repair it.
  - E.** Use of any PP&R marine facility shall be on a first come, first served basis unless otherwise permitted by PP&R. Reserving or retaining space to moor or berth a watercraft at any facility, by means of a dinghy or any method other than occupying the space by the watercraft to be moored or obtaining a permit through the PP&R Reservation Center, shall not be permitted.
  - F.** Open flames or live coals, or devices containing or using open flames, live coals, or combustible materials, including but not limited to barbecues, hibachis, stoves and heaters, shall not be permitted on PP&R marine facilities.
  - G.** No swimming, diving, or sunbathing is permitted on or within 50 feet of PP&R marine facilities and municipal boat landings.
  - H.** The mooring of any craft in violation of this section may result in eviction from moorage, in addition to any other penalty prescribed by law.
  - I.** The Director is authorized to issue any rules and establish any fees with the Director deems necessary to operate and maintain all municipal Boat Landings and Marine Facilities.
  - J.** Enforcement of the provisions in this Section shall be conducted by either the Director of Parks, the Harbor Master, the Chief of Police, the Multnomah County Sheriff, or their appointed designees. Subject to the provisions of ORS 830.908 to 830.948, any person authorized to enforce the provisions of this Section may order any abandoned or derelict vessel in any Park or at any municipal dock to be towed,

stored and disposed of at the vessel owner's expense. Any person whose vessel is towed under this Section may appeal to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code. The Code Hearings Officer shall uphold the towing order if, upon the Code Hearings Officer's de novo review, the preponderance of the evidence admissible under Title 22 of this Code convinces the Code Hearings Officer that, more likely than not, the vessel in fact was abandoned or derelict, as those terms are defined in ORS 830.908 to 830.948. If the tow is found to be invalid, any charges imposed by the City for towing and storage will be waived, and the City will pay any towing or storage charges owed to a private person or entity. The Code Hearings Officer shall not waive or reduce any towing or storage charges associated with any tow order if the Code Hearings Officer finds the tow order valid, and the vessel owner and/or the person entitled to possession of the vessel will be responsible for all such towing and storage charges.

- K.** Use of docks governed by this Section is also subject to all applicable provisions of law, including, without limitation, the provisions of Chapters 20.08, Parks & Recreation - Permits and 20.12 Parks & Recreation - Prohibited Conduct, of this Code.
- L.** The City of Portland, its officers, and employees are not liable for any personal injury or property damage resulting from maintenance or use of a municipal boat landing.

**19.16.070 Vessels Are Not To Be Blocked.**

No master, owner or person in charge of any vessels, or watercraft shall block or hinder in any way the entrance or exit to any Fire Boat station on either the land or water side.

**19.16.075 Rafts Not to Block Slips or Channels.**

Rafts or barges must not be more than one deep when moored alongside of any vessel while at any berth. No rafts, barges, or other floating objects shall be moored in such a way that the navigation of any vessel or watercraft shall be endangered or hindered. All barges, rafts, or other floating objects while so moored shall have a white light displayed on the offshore side.

**19.16.080 River Obstructions.**

- A.** By certified mail, return receipt requested, the Harbor Master shall notify the owner, agent, or person in charge of any wreck, uncontrolled vessel, obstructing material or structure that is in violation of this chapter. In the Harbor Master's discretion, this notice may be posted on the wreck, vessel, material or structure.
- B.** The notice shall state the time within which the violation is to cease.
- C.** If the violation is not terminated within the time specified, the Harbor Master may remove the wreck, vessel, obstruction or material together with its tackle and cargo.

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- D.** After removal, the Harbor Master shall notify the owner, agent, consignee or person in charge of the wreck, vessel or material of the cost of removing it and specify a date on which the cost shall be paid to the City.
- E.** If the cost of removal is not paid within the time specified, the wreck, vessel or material shall be sold and the proceeds disposed of in accordance with City Code Section 5.36.015.

**19.16.085 Removal of Refuse.**

- A.** No refuse shall remain on the deck of a vessel overnight or after the cargo has been worked. All refuse must be removed daily onto the dock or a barge. Under no circumstances shall combustible materials be allowed to accumulate at any loading terminal, dock or yard.
- B.** All barges or lighters must be with sideboards, bins and covers to prevent the escape of noxious odors.

**19.16.090 Buoys Required on Wrecks.**

- A.** If any vessel, watercraft or barge is wrecked or sinks or loses any part of its cargo in the waters of the port, the owner, agent or person in charge of the vessel, watercraft or barge shall immediately notify the Harbor Master of the nature of the obstruction, the location and the cause of the obstruction.
- B.** The owner, agent or person in charge of the vessel, watercraft or barge shall immediately place a marker or buoy on the obstruction. The marker or buoy shall display two red flags by day and two red lights by night. The flags shall be one above the other, not less than three feet apart. Each flag shall be not less than 18" by 18" in size.
- C.** If an obstruction constitutes a navigational hazard in any way, the owner, agent or person in charge shall notify the United States Coast Guard Captain of the Port and the owner, agent or person in charge shall mark the obstruction as ordered by the Captain of the Port.

**19.16.095 Menace to Navigation.**

- A.** All refuse and debris in the waters of the port are declared to be public nuisances and menaces to navigation.
- B.** It is unlawful for any person to throw or place or permit to be thrown or placed any such refuse or debris in the waters of the port or at a location where the refuse or debris may get into the waters of the port by high water or other means.

- C. Any such menace to navigation is subject to seizure by the Harbor Master without warrant or notice and is subject to summary destruction and abatement if this can be done without a breach of the peace or doing any unnecessary injury to other property.

**19.16.100 Hot Work on Vessels.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) A Hot Work permit shall be obtained before beginning any welding or burning operations in or on any vessel, in or abutting the Portland harbor.

- A. Scope: This regulation applies to all operations involving the use of oxygen/fuel gas mixtures, electric arc welding, or other spark or fire producing operations on marine vessels regardless of the size of the vessel and regardless of whether or not the vessel is at anchor, moored, in drydock, or ashore.
- B. General Definition for this Section: For the purpose of this regulation the following words have the meanings set forth below:
  - 1. **Adjacent Spaces** - Those spaces in all directions from the subject space, including all points of contact, corners, diagonals, decks, tank tops, and bulkheads.
  - 2. **Bureau** - The City's Portland Fire & Rescue.
  - 3. **Competent Person** - The holder of a valid Certificate issued by the National Fire Protection Association, or other recognized source attesting that the holder has successfully completed a course of training as a Competent Person and has been officially registered with the U.S. Department of Labor (OSHA) as a designated Competent Person by their respective employer.
  - 4. **Confined Space** - A compartment of small size and limited access such as a double bottom tank, cofferdam, or other such similar type space which by its small size and confined nature can readily create or aggravate a hazardous exposure.
  - 5. **Fire Watch** - A person designated by the supervisor of the welding operation to watch for signs of fire. Such persons shall be familiar with Fire Department Permit Conditions, the area where the hot work is to take place, and procedures for sounding an alarm in the event of fire. In addition, this person shall be trained in the proper use of the extinguishing equipment provided and instructed in the specific hazards anticipated.
  - 6. **Designated Piers** - Those piers or berths designated by the Portland Harbor Master and by virtue of their construction, location, fire protection and fire

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hydrant availability, are suitable to permit certain repairs to vessels alongside.

7. **Enclosed Space** - Any space other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.
8. **Gangway** - A ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks, and brows. A gangway shall have a walking surface not less than 20 inches wide, be of adequate strength, maintained in good repair, and safely secured. Each side of such gangway, and turntable if used, shall have a railing with a minimum height of 33 inches, with a mid rail. Rails, if constructed with rope or chain, shall be kept taut at all times.
9. **Hazardous Materials** - Any material which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant or otherwise harmful is like to cause injury.
10. **Hot Work** - Per NFPA 306, paragraph 1-05; any construction alteration, repair, or shipbreaking operation involving riveting operation welding, burning, or similar fire-producing operations. Grinding, drilling, abrasive blasting, or similar spark producing operations shall be considered hot work unless deemed otherwise by a Certified Marine Chemist.
11. **Marine Chemist** - The holder of a valid Certificate issued by the National Fire Protection Association in accordance with the "Rules for the Certification of Marine Chemist."
12. **Powder Actuated Fastening Tool** - A tool or machine which drives a stud, pin, bolt or any type of fastener by means of an explosive charge.
13. **Ship Repair** - The repair of any vessel including, but not limited to, alterations, modifications, conversions, installations, cleaning, painting, and maintenance work, and for the purposes of this code includes shipbuilding and shipbreaking.
14. **Shipyard** - An operating facility, engaged in ship repair, doing business in the City of Portland or adjacent Columbia/Willamette River Port facilities, meeting the requirements of the Building and Fire Codes.
15. **Vessel** - Every description of watercraft or other artificial contrivance used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

- C.** Hot Work Permits: Hot Works Permits for Hot Work on Marine Vessels shall be divided into three categories.
- 1.** Level I - Those permits for hot work operations which are minor in nature. (See below for further definitions.)
  - 2.** Level II - Those permits for hot work operations which are moderate in nature. (See below for further definition.)
  - 3.** Level III - Those permits which involve major hot work operations. (See below for further definition.)
- D.** Level I Hot Work:
- 1.** Definition: Level I hot work is work which involves repairs or modifications which by nature do not involve any cutting or welding on or near hazardous areas of the vessels.
  - 2.** Level I hot work must:
    - a.** Not involve work on hazardous areas or compartments of the vessel. Such hazardous areas include, but are not limited to: Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping). Compartments which are insulated with combustible or flammable insulation, including insulation which has a fire resistive barrier installed over the surface: Engine rooms, fire rooms and boiler rooms, auxiliary machinery rooms. Cargo or storage areas which contain or have contained hazardous materials (including flammable liquids and gases or combustible liquids). Work on surfaces directly adjacent to those compartments listed above (i.e.: Those opposite sides of an insulated space which might expose the insulation to heat).
  - 3.** Violation of Condition:
    - a.** No welding or cutting shall be done on a dock or ship within the City's harbor without first obtaining a hot work permit authorized by Portland Fire & Rescue.
    - b.** If welding or cutting is done on a dock or ship within the City's harbor without first obtaining the permit or permits required by this Chapter, the welding or cutting shall cease immediately and not begin again until the Fire Marshal or Harbor Master has inspected the worksite, the inspection fee has been paid and the Fire Marshal or Harbor Master has issued a permit for welding or cutting. The

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person(s) must also obtain any Coast Guard or other required permits for the hot work, prior to the commencement of such work.

4. Examples of Level I hot work include work on:
  - a. Standing rigging
  - b. Replacement of cleats and pad eyes
  - c. Work involving deck machinery
  - d. Similar repairs or modifications
5. Requirements:
  - a. Permits Required:
    - (1) A U.S. Coast Guard Hot Work Permit.
    - (2) A “Hot Work Permit for Vessels,” authorized by Portland Fire & Rescue shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.
  - b. Violation of Conditions:
    - (1) Violation of any of the following permit conditions shall be cause for immediate revocation of the “Hot Work Permit For Vessels.” Permits which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit. In the event that a fire occurs as a result of violation of these permit conditions, the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder shall pay such costs.
  - c. Authorized Locations: Level I hot work may be performed at the vessel’s normal berth. Exception: Level I hot work shall not be performed at fuel terminals, passenger terminals, grain terminals, or terminals or piers at which the use is primarily residential or recreational in nature, unless authorized by the U.S. Coast Guard, Harbor Master, and a NFPA certified Marine Chemist.
  - d. Vessel’s Fire Protection Systems: During hot work operations all of the vessel’s fire protection systems shall remain in service.

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- e. Gangways Required: At least one gangway shall be provided for access to the vessel.
  
- f. Prohibited Activity: The following activities are prohibited during hot work operations, unless specifically approved by a Marine Chemist.
  - (1) All hot work operations shall be discontinued during discharge, loading, or transfer of fuel oils or other flammable or combustible substance.
  
  - (2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the lower explosive limit for the particular material being applied as determined by a Marine Chemist. Monitoring of such areas shall be carried out by a Competent Person.
  
- g. Inspection Required:
  - (1) Prior to the commencement of hot work operations, an inspection shall be made of the area in which the work is to occur to assure that:
    - (a) The work to be performed does not involve an area of the vessel prohibited for Level I hot work.
  
    - (b) Prohibited activity is not taking place elsewhere on the vessel.
  
    - (c) The area is safe for the hot work to take place. Such inspection shall be made by the Competent Person and the person in charge of the repairs or modifications. Such inspections shall include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.
  
- h. Fire Watches:
  - (1) Whenever hot work operations are taking place, a responsible individual shall be appointed as fire watch and shall be on duty continuously during such operations.
  
  - (2) Such persons shall have no other duties other than to watch for fire. Fire watches shall be equipped with, or have immediate access to emergency fire protection equipment

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(charged fire extinguishers and/or fire hoses). Fire watches shall remain on duty for not less than 30 minutes after hot work operations are completed.

- (3) Persons performing hot work may not serve as their own fire watch.
- (4) Persons appointed as fire watch may be a member of the vessel's crew or other person designated by the individual in charge of the work.
- (5) As determined by a responsible, trained supervisor, the number and location of fire watch personnel shall be based on all existing conditions and potential fire hazards.
- (6) Fire watches are to be readily identifiable.
- (7) Fire Watches shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.

**i. Fire Extinguishing Devices Required:**

- (1) Portable fire extinguisher of sufficient size and number, as identified on Hot Work Permit, shall be kept in readiness at the location where the hot work is being done. Extinguishers may be 4A, 60BC, Dry Chemical; 1A 10/12 BC CO<sub>2</sub> or, 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting may not be used for this purpose.
- (2) A fire hose of not less than 1-1/2 inch diameter, with nozzle attached, shall be laid out and suitably charged in the vicinity of hot work operations. Such hose shall be of sufficient length to reach the compartment or space being worked on or protected.

**j. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor shall be installed prior to performing any work below deck or inside a confined or enclosed space.**

**k. Other precautions Against Fire:**

- (1)** Flammable or combustible liquids may not be stored within 50 feet of hot work operations.
- (2)** Combustible materials shall not be located within 25 feet of hot work operations. (Including the opposite side of surfaces on which welding or cutting is being performed.)
- (3)** Hot work shall not be done in or near compartments or spaces where flammable liquids or vapors, lints, or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.

**E. Level II Hot Work**

- 1.** Definition: Level II hot work includes that work which is moderate in nature or any hot work on or near areas of the vessel which are hazardous in nature.
- 2.** Such hazardous areas include:
  - a.** Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping.
  - b.** Compartments which are insulated with combustible or flammable insulation.
  - c.** Engine rooms, fire rooms, boiler rooms, and auxiliary machinery rooms.
  - d.** Cargo or storage areas which contain or have contained hazardous materials (including flammable liquids and gases or combustible liquids).
  - e.** Work on surfaces directly adjacent to those compartments listed above (i.e., the opposite side of an insulated space, which might expose the insulation to heat). Level II hot work must be completed within 30 calendar days.
- 3.** Examples of Level II hot work include:
  - a.** Removal or replacement of major components of the vessel's propulsion system.
  - b.** Removal or replacement of major components or sections of any shipboard piping systems.

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- c. Replacement of deck houses or other major structural components.
  - d. Replacement of hull or deck plating.
  - e. Work is less than 30 days in duration.
4. Requirements:
- a. Permits Required:
    - (1) A U.S. Coast Guard Hot Work Permit.
    - (2) A “Hot Work Permit for Vessels,” authorized by the Harbor Master shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.
  - b. Violation of Conditions:
    - (1) Violation of any of the following permit conditions shall be cause for immediate revocation of the “Hot Work Permit For Vessels.” Permits which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit.
    - (2) In the event that a fire occurs as result of a violation of these permit conditions, the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder shall pay such costs.
  - c. Authorized Locations:
    - (1) Level II hot work may only be performed at designated Port facility piers or at shipyards.
    - (2) Crane service must be immediately available whenever work is being performed. Such cranes must be capable of lifting not less than 10,000 pounds with a boom of sufficient length to reach the middle of the ship on the largest vessel at the pier.
  - d. Vessel’s Fire Protection System: During hot work operations all of the vessel’s fire protection systems shall remain in service.
  - e. Gangways Required: Two gangways shall be provided for access to the vessel, unless physical limitations dictate otherwise.

- f.** Prohibited Activity: Unless approved by a Certified Marine Chemist, the following activities are prohibited during hot work operations:
- (1)** All hot work operations shall be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.
  - (2)** Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere of less than 10 percent of the lower explosive limit for the particular material being applied as determined by a Marine Chemist. Monitoring of such areas shall be carried out by a Competent Person.
- g.** Shipyard Personnel Required: Depending on the exact nature of the work, Level II hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both prior to commencement. Full-time safety persons shall meet the requirements for Competent Persons.
- h.** Marine Chemist Certificate Required:
- (1)** No person shall engage in hot work or the use of powder actuated fastening tools in or on the spaces listed below until a certificate setting forth that such work can be done safely is issued. Such certificates shall be valid only if they are issued by a Marine Chemist certified by the National Fire Protection Association (NFPA).
  - (2)** A Marine Chemist Certificate shall be required prior to Hot Work operations on any vessel:
    - (a)** Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.
    - (b)** Within or on the boundaries of fuel tanks.
    - (c)** On pipe lines, heating coils, pumps, fittings or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.



- (iii) Such inspection shall be made by the Competent Person or Certified Marine Chemist. Such inspection shall include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.
  
- j. Fire Watches: Whenever hot work operations are taking place, a responsible individual shall be appointed as fire watch and shall be on duty continuously during hot work operations.
  - (1) Such persons shall have no other duties other than to watch for fire.
  - (2) Fire watches shall be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).
  - (3) Fire watches shall remain on duty for not less than 30 minutes after hot work operations are completed or breaks taken.
  - (4) Persons engaged in Hot Work operations may not serve as their own fire watch.
  - (5) Persons appointed as fire watch may be a member of the vessel's crew or other person designated by the individual in charge of the work.
  - (6) As determined by a responsible, trained supervisor, the number and location of fire watch personnel shall be based on all existing conditions and potential fire hazards.
  - (7) Fire watches are to be readily identifiable.
  - (8) If during any Hot Work operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch shall be maintained on all sides of the bulkhead or deck.
  - (9) Fire Watches shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.
  
- k. Fire Extinguishing Devices Required:

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- (1) Portable fire extinguishers of sufficient size and number as identified on the Hot Works Permit shall be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC Dry Chemical; 1A 10/12 BC CO<sub>2</sub>, or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.
- (2) Fire hose(s) of not less than 1-1/2 inch in diameter, with nozzle attached, shall be stretched out and suitably charged prior to the commencement of Hot Work operations. One such hose shall be stretched to the area where the Hot Work is to occur. Hose(s) shall be tested prior to commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed or breaks taken.
- (3) In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the Company Safety Manager, or the Harbor Master or his designated representative.
- (4) Designated emergency "Red Head" fire boxes shall be supplied and available. Each fire box shall be equipped with two (2) 100' lengths of 1-1/2" fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (Red Head) fire boxes shall be suitably charged and positioned at intervals to maximize adequate fire protection including use of the vessel's charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on shall be readily available immediately adjacent to the Red Head boxes. Red Head fire boxes shall be used for emergency use only.
- (5) In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches shall be equipped with CO<sub>2</sub>, other acceptable portable extinguisher(s). Fire hose(s) strung out shall remain dry, but in a state of readiness in the event portable extinguishers are not effective.

- l.** Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor shall be installed prior to performing any work below deck or inside a confined space.
  
  - m.** Removal of Materials:
    - (1)** Unless approved by a Certified Marine Chemist, the following materials must be removed from the vessel or decks if hot work operations are to be performed at any location aboard the vessel during the repair process:
      - (a)** Refrigerant gases (including gases within the system).
      - (b)** Compressed gas cylinders except those needed for hot work.
      - (c)** Drums of flammable and combustible liquids.
      - (d)** Explosives.
  
  - n.** Other Precautions Against Fire:
    - (1)** Unless approved by a Certified Marine Chemist, solid combustible materials shall not be located within 25 feet of hot work operations (including the opposite of surfaces on which welding or cutting is being performed).
    - (2)** Hot Work shall not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.
    - (3)** Where floor (deck) openings or cracks cannot be closed, precautions shall be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions shall be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.)
- F.** Level III Hot Work:
- 1.** Definition: Level III hot work is that work which is major in nature or work which is moderate in nature and which will require more than 30 days to

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complete or work which will place the vessel's fire protection systems out of service.

### 2. Requirements:

#### a. Permits Required:

- (1) A U.S. Coast Guard Hot Work Permit.
- (2) A "Hot Work Permit for Vessels," authorized by the Harbor Master shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.

#### b. Violation of Conditions:

- (1) Violation of any of the following permit conditions shall be cause for immediate revocation of the "Hot Work Permit for Vessels." Permits which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit.
- (2) In the event that a fire occurs as result of a violation of these permit conditions the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder shall pay such costs.

#### c. Authorized Locations: Level III repairs may only be performed in a shipyard.

#### d. Vessel's Fire Protection System: Whenever hot work operations are to occur, the vessel's fire protection systems shall remain in service or other steps shall be taken to provide a level of fire protection equivalent to the protection provided by the vessel's system. Before beginning the work, the ship's superintendent or designated person shall obtain the Harbor Master's approval of alternate measures.

#### e. Gangways Required: Not less than two gangways shall be provided for access to the vessel.

#### f. Prohibited Activity: Unless approved by a Certified Marine Chemist, the following activities are prohibited during hot work operations:

- (1) All hot work operations shall be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.

- (2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the explosive limit for the particular material being applied as determined by a marine chemist. Monitoring of such areas shall be carried out by a Competent Person.
- g.** Special Personnel Required: Level III hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both prior to commencement. Full-time safety persons shall meet the requirements for Competent Person.
- h.** Marine Chemist Certificate Required:

  - (1) No person shall engage in hot work or the use of powder actuated fastening tools in or on the following spaces, boundaries, or pipe lines until a certificate is issued setting forth that such work can be done safely. Such certificates shall be valid only if they are issued by a Marine Chemist certified by the National Fire Protection Association (NFPA).
  - (2) A Marine Chemist Certificate shall be required prior to Hot Work operations on any vessel:

    - (a) Within or on the boundaries of cargo tanks which have been used to carry combustibles or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.
    - (b) Within or on the boundaries of fuel tanks.
    - (c) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.
    - (d) Within the boundaries of engine rooms, fire rooms and boiler rooms.
    - (e) Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.

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- (3)** Marine Chemist Certificates shall be issued in strict accordance with the requirements of NFPA 306, "Control of Gas Hazards on Vessels."

**i.** Inspection Required:

- (1)** Prior to the commencement of hot work operations, an inspection shall be made of the area in which the work is to occur to assure that:
  - (a)** Prohibited activity is not taking place elsewhere on the vessel.
  - (b)** The area is safe for the hot work to take place and Hot Work Permit conditions are being complied with.
- (2)** Regular inspections shall be made by a Competent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.
- (3)** The types and amounts of fuel oils and other flammable or combustible liquids in all cargo, bunker, deep, settler and double bottom tanks shall be determined. Such determination shall include associated piping systems. Such information shall be readily available to Portland Fire & Rescue in the event of a fire or inspection by the Harbor Master.
- (4)** Such inspection shall be made by the Competent Person or a Certified Marine Chemist.
- (5)** Such inspections shall include the opposite sides of bulkheads and decks on which welding or cutting operations are to be performed.

**j.** Fire Watches:

- (1)** Whenever Hot Work operations are taking place, a responsible individual shall be appointed as fire watch and shall be on duty continuously during hot work operations.
- (2)** Such persons shall have no other duties other than to watch for fire.

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- (3) Fire watches shall be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).
- (4) Fire watches shall remain on duty for not less than 30 minutes after hot work operations are completed or breaks or lunch taken.
- (5) Persons engaged in Hot Work operations may not serve as their own fire watch.
- (6) Persons appointed as fire watch may be a member of the vessel's crew or other persons designated by the individual in charge of the work.
- (7) As determined by a responsible, trained supervisor, the number and location of fire watch personnel shall be based on all existing conditions and potential fire hazards.
- (8) If during any Hot Work operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch shall be maintained on all sides of the bulkhead or deck exposed to heat.
- (9) All Fire Watches shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if Fire Watch is in a remote or confined area or tank.

**k. Fire Extinguishing Devices Required:**

- (1) Portable fire extinguishers of sufficient size and number as identified on the Hot Work Permit shall be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC dry chemical; 1A 10/12 BC CO<sub>2</sub> or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.
- (2) Hose(s) shall be tested prior to commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed or lunch or breaks taken.

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- (3)** In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the Company Safety Manager, or the Harbor Master or his designated representative.
  - (4)** Designated emergency “Red Head” fire boxes shall be supplied and available. Each fire box shall be equipped with two (2) 100’ lengths of 1-1/2” fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (Red Head) fire boxes shall be suitably charged and positioned at intervals to maximize adequate fire protection including use of the vessel’s charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on shall be readily available immediately adjacent to the Red Head boxes. Red Head fire boxes shall be used for emergency use only.
  - (5)** In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches shall be equipped with CO2, or other acceptable portable extinguisher(s). Fire hose(s) strung out shall remain dry, but in a state of readiness in the event portable extinguishers are not effective.
- l.** Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor shall be installed prior to performing any work below deck or inside an enclosed space.
- m.** Removal of Materials:
- (1)** Unless approved by a Certified Marine Chemist, the following materials must be removed from the vessel and/or dock if hot work operations are to be performed at any location aboard the vessel during the repair process:

    - (a)** Refrigerant gases (including gases within the system).
    - (b)** Compressed gas cylinders except those needed for hot work.
    - (c)** Drums of flammable and combustible liquids.

(d) Explosives and pyrotechnics.

n. Other Precautions Against Fire:

- (1) Unless approved by a Certified Marine Chemist, combustible materials shall not be located within 25 feet of hot work operations, including all sides of surfaces on which welding or cutting is performed.
- (2) Hot work shall not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.
- (3) Where floor (deck) openings or cracks cannot be closed, precautions shall be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions shall be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.).

**19.16.105 Length of Tows.**

No towboat shall tow any raft or boom of logs or piling which shall exceed 1,500 feet in length from bow of towboat to stern of tow. No such tow shall exceed 120 feet in width. When freshet stage of water in the Willamette River exceeds 10 feet, no tow shall exceed 60 feet in width. The Harbor Master may allow larger tows than hereby specified if it is necessary and cannot be made smaller, but a patrol boat or some other craft must accompany the tow.

**19.16.110 Property Found or Salvaged within the Port.**

- A. All articles found floating in the Columbia or Willamette River within Oregon jurisdiction or on any of their sloughs within the Harbor Master's jurisdiction shall be reported in writing to the Harbor Master within 72 hours after the article is found. The Harbor Master shall investigate the report, and, if possible, notify the owner, in writing, that the article has been found and request the owner to submit proof of his/her claim to the article.
- B. If no claim is made to the article within 90 days after notice to the owner, the Harbor Master shall destroy the article, if it has an estimated value of less than \$100, or is a menace to life or property. If the article has an estimated value of \$100 or more, and is not a menace to life or property, the Harbor Master shall sell the article by bid or public auction, after giving notice of the finding and sale once each week for

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two consecutive weeks in the Daily Journal of Commerce. The notice shall state the general description of the article found and the date, time, and place of sale.

- C.** If no person appears and establishes ownership of the article prior to the sale, the City shall be owner of the proceeds of the sale.
- D.** Upon the sale, in accordance with this section, the interest in the article of the owner and any other person or corporation shall terminate.

### **19.16.115 Permits for Aquatic Events.**

Any person, firm, corporation, or organization intending to sponsor or otherwise conduct an aquatic event shall make application for a permit therefor to the United States Coast Guard, not less than 30 days prior to the opening of the aquatic event. A copy of any approved permit shall be given to the Harbor Master. He/she may add any other conditions as he/she may deem appropriate.

### **19.16.120 Dead Animals and Refuse.**

It is unlawful to throw, place, or leave any dead animal or putrefying matter into or on any part of the harbor or to place or deposit any rubbish, refuse matter, or article of any offensive character likely to create a nuisance upon any wharf, of any wharf road, or street leading to a wharf, except at the places and in the manner determined by the Office of the Harbor Master.

### **19.16.130 Check To Be Kept of Employees Handling Bulk or Dangerous Cargo.**

Whenever any bulk or dangerous cargo is being worked in the hold of any vessel or other floating craft, the foreman or person in charge of any such work shall keep an accurate check or count of all persons at all times while so engaged or employed, and a count must be made of all persons entering and leaving the holds of any vessel or watercraft while such cargo is being worked.

### **19.16.135 Flammable and/or Combustible Liquid Storage on Docks.**

- A.** Storage of flammable or combustible liquids in excess of Uniform Fire Code exempt amounts shall not be permitted on docks, without prior approval of the Harbor Master.
- B.** Storage of flammable and/or combustible liquids on docks in quantities requiring placarding by DOT shall be stored by designated areas.

Exception: Locations approved by the Harbor Master, prior to storage.

- C.** Exempt amounts of flammable or combustible liquids may be stored on docks if stored in approved safety cans, flammable liquid cabinets, or in unopened Department of Transportation (DOT) containers.

- D.** Flammable liquids or gases and combustible liquids shall not be dispensed in the hold of ships. Exchanging of fuel cylinders or tanks for equipment shall not be permitted in the holds of ships. When fueling of lift trucks or other equipment used in the holds of ships becomes necessary, the lift truck or equipment shall be lifted out of the ship to the dock and fueling shall be done on the dock. The fueling area on the dock shall be approved prior to fueling, by the Harbor Master. Any additional fire safety equipment deemed necessary by the Harbor Master shall be in place before any fueling or refueling is started. After fueling or refueling and before the lift truck or equipment is lifted back into the ship, the equipment shall be started and checked for leaks in the fuel system. The equipment shall then be shut down, lifted back into the hold of the ship and then restarted and work resumed. Except for emergency fueling of cars of 5 gallons or less.
- E.** The transfer of flammable liquids in moorages for water craft is prohibited except at duly authorized fuel docks.

**19.16.140 Oil Vessel Transfer Equipment.**

When transferring oil or other hazardous materials cargoes, all vessels, transfer facilities, barges and other watercraft shall do so in complete compliance with procedures set forth in approved Codes of Federal Regulations.

**19.16.145 Oil on Waters of the Harbor.**

- A.** No person shall pump, cast, discharge, or allow any petroleum or other oil of whatever nature to flow into or upon any tributary, sewer, drain, ditch, or waters which flow into any navigable water within and abutting the corporate limits of the City of Portland or water which flows into the river.
- B.** No vessel or watercraft of any nature whatsoever shall pump her bilges containing any oil matter into the waters of the harbor, but they must pump the same into barges or lighters equipped for handling such oil cargo, or with a siphon discharge, and any such pumping shall be a violation of this Chapter if any oil matter shall get into the waters of the harbor. Notice shall be given to the Harbor Master by the owners, agent, or employees of the lighters or barges prior to the pumping or siphoning, and immediately upon completion of the operations.
- C.** No industrial plant garage, service station, oil station, or other oil using plant shall have any direct lead from any oily drain into any sewer, drain, ditch, or other discharge without first running through a sump; and the sump shall be kept skimmed at all times and in case any sump overflows the responsible party shall be held the guilty person.
- D.** Whenever any vessel or other watercraft is drydocked, beached, or hauled out on any ship way, and oil of any kind is leaking, all due precautions must be taken to keep such oil from flowing out into the waters of the harbor; and oils must be

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skimmed into barrels or other containers or absorbed by quantities of hay, straw, dry shavings, or other approved buoyant absorbent. No chemical cleaner can be used for oil on the water. Oil must be removed to some place other than where it may again enter the waters of the harbor.

- E. Any person, contractor, firm, or corporation who shall allow any petroleum product or other oil substance to get into such waters in any way must take immediate means to recover as much of the oil substance as possible by absorbing same into hay, straw, dry shavings, or approved buoyant absorbent which can be removed from the water and disposed of. Sinking same with sand, gravel, or chemical compounds will not be allowed and the use of same will subject the party doing so to arrest.

### **19.16.150 Mooring Hazardous Vessels.**

No vessel or watercraft classed as an oil carrier or tanker, or constructed to carry a part cargo of oil, or carrying explosives or other dangerous or flammable cargo shall be made fast in any manner that cannot easily be cast off or cut without unnecessary delay, and there shall be sufficient water under the keel of any such vessel to float it at all times.

### **19.16.155 Hazardous Materials.**

- A. No vessel or watercraft may transport, load, unload, or use on board any hazardous material as cargo within the jurisdiction of the Harbor Master, except in accordance with the regulations of the U.S. Department of Transportation (DOT) and U.S. Coast Guard.
- B. No hazardous materials shall be received, handled, or stored at any dock or other facility within the Harbor Master's jurisdiction not previously approved by the Harbor Master, and the U.S. Coast Guard. All hazardous materials at these facilities shall be handled, stored, loaded, and unloaded in compliance with requirements of the Portland Fire Code, National Fire Protection Association, and the U.S. Coast Guard.
- C. All hazardous materials shall be properly packaged, marked, labeled, and containers placarded in accordance with DOT specifications, or International Maritime Dangerous Goods Code specifications as permitted by the DOT.
- D. The Harbor Master may limit the scope of activity, and/or specify fire safety provisions, in addition to this Code, should he/she deem such conditions are necessary to provide reasonable public safety in the handling or storage of hazardous materials.
- E. Permission from the Harbor Master to handle the following hazardous materials must be requested at least one week prior to the cargo arriving into the harbor. (These are identified by the DOT classification.)
  - 1. Explosives 1.1, 1.2, 1.3, 1.4.

2. Blasting agents 1.5.
  3. Poison gases 2.3
  4. Poison liquids with inhalation hazards 6.1
  5. Cryogenics 2.1, 2.2
  6. Pyrophoric 4.2
  7. Dangerous when wet 4.3
  8. Ammonium nitrate and ammonium nitrate mixtures 5.1
  9. Oxidizers 5.1 and organic peroxides 5.2
  10. Etiological materials 6.2
  11. Radioactive 7.
  12. Flammable solids 5.2
- F. The Harbor Master must be notified at least 72 hours prior to arrival into the harbor of any other hazardous materials, except for the following:
1. Motor vehicles.
  2. Hay/straw.
  3. New wet batteries.
  4. ORM/D (consumer commodities).

**19.16.170 Precautions in Mooring.**

All vessels when making fast to any dock or sea wall shall do so in a safe way with suitable lines and fastenings to be furnished by the vessel. Whenever any vessel, by reason of the manner in which the same is made fast to any dock or sea wall, shall be unsafe or dangerous or a menace to itself or to any other adjoining dock, it shall be the duty of the master of such vessel or other person in charge to make such change as may be necessary to correct such condition; and if the master or other person shall fail in such duty, the change shall be made by the Harbor Master and all expenses thereby incurred shall be paid by and recoverable from such vessel or the master thereof to the City.

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**19.16.175 Vessels at Berth.**

Except when fastened parallel to the channel, any vessel lying at berth allowing a portion to extend beyond the line of the dock, does so at its own risk and may be held responsible for any damage that may result by reason of the projection into the stream.

**19.16.180 Watchmen on Ocean Going Vessels.**

It is unlawful for the owner, agent or master of any ocean going vessel to allow the same to remain anchored or moored or made fast to or lie at any pier, unless there is adequate security provided, as approved by the Harbor Master.

**19.16.185 Mooring of Vessels.**

**A.** It is unlawful for any person or corporation to moor, tie up, secure or anchor more than two abreast any vessels or watercraft more than 35 feet in breadth along any dock or shoreline running parallel to the Willamette River, without first securing written permission from the Harbor Master.

**B.** It is unlawful for any person or corporation to moor tie-up or anchor any vessel or watercraft, except at an approved moorage or site approved by the Harbor Master. This section is not meant to regulate normal recreational or commercial water craft or vessels for short periods of time, of less than 30 days duration. The Harbor Master may extend this time, as necessary, for unusual circumstances, at his/her discretion.

**19.16.190 Street Ends.**

**A.** No goods, lumber, logs, boats, vehicles, or other articles shall be placed, piled, moored, tied, dumped, deposited, or allowed to remain on, or to obstruct any street end in any manner; and all such articles shall be removed at once when so ordered by any member of the police or fire department.

**B.** No sign shall be placed across or on any street end without written permission of the Harbor Master. No shack or other small building shall be allowed along the harbor unless of standard construction and unless a permit shall have been secured from the Harbor Master. The area from the property line to the curb line shall be kept clear for pedestrian traffic at all times unless closed by the City Council. No combustible building or other fire hazard shall be allowed under bridge approaches.

**19.16.195 Equipment and Use of Docks.**

**A.** All docks where seagoing vessels are to be secured must be equipped with proper cleats, kevels, bollards, mooring posts, or similar devices for the ready and safe securing of such vessels as may be moored alongside; and all such fastenings must be kept clear at all times. No cargo or goods or articles of any kind shall be unloaded, loaded, or piled near such fastenings which might preclude quick access to them and no fastenings shall be made to any other part of any structure at any

time which may endanger such structure in any way. All dock openings must have fences or barricades when not in use.

- B.** It is unlawful for any ocean going vessel, while made fast to any dock or wharf within the confined limits of the City to turn its propeller over in excess of 15 turns per minute (approximately one quarter full speed) without first having obtained permission from the Office of the Harbor Master and owner of the dock or wharf.

**19.16.200 Passenger Docks To be Fenced.**

No passenger carrying vessel shall be allowed to load or discharge any passengers at any dock within the City unless the proper gangways, manropes, and life nets are in place and an adequate fence or rope rail is in place at the edge of the dock. Exception: Life nets may be removed at the Harbor Master's discretion.

**19.16.205 Respiration Protection Required.**

Any stevedoring company or any person engaged in working sulfur or any cargo of poisonous compounds or other commodity whereby any person working in or around such cargo may be overcome by dust or fumes or gases from such cargo, shall have at hand for immediate use suitable respiration protection equipment approved by NIOSH.

**19.16.210 Drinking Water and Toilets To Be Provided.**

- A.** All docks or other places where vessels are moored and cargo is worked or repairs are made shall have at least one toilet and at least one drinking fountain for the accommodation of all employees and other persons having business at such dock or other place.
- B.** If any vessel shall be working any persons or gangs at any dock or other location within the port for any purpose whatsoever, and if there are not proper toilet facilities available, or if the facilities become out of order for any cause, said vessel shall have at least one toilet on board that shall be conveniently accessible and available at all times for the use of the persons so engaged in the ship's operations. All toilets shall be kept clean sanitary, and in good working order.

**19.16.215 Making Unnecessary Noise Prohibited.**

It is unlawful for the master or any person in charge of any vessel of any kind lying at any dock or while navigating in the harbor, to cause any whistle, siren, foghorn, bell, or any other kind of sound producing apparatus to be blown or sounded for any purpose other than required by law or by the U.S. Coast Guard "Rules of the Road: International - Inland" Commandant Instruction M16672.2 series. These rules are hereby made a part of this Title. Copies are available at Group Portland, United States Coast Guard. No such apparatus shall be tested or adjusted within the port without written permission of the Harbor Master. However, boilers and tanks may be blown out through an underwater exhaust between the hours of 7 a.m. and 10 p.m. of any day. This section shall not prevent the routine testing of any sound producing apparatus in connection with actual getting under way.

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**19.16.220 Garbage Not To Be Dumped.**

- A. No vessel or other watercraft shall dump garbage, dunnage, refuse, straw, or other packing material into the waters or upon the banks of any stream, tributary, or waters within or abutting the corporate limits of the City of Portland, but they shall keep them on board until after leaving the harbor or dispose of same on shore through an approved garbage disposal service.
- B. If at any time any communicable disease peculiar to animals is found to exist in any country or state from which cargo was received, no waste material in any manner whatsoever shall be discharged.
- C. All garbage while onboard ship shall be stored in covered leak-proof containers. Any garbage discharged while in port must be to an approved facility.

**19.16.225 Handling Loose Materials.**

- A. It is unlawful for any person, firm, or corporation to throw, dump, deposit, unload, load, wash, flush, or by any other means allow any coal, clean water ballast, ashes, sand, gravel, rock, sawdust, ground fuel, dirt, earth, dust, chaff, vegetable, animal, or fish parts, slabs, planks, timbers, dunnage, paper, metal, or loose products, or dredgings of any kind, or any other unauthorized material into or upon the banks of any stream, tributary, or waters within or abutting the corporate limits of the City of Portland, by high water or other means.
- B. When such materials are being handled from ship, barge, or other floating object to shore, or from one floating object to another, a sufficient tarpaulin, plate, platform, or other kind of jumper shall be placed, stretched, or spread so as to prevent effectually any such material from falling into the waters of the port, except where the loose materials are being handled by a pipe, hose, tube, tight bucket, or other object, so that no part thereof is allowed to get into the waters of the port.
- C. No plant along the banks of the navigable waters within or abutting the corporate limits of the City of Portland shall allow any washing, screenings, or plant refuse of any kind whatsoever to get into the river if any such material will prove obnoxious or tend to fill in or obstruct the free flow of the river.
- D. All concerns engaged in the removal of refuse of any kind on the river shall have suitable barges or boats with fixed bins, barricades, or fences so that no part of any such refuse shall fall overboard while handling or mooring same. In the event any such material gets into the waters of the port, the materials must be removed at once.

**19.16.235 Care and Use of Boats.**

It is unlawful for any person to operate any vessel in the harbor in such a manner as to jeopardize the same or to endanger life or property. When any power craft of less than 15

tons net burden is proceeding in such a manner that it is endangering any canoe, rowboat, skiff, or other watercraft, it shall be the duty of the person in charge of such power craft to reduce the speed, stop, or reverse as the case may be, to remove the danger to such watercraft or to refrain from willfully frightening the occupants thereof.

**19.16.240 Safety Measures To Be Observed.**

All contractors doing any construction work along the waterfront shall take all necessary precautions for the safety of their workers.

**19.16.245 Vending Prohibited.**

It is unlawful for any vendors of any kind to go upon any ship or dock face while a ship is working cargo or while the winches or any of the gear is being operated for any purpose. No vending of any kind shall be allowed at any dock where the owners thereof shall have posted suitable signs prohibiting such vending.

**19.16.250 Floating Dwellings.**

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. It is unlawful for Any person to place or maintain any houseboat, scow, dwelling, housescow, boathouse, or any other kind of a floating dwelling on the river except at such places as shall be designated by the Harbor Master as proper moorages.
- B. All such dwellings shall be connected with running water from the City's mains and shall have at least one toilet of the flush type on board, and if the dwelling shall go on ground, a proper closed drain shall be established to running water.
- C. No such dwelling shall be maintained at any location without permission first having been obtained from the property owner.
- D. All persons so occupying any floating dwelling shall have written permission from the Harbor Master and the permission shall designate the location of the dwelling. The Harbor Master shall grant written permission if after investigation he/she shall find that all of the above provisions have been complied with and finds that any floating dwelling will not be a menace to the surrounding property or the public health of the community.
- E. He shall have the power to move any such dwelling at any time it shall become necessary, or at the request of the property owner, or for the safety of the dwelling or the public at large.
- F. Also, there shall be no dwelling established along the waterfront or any property in the City limits from the shore line of the river to the nearest paralleling street curb which will not meet the building specifications and have the permission of the Bureau of Development Services for any such buildings, and they must have

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running City water connected into the building and have at least one flush type toilet connected to an approved sewer.

- G. The owner of every floating dwelling shall at all times have at least one 50-foot length of garden hose and a spray nozzle connected to City water service.
- H. All such dwellings and buildings must be constructed so as to meet all the requirements of the building, plumbing, Title 28 Floating Structures, electrical, and fire regulations and shall be subject to inspection by proper authority at any time.

### 19.16.253 **Canoe Houses and Small Boat Storage.**

- A. No club association, person, firm, or corporation shall operate or maintain any canoe houses or small boat storage without first having obtained from the Harbor Master a permit for moorage. The permit shall be required if moorage space is rented to more than three individuals per year by any person, firm, corporation, club, or association. The permit may be revoked at any time if the Harbor Master finds conditions at any moorage are unsafe or a menace to the public health [or morals of the community], or where existence of the moorage in any location creates conditions adversely affecting navigation or maneuvering of vessels, or where navigation or maneuvering may create a hazard to life and property at the moorage.
- B. All moorages must have running water piped to them with a service line of sufficient size as to supply adequately all houses in the moorage.
- C. All walks, steps, gangways, and ramps shall be maintained in good condition at all times, equipped with at least one handrail or safety rail and have sufficient lights distributed as to make them safe at all times at night with lights turned on and burning during the hours of darkness every night. Electric power lines must be strung so that they will in no way endanger persons passing in and out of any such moorage.
- D. All moorages shall maintain sufficient covered standard garbage cans to take proper care of all garbage for such moorage and garbage shall not be allowed to accumulate for over 7 calendar days without being disposed of as provided by law. No garbage, waste, or other surplus materials shall be dumped or thrown into any of the waters within or abutting the corporate limits of the City of Portland, by any person at any moorage.

### 19.16.255 **Ballast Logs.**

All ballast logs, fending off floats, or camels when used by vessels at docks shall be properly fastened by chains, wire cable, or ropes in such a manner that they cannot float through their fastenings if disturbed by the displacement of water caused by any passing

vessel or other cause; and all such floats shall have at least one preventer cable attached to it on end with the other end securely fastened to the ship or dock.

**19.16.265 Heating Combustible Matter.**

It is unlawful to heat any combustible matter, such as pitch, tar, resin, oil, or other flammable compounds on board any vessel lying at a dock or in the stream in the port, except in places as shall be designated by the Harbor Master.

**19.16.270 Lines Not To Cross Channel.**

No person shall run any rope, cable, or any other obstruction across any channel or fairway within the harbor without first obtaining permission from the Harbor Master. If so ordered by him/her, they shall maintain a proper patrol during such time to warn all approaching watercraft of such danger and also shall place red flags out by day and red lanterns by night, or other signals as ordered.

**19.16.275 Restrictions of Towage.**

- A.** The Harbor Master is authorized to stipulate the number and size and arrangement of any barges, rafts, or other objects which shall be allowed to be towed through the harbor by any certain power boat or towboat; and no master, owner, agent, or person in charge of any towboat shall tow in the Portland harbor unless the towboat has sufficient power to safely handle the object in tow and to keep it from obstructing any channel or fairway. If at any time such tow shall obstruct navigation, or if the Harbor Master finds that said towboat does not have sufficient power to safely handle the tow, the Harbor Master shall order same promptly removed or secured, and the expense thereof shall be recoverable by the City.
- B.** It is unlawful for any person, firm, or corporation to enter the City limits with any vessel, barge, boat, scow, or other floating object that has been wrecked, damaged, or that may be in any unsafe and liable to sink due to such condition, or cause any above-named dangerous object to be towed into the harbor, where it may become submerged and an unsafe object to navigation, life, and property of the community, without first obtaining permission in writing from the Harbor Master.
- C.** Any uncommissioned vessel or other large tow which is difficult to control or which in any way endangers the bridges crossing the Willamette River, will not be allowed to pass through any of the drawbridges crossing the Willamette River, unless it is equipped with an anchor of sufficient size, ready to drop, to hold the vessel or tow in any stage of water, and sufficient number of capable workers to handle such vessel shall be on board. Any such vessel or other large tow not so equipped may be ordered tied up by the Harbor Master until the requirements of this Section have been complied with.

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- D.** In the event the object being towed gets out of control and damages public or private property or sinks and becomes a menace to navigation, the agent or responsible party making this tow shall remove the sunken object at the earliest possible time.
- E.** Any uncommissioned vessel passing through the bridges crossing the Willamette River within the City limits must have the services of a local pilot, provided, however, that if the Harbor Master shall, in his/her discretion, determine that the services of a local pilot are not necessary under prevailing conditions, this requirement may be waived.

**19.16.280 Speed of Vessels.**

- A.** All vessels and other watercraft during foggy or smoky weather, mist, falling snow, heavy rain, or other obscuring weather, shall proceed at a moderate speed, having due regard to the existing conditions and circumstances.
- B.** All vessels and watercraft must keep clear of seaplanes while they are taking off or landing within any district set aside for that purpose.
- C.** All motorboats shall proceed with caution while in the harbor and not try out for speed if other small boats are in the vicinity in numbers, except during permitted regattas, races, or demonstrations.
- D.** All vessels when passing dredges, drydocks, vessels under repair, diving, or grappling operations, or other submarine work, shall slow down to not more than 6 statute miles per hour. While passing over the mooring lines of any such activity, the propellers or other propelling machinery shall be stopped; and if their draft permits, the vessel shall keep on the outside of the buoys marking the ends of the mooring lines of floating plant that may be working within the channel area.
- E.** No vessel shall be operated in the port at any speed whereby any damage may be done to the property of another or life may be endangered thereby by the suction of waves, swells, or wake caused by such speed.

**19.16.290 Obstructing Public Docks.**

It is unlawful for any person to moor, tie up, or dock any vessel or other watercraft so that any portion of such vessel or watercraft shall overlap or obstruct in any manner the free and easy entrance to or departure from any public dock or fireboat slip at any time.

**19.16.295 Connections for Potable Water.**

All docks or other such places, moorings, and dolphins where ocean going vessels will be moored for working cargo or repairs shall have connections for potable water installed in accordance with Title 25 of the Administration Code of the City of Portland.

**19.16.300 Signal Lights.**

All ocean going vessels and other watercraft shall comply with the applicable rules and regulations prescribed by the federal government, and in addition all vessels under 150 feet registered length, barges, scows, or other watercraft, when at anchor within the port, shall carry forward where it can best be seen, but at a height not exceed 20 feet nor less than 8 feet above the deck, a white light showing a clear, uniform, and unbroken light visible all around the horizon at a distance of at least 1 mile. When at a dock, all vessels, log rafts, booms, or other floating craft that may have been made fast anywhere in the harbor, and any part thereof extending out past the harbor line, shall display from sunset to sunrise at the extreme corners on the upstream and downstream ends, or within 25 feet thereof, a white, and no other colored, light that may be seen at least a distance of 1 mile, except on tankers or other vessels that may be carrying any hazardous cargo on which the federal law requires an unbroken red light, provided that regular fixed deck lights in proper placement may be used in place of portable lights on cargo vessels, and preferred on tankers and vessels carrying hazardous cargo. No vessel or other watercraft shall display at any place within the City limits any colored lights that may be confused as navigation lights, signal lights, etc., except when actually under way or during a parade, or for a temporary display for a short time only. Whenever any such lights are to be displayed, notice must be given the Office of the Harbor Master, which Office shall notify the local pilot's office. All signal or navigation lights must be maintained from sunset to sunrise.

**19.16.305 Closing and Lighting Docks and Wharves.**

Every owner, lessee, or occupant of a dock or wharf within the City shall close and keep closed by sufficient gates barricades, or hatches all slips and runways used as passageways between a dock or wharf and a ship, when such slips and runways are not in actual service, and shall keep every dock and wharf sufficiently lighted at night when a vessel is made fast thereto.

**19.16.310 Lights and Gangways on Vessels at Wharves.**

Every vessel lying alongside a wharf, or vessel lying alongside a vessel berthed at a wharf shall, from sunset until sunrise, be provided with the proper lights, and shall be provided continuously with the appliances in the way of gangways and manropes as may, in the opinion of the Harbor Master or in fact, be necessary for the convenience and safety of person passing to and from the vessel. Every gangway fixed for the purpose of giving the crew or other persons access to the ship after dark, shall be brightly illuminated by the best available means as long as such gangway is in use.

**19.16.315 Safety Nets on Vessels.**

Every ocean going vessel lying at a berth and secured, except river boats, shall have safety nets suspended below any landing stage or gangplank as will prevent any person from falling into the water in the event any person slips off the landing. The nets must extend at least 5 feet past each side of all gangways. Safety nets may be regular cargo nets, tarpaulins, sailcloth, canvas, or any other material that is pliable and of sufficient strength to hold the body of an adult person who may fall from the gangway.

EXCEPTION: This regulation may be waived by the Harbor Master.

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### **19.16.320 Safeguarding Hawsers or Ropes from Rats.**

Every hawser or rope by which any ocean going vessel is made fast to any dock, dolphin, or shore shall be equipped with at least one metal disc or rat guard of size or position as shall be approved by the Harbor Master and in no instance shall a guard be allowed with less than 18 inches of metal from the center of the guard to the outside rim. Every metal disc shall, if not affixed to the hawser or rope to the satisfaction of the Harbor Master, be removed to a position on the hawser or rope as pointed out by the Harbor Master. Vessels while berthed at a dock must be fended off from the dock a sufficient distance so that rats cannot jump from the vessel to the dock; provided that when river conditions may prevent the loading or discharging of any vessel when fended off the proper distance, the Harbor Master may grant permission for the removal of the fending off floats to facilitate the loading or discharging of such vessel; but when the vessel is not loading or discharging cargo, the same shall be immediately fended off the required distance if conditions so permit.

### **19.16.325 Precautions on Vessels at Night.**

All openings in the ship's sides shall be closed at sundown, and all cargo skids and nets shall be unrigged at sundown, except during times as they are actually in use, when they shall be brightly illuminated. In case gangways are not lifted from the ship or dock at night, both ends of the gangway shall be lighted and a person constantly on watch at the head of the gangway on the vessel.

### **19.16.330 Conditions of Vessels at Docks and Wharves.**

The master or person having the charge or command of any vessel coming to or laying alongside any wharf or vessel berthed at a wharf shall, both before and during the time a vessel is moored or stationed at the wharf, or alongside any vessel berthed at a wharf, have the anchors stowed, and all other projections stowed within the rail of the vessel.

### **19.16.335 Removal of Vessels from Docks or Wharves.**

In order to facilitate the removal of vessels from their berths at any wharf or place of mooring or for other reasons, the Harbor Master may direct the master or person in charge of any vessel to slack away hawsers, cables, or other fastenings of any ship and to stow booms or other rigging. Every vessel while backing out of any slip shall have at least one member of the crew on the lookout astern on the upper deck, such person to be in full view of the pilothouse to warn the master, or the person in charge of such vessel, of the proximity of any obstruction to navigation or the approach of another vessel. Every vessel shall continue to back a sufficient distance beyond the face of any pier to avoid any danger of accident or collision with any other vessel backing out from the same or any other slip. Every vessel backing out from a slip shall proceed slowly, using extreme care for the prevention of accidents.

### **19.16.345 Rules Governing Operation of Canoes, Sailboats, and Motorboats.**

It is unlawful for any person operating any motorboat to tow any canoe while such canoe is occupied by any person, and it is unlawful for any person operating or occupying any canoe, sailboat, motorboat, or rowboat to make fast to any log raft being towed through the

harbor. No person operating any canoe, rowboat, or motorboat shall pass between the stern of any towboat and the raft in tow thereof.

**19.16.355 Protection of Water Mains.**

- A.** It is unlawful for any person to drive any piling or to dredge or dig within 200' of the submerged water mains of the City of Portland in the Willamette River, without first obtaining written permission to do so from the Harbor Master. Before giving any such permission, the Harbor Master shall consult with the Engineering staff of the Portland Bureau of Water Works. The existing City water mains are located as follows:

A 30-inch water main from the foot of SW Spokane Street to the foot of SE Spokane Street.

A 36-inch water main from the foot of SW Caruthers Street to the foot of SE Stephens Street.

A 24-inch water main from the foot of SW Mill Street to the projected foot of SE Stephens Street.

A 30-inch water main from the foot of SW Clay Street to the foot of SE Clay Street.

A 60-inch water main from the foot of SW Miles Place to the foot of SE Lambert Street.

A 36-inch water main from the foot of St. Johns Bridge to the foot of N. Pittsburgh Street (approx. 500 feet upstream of the center line of the St. Johns Bridge).

The location of the City's water mains are indicated by large targets on which there is printed "Pipe Crossing City of Portland."

- B.** Nothing in the above Section shall relieve any person, company, or corporation from securing such other permits as may be required by any other agency such as, U.S. Army Corps of Engineers or the Port of Portland, and Division of State Lands.

**19.16.360 Derrick Booms Near Bridges.**

(Amended by Ordinance No. 180917, effective May 26, 2007.)

- A.** Any person operating or having control upon the navigable waters within the City limits any watercraft having moveable derrick booms or other adjustable contrivances shall, before passing through or under any bridge, lower the boom or other adjustable contrivance sufficiently so that the draw or lift of any bridge shall not have to be opened or raised on account of such derrick boom or other adjustable contrivance. It is unlawful for any person having control of any watercraft equipped with moveable derrick boom or other adjustable contrivance to signal for

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the opening of any draw or the raising of any bridge lift, where, by lowering the derrick boom or other adjustable contrivance, the craft would be able to pass under the bridge without opening the draw or raising the lift.

- B.** No watercraft shall be anchored or moored within 50 feet of any such bridge or bridge approach without obtaining a permit therefor as provided by ordinance; provided, however, that this Section shall not apply to cargo carrying vessels which comply with the regulations of the United States Government for protection against fire while taking on or discharging cargo. All watercraft to which this Section applies shall be kept free from oily rags, oily wood, wastepaper, and all other things which constitute a fire hazard. Every such watercraft shall be equipped with approved fire extinguishers in good working condition as required by ORS 488.090.
- C.** All machinery, apparatus, devices, and instruments for furnishing power, light, heat, or protection against fire or for extinguishing fire, shall comply with all of the regulations of the Government of the United States of America, the State, and the City. To the full extent permitted by law, authorized personnel of Portland Fire & Rescue, Bureau of Police, or other City bureaus or departments shall have the right at all reasonable hours to inspect watercraft to determine conformity with the provisions of this Section.

**19.16.365 Interfering with Dumping Snow.**

It is unlawful for any person to moor or maintain any vessel or other watercraft at any street end or along or adjacent to any bridge in such position as to interfere with the dumping of snow into the harbor from a bridge or street end when snow is being removed from streets.

**19.16.370 Recovery of Bodies or Evidence from River.**

- A.** Whenever it appears to the Harbor Master that any automobile, boat, or other thing has sunk within the Portland harbor, and he shall have reason to believe that a human body may be contained therein, he/she hereby is authorized to use such means for the removal or recovery of same as may appear reasonable and necessary.
- B.** Whenever any gun or other thing has been thrown into or has entered the waters within the City and the same appears to be necessary evidence in any investigation, criminal or civil, he/she hereby is authorized to use such means as may be needed to recover same.

**19.16.375 Protection of Bridges.**

It is unlawful to fasten any watercraft or floating timber to any bridge, or part thereof, or to moor any watercraft or floating timber underneath any bridge or bridge approach within or abutting the corporate limits of the City of Portland.

**19.16.380 Damage of City Property.**

Any person causing any damage to or injuring any dock, pier, gangway, float, barge, trestle, roadway, building, fence, or other structure which is the property of or under the supervision of the City, the damage being caused by the use thereof, by accident or otherwise, shall be liable to the City for the full amount of the damage. The Harbor Master shall be notified of any such damages with 48 hours of such occurrence.

**19.16.385 Dead Ships Moored Permit Required.**

No dead ship shall be moored or anchored within the harbor except upon written approval of the Harbor Master who shall have been given at least 5 days prior notice of the entry of the dead ship or ships into the harbor.

**19.16.400 Boats and Boating.**

ORS Chapter 830 is adopted herein, incorporated by reference, and made a part of this Title. Except as otherwise specified, all boats on any navigable waters within or abutting the corporate limits of the City of Portland shall be subject to the provisions of Chapter 830, Oregon Revised Statutes (Boats and Boating).

**19.16.435 Standard Whistle Signal for Fire in Port.**

In the event of fire occurring on board any vessel or watercraft in the Portland harbor, except those under way, it may sound five prolonged blasts of whistle or siren as an alarm indicating fire on board or at the dock to which it is moored. The signal may be repeated at intervals to attract attention and is not a substitute for, but may be used in addition to, other means of reporting a fire. The words “prolonged blast” used in this Section shall mean a blast of 4 to 6 seconds duration.

**19.16.500 Duckworth Dock Moorage.**

(Added by Ordinance No. 186748, effective August 6, 2014.)

- A.** As used in this Section and Section 19.16.515 the following words and terms have the meanings indicated unless the context clearly requires otherwise:
- 1.** “PBOT” means the City of Portland Bureau of Transportation. Where appropriate, the term “PBOT” also refers to the staff and employees of the Portland Bureau of Transportation.
  - 2.** “Dock” means the PBOT float, piers, and gangway that are part of the Kevin J. Duckworth Memorial Dock installed on the east bank of the Willamette River and attached to the Eastbank Esplanade near and upriver (south) of the Steel Bridge.
  - 3.** “Commercial vessel” means a vessel which is used, rigged, or licensed for any commercial use or purpose, and shall include watercraft operated within the terms of a concession lease or agreement with the City of Portland.

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4. “Night” means any period of time between one hour after sunset until one hour before sunrise.
  5. “Director” means the Director of the Portland Bureau of Transportation.
- B.** The operator of recreational watercraft may use the Dock for recreational purposes only. It is unlawful to use the Dock for any purpose other than recreation without prior written permission of the Director.
  - C.** It is unlawful to moor a watercraft at the Duckworth Dock during the night, except as described in this Section, without prior written permission of the Director. The Harbor Master may permit a craft to be moored at the Duckworth Dock for more than 24 hours only when the craft is inoperable and reasonable additional time is needed to repair it. Mooring of boats will be allowed for a period of up to 72 hours from Friday at noon to Monday at noon from the full weekend prior to the Memorial Day holiday weekend through the full weekend after the Labor Day weekend. During the rest of year mooring of boats will be allowed as a day-use only with no overnight mooring.
  - D.** Recreational boats may moor on both sides of the dock, with the exception of the 100-foot outside and upstream portion of the dock designated for commercial vessels (tour boats, water taxis, etc.). Commercial vessels must obtain a permit through the Portland Parks & Recreation Reservation Center, which is allowed to issue commercial permits on PBOT’s behalf.
  - E.** Use of the Dock shall be on a first come, first served basis unless otherwise permitted by the Director. Reserving or retaining space to moor a watercraft, by means of a dinghy or any method other than occupying the space by the watercraft to be moored or obtaining a permit is prohibited.
  - F.** The mooring of any craft in violation of this Section may result in eviction from moorage, in addition to any other penalty prescribed by law.
  - G.** The Director is authorized to issue administrative rules and establish moorage fees which the Director deems necessary to operate and maintain the Dock.
  - H.** The provisions of this Section may be enforced by the Director or his or her appointed designees, the Portland Park Bureau Rangers, the Harbor Master, the Portland Police Bureau and its officers, and, the Multnomah County Sheriff’s Office and its deputies.
  - I.** The Director is authorized to designate persons in charge of the Dock. The designation shall be in writing, and any person and law enforcement agency so designated shall be a “person in charge” as that term is defined in ORS 164.205(5) until the designation is removed by the Director. The Director shall maintain a list of all persons who have been designated as a “person in charge” of the Dock. Upon

request, the Director shall provide a copy of the list to the District Attorney of Multnomah County.

- J.** The City of Portland, its officers, employees, and agents are not liable for any personal injury or property damage resulting from maintenance or use of the Dock.

**19.16.515 Exclusions.**

(Added by Ordinance No. 186748, effective August 6, 2014.)

- A.** In addition to other remedies provided for violation of this Code, or of any of the laws of the State of Oregon, any Peace Officer as that term is defined under ORS 133.005 may exclude any person who violates any applicable provision of law at the Duckworth Dock from the Dock in accordance with the provisions of this Section. Nothing in this Section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law, shall be subject to exclusion as provided by this Section.
- B.** For purposes of this Section, "applicable provision of law" includes any applicable provision of this Code, of any City ordinance, or of any rule or regulation promulgated by the Director or the Council under this Title, any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages, any applicable County ordinance or regulation. For purposes of this Section, "applicable" means relating to the person's conduct at the Dock.
- C.** An exclusion issued under the provisions of this Section shall be for 30 days. If the person to be excluded has been excluded from the Dock at any time within two years before the date of the present exclusion, the exclusion shall be for 90 days. If the person to be excluded has been excluded from the Dock on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.
- D.** Before issuing exclusion under this Section, a Peace Officer shall first give the person a warning and a reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies with the direction and desists from the violation. Notwithstanding the provisions of this Subsection, no warning shall be required if the person is to be excluded for engaging in conduct that:
  - 1.** Is classified as a felony or as a misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:
    - a.** Chapter 162 - Offenses Against the State and Public Justice;



Hearings Officer shall uphold the exclusion if, upon the Code Hearings Officer's de novo review, the preponderance of evidence admissible under the provisions of Title 22 of this Code convinces the Code Hearings Officer that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law.

- G.** At any time within the period of exclusion, a person receiving such notice of exclusion may apply in writing to the Director for a waiver of some or all of the effects of the exclusion for good reason. If the Director grants a waiver under this Subsection, the Director shall promptly notify the Portland Police Bureau's Records Division and the designated Person in Charge of such action. In exercising discretion under this Subsection, the Director shall consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be on the Dock during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (without regard to the content of any speech associated with that event), and any other criterion the Director determines to be relevant to the determination of whether or not to grant a waiver. Notwithstanding the granting of a waiver under this Subsection, the exclusion will be included for purposes of calculating the appropriate length of exclusions under Subsection 19.16.515 C. The decision of the Director to grant or deny, in whole or in part, a waiver under this Subsection is committed to the sole discretion of the Director, and is not subject to appeal or review.
- H.** If an appeal of the exclusion is timely filed under Subsection 19.16.515 F., the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion shall be effective immediately upon the issuance of the Hearings Officer's decision, unless the Hearings Officer specifies a later effective date.
- I.** If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion under Subsection 19.16.515 C. If the predicate exclusion is set aside, the term of the subsequent exclusion shall be reduced, as if the predicate exclusion had not been issued. If multiple exclusions issued to a single person for the Dock are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.
- J.** No person shall enter or remain on the Dock at any time during which there is in effect a notice of exclusion issued under this Section excluding that person from the Dock.



**20.12.020 Soliciting For or Conducting Business.**

- A.** Except as expressly permitted under the terms of a lease, concession or permit, no person shall solicit for or conduct any business in a Park.
- B.** For purposes of this Section, “solicit for or conduct any business” means:
  - 1.** Sell or offer to sell any article or service;
  - 2.** Display goods, or descriptions or depictions of goods or services, with the intent to engage any member of the public in a transaction for the sale of any good or service; or
  - 3.** Perform or engage in any act with the intent or expectation of receiving payment therefor from any person.
- C.** Nothing in this Section shall prohibit any act by any Park Officer in the scope of employment or duty, or by any person performing any work on behalf of the City, nor shall this Section be construed to prohibit any act protected under the circumstances by the federal or state constitution.

**20.12.030 Unlawful Urination or Defecation.**

No person shall urinate or defecate in any park except in a convenience station designed for that purpose; or blow, spread, or place any nasal or other bodily discharge; or spit, urinate, or defecate on the floors, walls, partitions, furniture, fittings, or on any portion of any public convenience station or in any place in such station, excepting directly into the particular fixture provided for that purpose; or place any bottle, can, cloth, rag, or metal, wood, or stone substance in any of the plumbing fixtures in any such station.

**20.12.040 Unlawful Acts Involving Alcohol, Controlled Substances or Prescription Drugs.**

(Amended by Ordinance No. 188112, effective December 23, 2016.)

- A.** No person shall sell, possess or consume any alcoholic beverage in any park, except under a concession contract or lease, or by permit issued under Chapter 20.08. Such permit may include any conditions as, in the discretionary judgment of the Parks Reservation Center, will promote the preservation of the parks for the peaceful enjoyment of the public at large.
- B.** No person shall commit any of the following acts in a Park:
  - 1.** Sell, distribute, make available or offer to provide a controlled substance or prescription drug to another;
  - 2.** Package, possess or store a controlled substance;

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3. Transport a controlled substance or materials intended to be used in the packaging of a controlled substance;
  4. Solicit another to provide, make available, sell or distribute a controlled substance or prescription drug to any person; or
  5. With the intent to engage in any act prohibited by this Section, seek, meet, approach or encounter another.
- C.** Nothing in Subsection B of this Section shall prohibit the possession in a Park of medications prescribed to the person or to a person under that person's care, if and under such conditions as possession of such substance is otherwise lawful.
- D.** Nothing in Subsection B. of this Section shall prohibit the possession in a Park by any person 21 years of age or older of not more than one ounce of usable cannabis, so long as that cannabis is in a closed container.
- E.** For purposes of this Section, "controlled substance" shall have the meaning provided in ORS 475.005(6), and "prescription drug" shall have the meaning provided in ORS 689.005(6).

**20.12.050 Possession of Weapons.**

(Corrected under authority of PCC Section 1.01.035 on June 2, 2017.) No person shall possess in any Park any thing specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another. Things prohibited under this Section include, but are not limited to: any firearm, pellet gun, spring-loaded weapon, stun gun or taser, any knife having a blade that projects or swings into position by force of a spring or by centrifugal force, any knife with a blade longer than 3-½ inches, any dirk, dagger, ice-pick, sling shot, slungshot, metal knuckles, nunchaku, studded handcoverings, swords, straight razors, tear gas containers, saps, sap gloves, hatchets or axes. The prohibitions of this Section do not apply to handguns lawfully carried by persons exempt from local regulation under ORS 166.173. The prohibitions of this Section do not apply to any thing possessed or used to carry out actions authorized by any contract or permit in any Park.

**20.12.060 Prohibited Conduct Relating to Permits.**

- A.** No person shall engage in any conduct or activity in any Park for which a permit is required under Section 20.08.010 of this Code, unless a permit has been issued for that conduct or activity.
- B.** No person, at any event in any Park for which a permit has been issued under Chapter 20.08 of this Code, shall engage in any conduct prohibited by Section 20.08.060 of this Code.