

**ORDINANCE No. 188632 As Amended**

\* Prohibit transfers of Recreational Vehicles with malfunctioning or nonfunctioning waste water or fuel systems (Ordinance; add Code Section 14A.30.070)

The City of Portland ordains:

Section 1. The Council finds:

1. Portland City Code Section 16.90.290 defines Recreational Vehicle (RV) as a vehicle which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis;
2. The Portland Bureau of Transportation (PBOT) is responsible for maintaining a safe and effective transportation system through managing the City's Right of Way. PBOT and other agency partners have seen a significant increase in complaints of derelict RV's, both occupied and abandoned. In 2016 PBOT received approximately 4,000 complaints of derelict or abandoned RVs parked in the right-of-way. In the first half of 2017, PBOT has received over 4,100 such complaints;
3. Older derelict RV's are generally unable to be repaired, often yielding no scrap value and can become a financial liability for the owner. Proper disassembly and disposal of RVs costs can run up to \$2,000. Currently, PBOT pays approximately \$1,500 per unit towed from the right-of-way costing upwards of \$150,000 this calendar year.
4. Individuals and businesses frequently gift or sell derelict RVs at no or very low cost. PBOT routinely receives complaints from residents that witness businesses giving them away, or seeing online postings advertising their availability at low rates due to the RV's value being significantly less than the cost to recycle;
5. Derelict RVs unable to be repaired may have malfunctioning or non-functioning features such as appliances dependent on gas, propane or electrical wiring; and often have malfunctioning waste water systems.
6. Community Members, Parking Officials, and Police Officers have witnessed and reported accounts of RVs leaking raw sewage, or witnessing raw sewage being dumped onto the right of way;
7. Raw sewage that is dumped and/or leaking onto the right-of-way poses a serious public health and safety hazard that threatens any occupants of the RVs, and any persons who may be nearby, the livability of our neighborhoods, and our environment.
8. City bureaus, primarily the PBOT and Portland Police Bureau shoulder the expense of removing these vehicles from the Right of Way, and disposing of any sewage or waste, these expenses are likely exceed \$1,000,000 in FY 2017-18.

NOW, THEREFORE, the Council directs:

- a. City Code Chapter 14A.30 is amended by adding a new section as follows:

14A.30.070 Unlawful Transfer of a Recreational Vehicle.

- A. It is unlawful to sell, lease, rent, loan, donate or otherwise transfer physical possession of a recreational vehicle that:
1. Contains a waste water system or fuel system that leaks waste water or fuel;  
or
  2. Contains a waste water system or fuel system that is damaged in a manner that would cause a reasonable person to conclude that the damaged waste water system or fuel system could not operate normally without leaking waste water or fuel.
- B. The provisions of 14A.30.070 do not apply to:
1. Transfers of recreational vehicles to repair facilities that are registered to do business in the State of Oregon or vehicle dismantlers certified in accordance with ORS 822.110;
  2. Transfers of recreational vehicles to tow vehicle operators for the purpose of transferring recreational vehicles to repair facilities that are registered to do business in the State of Oregon or vehicle dismantlers certified in accordance with ORS 822.110;
  3. Transfers of recreational vehicles to repair facilities or dismantlers located outside of the City of Portland;
  4. Transfers of recreation vehicles to a federal agency or a public body as defined by ORS 174.109; or
  5. Transfers of recreational vehicles by lawful repossession, court order, administrative order, operation of law, governmental action.

## C. Definitions

1. As used in this Section, "fuel" means any gas or liquid used to assist in propulsion, cooling, lubrication, environmental control, refrigeration, or cooking.
2. As used in this Section, "fuel system" means any system designed to contain or convey fuel.
3. As used in this Section, "leak" and "leaking" mean a release of any fuel or waste water from a waste water system or fuel system in a manner inconsistent with the original recreational vehicle manufacturer's design.
4. As used in this Section, "recreational vehicle" means a recreational vehicle as defined by PCC 16.90.290.
5. As used in this Section, "transfer" means any conveyance of a recreational vehicle from the transferor to the transferee with the consent of the transferee.
6. As used in this Section, "waste water" means any sewage or liquid wastes, including kitchen, bath, toilet, and laundry wastes.
7. As used in this Section, "waste water system" means any system designed to contain or convey waste water.

Section 2. The Council declares that an emergency exists because derelict and abandoned RVs with malfunctioning waste water or fueling systems pose an imminent threat to public health and safety; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: OCT 04 2017

Commissioner Dan Saltzman  
Prepared by: Dave Benson  
Date Prepared: 10/02/2017

**Mary Hull Caballero**  
Auditor of the City of Portland  
By *CPhillips*

Deputy

Agenda No. **ORDINANCE NO. 188632** As Amended

Title

\*Prohibit transfers of Recreational Vehicles with malfunctioning or non-functioning waste water systems (Ordinance; add Code Section 14A.30.070))

<p style="text-align: center;"><b>INTRODUCED BY</b> Commissioner/Auditor: <b>MAYOR TED WHEELER</b> <b>COMMISSIONER DAN SALTZMAN</b></p>	<p>CLERK USE: DATE FILED <u>SEP 26 2017</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Wheeler <i>✓</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>Dan Saltzman</i></p> <p>Position 4/Safety – Eudaly</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Susan Persons</i></u> Deputy</p> <p><b>ACTION TAKEN:</b></p>
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau: <b>Transportation</b> Parking Services <b>Assistant Director: Chris Warner</b> <b>Group Manager: Dave Benson</b> Prepared by: D. Benson Date Prepared: 9/22/2017</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p><b>City Auditor Office Approval:</b> <i>[Signature]</i> required for Code Ordinances</p>	
<p><b>City Attorney Approval:</b> <i>[Signature]</i> required for contract, code, easement, franchise, comp plan, charter</p>	
<p><b>Council Meeting Date</b> <b>October 04, 2017</b></p>	

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <b>30 minutes</b> (for presentation, testimony and discussion)</p>

FOUR FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YFAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Eudaly	✓	
Wheeler	✓	