

UPDATE INFORMATION

Vols. I & II – Portland City Code

June 30, 2018 – Quarterly Update

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

1. Go to <http://www.portlandoregon.gov/efiles>
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3. Locate quarter you want and click on the plus sign to see the available update packet and/or Code Title(s).
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Contact the Auditor's Office Council Clerk/Contracts
Section if you have questions: 503-823-4082.

Previous Update Packet March 31, 2018

CODE OF THE CITY OF PORTLAND, OREGON
Insertion Guide for Code Revisions
Office of the City Auditor 503-823-4082
2nd Quarter 2018 (June 30, 2018)

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**TITLE 3
ADMINISTRATION**

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 Nos. 186700 and 188932, effective June 8, 2018.)

- A.** Upon approval, Portland Housing Bureau will record a notice on title of the property requiring Portland Housing Bureau verification of homebuyer eligibility and owner-occupancy qualification prior to the sale of each property to an initial homebuyer, as well as to subsequent purchasers throughout the duration of the exemption for any HOLTE applications approved after July 1, 2018.
- 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.)

**CHAPTER 5.10 - CITY CHARITABLE
CAMPAIGN**

(Chapter replaced by Ordinance No. 188966,
effective May 30, 2018.)

Sections:

- 5.10.010 Definitions.
- 5.10.020 Charitable Campaign.
- 5.10.030 Charitable Campaign Advisory Committee.
- 5.10.040 Eligibility for Participation in Charitable Campaign.
- 5.10.050 Administration of Charitable Campaign.

5.10.010 Definitions.

- A. ‘Charitable Organization’ means:
 - 1. An entity organized and operated exclusively for tax-exempt purposes under Section 501(c)(3) of the Internal Revenue Code and registered as a charitable organization with the Oregon Attorney General as required by ORS 128.610 to 128.995; or, an entity that is a State or City created nonprofit that receives donations which may be deducted from taxable income as "charitable contributions" under Section 170(a) and (c) of the Internal Revenue Code;
 - 2. Charitable services must relate to the promotion of: public health, safety, and welfare; public education and literacy; environmental and natural resource protection, restoration, and conservation; prevention of cruelty to animals or children; civil or human rights; elimination of prejudice and discrimination; public arts and culture; relief of human suffering and poverty; public recreation; or providing community and civic improvement; and,
 - 3. Must be directed by a board of directors or a governing body whose members serve without compensation and have no financial conflict of interest.
- B. ‘Umbrella Organization’ means a Charitable Organization serving as an agent to at least nine member Charitable Organizations to which it disburses funds and has received authorization from these member Charitable Organizations to represent them in the annual Charitable Campaign, or any other Charitable Organization so designated by the City Council through a City ordinance.
- C. ‘City-Partnered Nonprofit’ means a Charitable Organization that:

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1. Has the principal mission of providing financial support to a City Bureau or a City program;
2. Engages in advocacy that benefits a City Bureau’s operational goals or missions; or
3. Has a recognized partnership with a City Bureau and that Bureau’s historic civic mission to benefit the Portland community.

The Commissioner in Charge of a Bureau, or designee [or Bureau Director in consultation with the Commissioner in Charge for the Bureau] will administratively determine whether a Charitable Organization meets the definition of “City-Partnered Nonprofit”. If determined to be a “City-Partnered Nonprofit”, the Charitable Organization may apply for participate in an annual Charitable Campaign without being an “Umbrella Organization”.

5.10.020 Charitable Campaign.

The purpose of the Charitable Campaign is to encourage and support voluntary charitable contributions by employees, by providing a consolidated opportunity for workplace giving through the ease of payroll deductions benefiting a wide range of Charitable Organizations. The campaign minimizes workplace disruption and reduces the administrative costs to the City and Charitable Organizations in charitable solicitation efforts. Except as provided by City ordinance, only Umbrella Organizations and City-Partnered Nonprofits may participate in the annual Charitable Campaign.

Except as otherwise permitted by City ordinance, no charitable solicitation of employees on City property or places of employment may occur without prior written approval of the Chief Administrative Officer (CAO) of the Office of Management and Finance (OMF) or CAO’s designee.

Participation in the Charitable Campaign shall not be construed as endorsement, support or advocacy of the beliefs or viewpoints of the participating Charitable Organizations.

5.10.030 Charitable Campaign Advisory Committee.

The Charitable Campaign Advisory Committee (“the Committee”) will consist of five members, each of whom will be a City employee serving without additional salary or compensation. Each City Council member shall appoint one of the five Committee members and any replacement members. The Committee shall report to the CAO, provide advice as needed and perform Charitable Campaign program tasks as may be assigned by the CAO, including but not limited to: developing and reviewing application forms for participation in each year’s Charitable Campaign; identifying Umbrella Organizations or Charitable Organizations for invitation to participate in the Charitable Campaign; and, developing the annual Charitable Campaign marketing plan.

5.10.040 Eligibility for Participation in Charitable Campaign.

- A.** In addition to a timely completed application to the Committee, each Umbrella Organization or City-Partnered Nonprofit seeking eligibility to participate must provide the following information for itself and the Umbrella Charity's member Charitable Organizations:
- 1.** Documentation of Charitable Organization status and valid registration with the State of Oregon.
 - 2.** Equal opportunity and nondiscrimination policy pertaining to:
 - a.** Delivery of charitable services;
 - b.** Employment opportunities, actions and benefits; and,
 - c.** Membership on the organization's governing board; relating to race, color, religion, sex, age, disability, familial status, sexual orientation, national origin and other legally protected characteristics or status. The policy must certify that the Umbrella Organization and its member Charitable Organizations or City-Partnered Nonprofit have procedures and practices regarding equal opportunity and nondiscrimination that comply with federal, state and local laws including Portland City Code Title 23.
 - 3.** Statement of the charitable work performed, describing solicitation activities, operational history, and the geographic region or location where the work is done. The Umbrella Organization and each of its Charitable Organizations or City-Partnered Nonprofit must have at least one year of operational history.
 - 4.** Copies of the most recent financial report or statement certified by an independent public accountant, including the source and use of charitable contributions and fundraising activities, Form 990 filed with the Internal Revenue Services for the most recent fiscal year, and certification that each entity accounts for funds in accordance with generally accepted accounting principles. Computation of the percentage of total support and revenue spent on fundraising and administrative expenses must not exceed 25 percent of its unrestricted income. Contributions by City employees shall not constitute restricted income and must be used for the Charitable Organization's mission purpose.
 - 5.** Adopted budget for the current fiscal year.
 - 6.** Current articles of incorporation and by-laws, or other governing instruments.

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7. Certification of compliance with provisions of this Code and all applicable laws.
- B.** The CAO or CAO's designee will make the final eligibility determination for each annual Charitable Campaign and will prepare an ordinance for City Council authorizing campaign participants for each year.

5.10.050 Administration of Charitable Campaign.

OMF has administrative responsibility for the Charitable Campaign and will provide administrative support to the Committee. City administrative costs associated with each annual Charitable Campaign will be paid by the participating Umbrella Organizations and City-Partnered Nonprofits in proportion to the total contributions received in the Charitable Campaign. OMF will provide each Umbrella Organization and City-Partnered Nonprofit with information on the total number of employees who pledged contributions and the total dollar amount of pledged contributions. The City will not be liable for any uncollectible pledges. Pledged contributions will be deducted as voluntary payroll deductions of the participating employees. Umbrella Organizations and City-Partnered Nonprofits are responsible for allocating funds to the applicable Charitable Organizations identified in employee pledges and providing written acknowledgement for donors to meet the requirements of the Internal Revenue Code. The CAO or CAO's designee is authorized to formulate, approve and issue policies, administrative rules, and supplemental regulations related to the management and administration of the Charitable Campaign.

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2. A minimum of 5 percent of the remaining funds shall be distributed to RACC for the purpose of providing grants and programs to non-profit arts organizations, other nonprofits and schools that will give access to high-quality arts experiences to Kindergarten through 12th grade students (K-12) and for grants and programs that will make arts and culture experiences available to Portland residents, with particular emphasis on programs directed to communities who are underserved by local arts providers.
3. These funds are in addition to existing and ongoing financial support from the City to RACC.

5.73.040 Intergovernmental Agreements.

The City will execute Intergovernmental Agreements (IGAs) with the School Districts and will amend its contract with RACC and require them to provide independently audited financial statements each year that show how the funds received pursuant to this program are spent.

5.73.050 Citizen Oversight Committee.

(Amended by Ordinance No. 185827, effective December 19, 2012.) The City will appoint a citizen oversight committee that is representative of the City's diverse communities to ensure the Arts Education and Access Fund is being implemented as required, to review expenditures made and to report their findings in a public record to the City Council on an annual basis. The committee shall be comprised of a minimum of 10 and a maximum of 20 members, including, if possible, a member of the Tax Supervising and Conservation Commission.

5.73.060 Audits.

The City will receive copies of annual independent audits or other documentation regarding expenditures by RACC and the School Districts each year. The Arts Education and Access Fund also will be part of the City's independent annual audit report, the results of which will be made available to the public.

5.73.070 Effective Dates.

This tax will be effective beginning with the tax year 2012 and shall continue each year thereafter. Payment of the tax each year is due on the date on which state taxes are due, not including any extensions of time that might be requested or received.

5.73.080 Revenue Division Responsibilities.

(Amended by Ordinance No. 187339, effective October 16, 2015.) The Revenue Division shall:

- A. Receive the Gross Revenues derived from the Arts Education and Access Income Tax and distribute the Net Revenues in accordance with the IGAs and RACC contract;

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- B.** Keep accurate records of the funds;
- C.** Report to the City Council by way of a public record on all funds received and directed to the School Districts and RACC;
- D.** Adopt administrative rules necessary to implement tax collection and administration.
- E.** If necessary, contract with public or private agencies to fulfill any of its duties in regard to this Arts Education and Access Income Tax and the Arts Education and Access Fund; and
- F.** Accept any and all gifts and donations to the Arts Education and Access Fund.

5.73.090 Limitation on Costs.

(Amended by Ordinance Nos. 185960, 187339 and 188859, effective April 13, 2018.)

- A.** The Revenue Division's first year start-up costs are capped at \$600,000. Ongoing administrative costs will be subject to the oversight and annual approval of the City Council.
- B.** The City's contract amendment with RACC will require RACC to:
 - 1.** Limit any additional RACC arts education coordination costs incurred as a result of receiving funds to a maximum of 3 percent of Net Revenues;
 - 2.** Ensure that highly qualified persons will coordinate and work with the School Districts in the provision of high quality arts and/or music education;
 - 3.** Seek additional funds from other sources for arts education and access to supplement the goals of the Arts Education and Access Fund;
 - 4.** Provide quality oversight to the programs of the School Districts as well as the expenditures made by RACC; and
 - 5.** Coordinate between School Districts and arts organizations to ensure high quality arts education for Portland students.

5.73.100 Confidentiality.

(Added by Ordinance No. 185827; amended by Ordinance Nos. 187339 and 187610, effective April 1, 2016.) It is unlawful for any City employee, agent or elected official, or for any person who has acquired financial information pursuant to Chapter 5.73 or the Division's administrative rules to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of the Arts

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, 188278, 188816 and 188959, effective May 24, 2018.)

A. Where these regulations apply.

- 1.** This Section applies to trees within the City of Portland and trees on sites within the County Urban Pocket Areas in the following situations. On sites where these regulations do not apply, tree removal is subject to the requirements of Chapter 11.40, Tree Permit Requirements.
 - a.** On sites. Development activities with ground disturbance or a construction staging area greater than 100 square feet on unpaved portions of the site within the root protection zone, as defined in Subsection 11.60.030 C.1.a., of one or more Private Trees 12 or more inches in diameter and/or one or more City Trees 6 or more inches in diameter.
 - b.** In streets. Development activities with ground disturbance or construction staging not limited to existing paved surfaces where there are one or more 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, or CX zone.
- 2.** On sites that are less than 5,000 square feet in area.
- 3.** On sites that have existing or proposed building coverage of 85 percent or more.
- 4.** 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.
- 5.** Trees exempted from this standard by a land use decision.

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6. 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.
 7. 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 December 31, 2019 the regulations in effect will be those in effect on January 1, 2015.
1. Private Trees.
 - a. General tree preservation.
 - (1) 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.
 - (2) 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**

Size of Tree Removed (inches in diameter)	Required Mitigation
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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- (i) Be posted on the site for at least 45 calendar days prior to development permit issuance;
 - (ii) Be posted within 10 feet of the street lot line nearest the tree or trees to be removed;
 - (iii) Include the date of posting and the date of the end of the notification period;
 - (iv) Include a site plan at least 8.5 x 11 inches in size showing the location and description of the trees(s) to be removed including diameter inch size(s); and
 - (v) Include contact information for the property owner or the property owner's representative.
 - (b) The notices to the Neighborhood Association and District Coalition must:
 - (i) Be e-mailed or mailed to the Neighborhood Association and District Coalition using the contact information maintained by the Office of Neighborhood Involvement. If mailed, the notice must be sent via certified or registered mail. The date of the e-mail or the mailing must be at least 45 calendar days prior to development permit issuance;
 - (ii) Include a description of the trees(s) to be removed including diameter inch size(s); and
 - (iii) Include contact information for the property owner or the property owner's representative.
- (4) Exemption of tree preservation mitigation payments for affordable housing developments. Projects are exempt from the mitigation requirements in Subsection 11.50.040 C.1.b.(2) if the development will be an affordable housing development approved for system development charge exemptions under Section 30.01.095. The amount of the mitigation exemption shall be pro-rated to a percentage equal to the percentage of dwelling units on the development site that are approved for the systems development charge exemption in Section 30.01.095. The Director of the

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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, 188278 and 188959, effective May 24, 2018.)

- 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;

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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.

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, or CX 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.

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**

Development Type	Option A	Option 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**

Canopy size category (at maturity)	Number of trees required per size of tree area	Min. required planting area per tree (min. dimension)
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

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- a.** Trees planted on site to meet any required stormwater or other landscaping requirement may be counted toward the On-site tree density requirements.
- 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.

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(Chapter replaced by Ordinance No. 181303,
effective October 26, 2007.)

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14B.90.010 Purpose.

(Amended by Ordinance No. 188976, effective June 29, 2018.) The Council's purpose in adopting this Chapter is to regulate certain business activities that present an extraordinary risk of being used by criminals to dispose of stolen property. The Council finds that this risk is present despite the best efforts of legitimate secondhand dealer businesses because these businesses process large volumes of goods and materials that are frequently the subject of theft. This Chapter is intended to reduce this type of criminal activity by providing timely police awareness of such property transactions and by regulating the conduct of Persons engaged in this business activity. The Council finds that these regulations are necessary and the need for the regulations outweighs any anti-competitive effect that may result from their adoption.

14B.90.020 Definitions.

(Amended by Ordinance Nos. 186746 and 188976, effective June 29, 2018.) As used in this Chapter, unless the context requires otherwise:

- A. "Acceptable Identification" means either:
 - 1. A current driver's license or a State of Oregon Identification Card issued by the Department of Motor Vehicles; or

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2. Two current United States, state or local government-issued identification cards, one of which has a photograph of the Seller; or
 3. One of the following, when the transaction report includes the Seller's thumbprint:
 - a. A current United States, state, or local government-issued identification card which has a photograph of the Seller; or
 - b. A current passport from any country; or
 - c. A current Consulate Identity Card.
- B.** "Acquire" means to take or transfer any interest in personal property in a voluntary transaction, including but not limited to: sales; consignments; memoranda between a Dealer and a private party Seller; leases; trade-ins; loans; and abandonments. Any acquisition of Regulated Property by a Dealer will be presumed to be an acquisition on behalf of the Secondhand Dealer business. Notwithstanding the foregoing, "acquire" does not include:
1. Any loans made in compliance with state laws by Persons licensed as Pawnbrokers by the State of Oregon; or
 2. Memoranda between a Dealer and a Person engaged in the business of selling Regulated Property.
- C.** "Business Location" means any physical location where the Dealer conducts business.
- D.** "Chief of Police" means the Chief of the Portland Police Bureau or designee.
- E.** "Consulate Identity Card" means a Mexican Matricula Consular issued after 2014 or an identity card issued by a foreign consulate located in the United States with an application process and cards that meet the following criteria:
1. The applicant must be a citizen of the country served by the consulate and must apply for the card in person; and
 2. In addition to fingerprints and digital photographs, the applicant must provide:
 - a. A birth certificate from the country served by the consulate; and
 - b. An official identification from that country, such as a voter identification card; and

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- c. Proof of address within the issuing consulate's consular district.
- 3. The consulate's identification database must be linked to a national security database in the home country; and
- 4. The issuance of the consulate identification card is supported by a centralized system to avoid duplications and confirm the authenticity of required documents and information; and
- 5. Consulates must have access to an electronic consular identification database.
- 6. The identity cards must be printed on plastic and incorporate security features including but not limited to:
 - a. Visible and invisible marks;
 - b. A background design with high quality print and micro test frames;
 - c. Text with different colors of ink;
 - d. Embedded identity data on a cryptographic chip;
 - e. A clear photograph;
 - f. A laser engraved unique card number.

A Dealer should contact the Portland Police Bureau if there are questions about whether an identity card from a country other than Mexico will serve as Acceptable Identification for Secondhand transactions.

- F. "Criminal Arrests or Convictions" refers to any offense defined by the statutes of the State of Oregon or ordinances of the City of Portland, unless otherwise specified. Any arrest or conviction for conduct other than that denoted by the statutes of the State of Oregon or ordinances of the City of Portland, as specified herein, will be considered to be equivalent to one of such offenses if the elements of such offense for which the Person was arrested or convicted would have constituted one of the above offenses under the applicable Oregon statutes or Portland ordinance provisions.
- G. "Dealer".
 - 1. Means any:
 - a. Sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate,

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corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business and that:

- b.** Either:
 - (1)** Acquires Regulated Property at or from Business Locations within the City of Portland, or on behalf of such a business regardless of where the acquisition occurs, or
 - (2)** Offers for sale Regulated Property.
- 2.** Dealers that acquire or offer for sale not more than 50 items of Regulated Property in any one-year period will be categorized as an "Occasional Secondhand Dealer." The term "Dealer" in this Chapter and all regulations herein refer to Secondhand Dealers, Occasional Secondhand Dealers and Pawnbrokers unless specifically stated otherwise.
- 3.** "Dealer" does not include:
 - a.** A business whose acquisitions of Regulated Property consist exclusively of donated items and/or purchases from 501(c)3 organizations; or
 - b.** A Person whose only business transactions with Regulated Property in the City of Portland consist of the sale of personal property acquired for household or other personal use; or
 - c.** A Person whose only business transactions with Regulated Property in the City of Portland consist of a display space, booth, or table maintained for displaying or selling merchandise at any Trade Show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 days in any calendar year.
- H.** "Director" means the Director of the Bureau of Revenue and Financial Services Revenue Division or designee.
- I.** "Held Property" means any Regulated Property that cannot be sold, dismantled or otherwise disposed of for a proscribed period of time as more specifically enumerated in 14B.90.090.
- J.** "Investment Purposes" means the purchase of personal property by businesses and the retention of that property in the same form as purchased, for resale to persons who are purchasing the property primarily as an investment.

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- K.** "Medication" means any substance or preparation, prescription or over-the-counter, used in treating or caring for ailments and/or conditions in humans or animals.
- L.** "New" means anything conspicuously not Used.
- M.** "Pawnbroker" means any business required by Oregon Revised Statute 726.040 to hold an Oregon Pawnbroker's license. Pawnbrokers are required by Chapter 14B.90 to have a Secondhand Dealer Permit. As a Dealer, all transactions occurring within their business (loans, buys, or consignments) are subject to all requirements within this Chapter unless otherwise stated.
- N.** "Person" means a natural Person.
- O.** "Principal" means any Person who will be directly engaged or employed in the management or operation of the Secondhand Dealer business, including any owners and any shareholders with a 5 percent or greater interest in the company.
- P.** "RAPID" means the Regional Automated Property Information Database, which is used by Dealers to report acquisitions of Regulated Property to the Police Bureau.
- Q.** "Receive" means to take property into the inventory, possession, or control of a Dealer.
- R.** "Registered Business" means an entity that is:
1. Registered with the Oregon Secretary of State Corporation Division or its equivalent in the state where the business is located; and
 2. Compliant with the City of Portland Tax Division business registration requirements.
- S.** "Regulated Property" means property of a type that has been determined by the Portland Police Bureau to be property that is frequently the subject of theft, including New items as defined in Section 14B.90.020 as well as Used items such as precious metals, precious gems, watches, sterling silver, electronic equipment, photography equipment, tools, musical instruments and cases, firearms, sporting equipment, and household appliances. A list of Regulated Property is included in the Administrative Rules and may be updated at any time in order to enhance the Bureau's ability to reduce property crimes and recover stolen goods.
- T.** "Remanufactured" means that an item has been altered to the degree that the main components are no longer identifiable as the original item.
- U.** "Seller" means any Person who:

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1. Offers items of Regulated Property in exchange for money or other property; or as collateral for a loan; or
 2. Donates or abandons items of Regulated Property.
- V. "Trade Show" means an event open to the public, held in a venue other than a Dealer's Business Location, at which vendors of a specific type of merchandise may exhibit, buy, sell, or trade items that may include Regulated Property.

Events commonly known as flea markets or swap meets, in which goods of many types are exhibited, sold or traded, are not considered Trade Shows for the purpose of this Chapter.

- W. "Transaction Report" means the record of the information required by 14B.90.080, transmitted to the Police Bureau by the means required in the Administrative Rules.
- X. "Used" means anything that has been put into action or service.

14B.90.030 Permit Required.

(Amended by Ordinance Nos. 186746 and 188976, effective June 29, 2018.)

- A. No Person or business shall engage in, conduct or carry on a secondhand dealer business in the City without a valid Secondhand Dealer Permit issued by the Revenue Division.
- B. Upon acquiring or offering for sale more than 50 items of Regulated Property during any one-year period, an Occasional Secondhand Dealer shall apply for and obtain a Secondhand Dealer Permit before acquiring any more items of Regulated Property.
- C. Any Person or business that advertises or otherwise holds him/herself out to be acquiring or offering for sale Regulated Property within the City will be presumed to be operating as a Dealer subject to the terms of Chapter 14B.90.
- D. The sale of Regulated Property at events commonly known as "garage sales," "yard sales," or "estate sales," is exempt from these regulations if all of the following are present:
1. No sale exceeds a period of 72 consecutive hours; and
 2. No more than four sales are held at the same location in any twelve-month period.

14B.90.035 Minimum Standards.

(Amended by Ordinance No. 188976, effective June 29, 2018.)

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- A. No Person or business may operate as a Dealer within the City of Portland unless the Person or business maintains a fixed physical Business Location, and is a Registered Business.
- B. Dealers shall comply with all applicable federal, state, and local regulations.

14B.90.040 Application for Permit.

(Amended by Ordinance Nos. 186746 and 188976, effective June 29, 2018.)

- A. An applicant for a Secondhand Dealer Permit shall complete and submit an application (including required personal history forms) that sets forth the following information:
 - 1. The name, address, telephone number, birth date and principal occupation of all owners and any Person who will be directly engaged or employed in the management or operation of the business or the proposed business;
 - 2. The name, address and telephone number of the business or proposed business and a description of the exact nature of the business to be operated;
 - 3. The web address of all web pages used to acquire or offer for sale Regulated Property on behalf of the Dealer, and any and all internet auction account names used to acquire or offer for sale Regulated Property on behalf of the Dealer.
 - 4. Written proof that all Principals are at least 18 years of age;
 - 5. Each Principal's business occupation or employment for the 3 years immediately preceding the date of application;
 - 6. The business license and permit history of the applicant in operating a business identical to or similar to those regulated by Chapter 14B.90;
 - 7. A brief summary of the applicant's business history in any jurisdiction including:
 - a. The business license or permit history of the applicant; and,
 - b. Whether the applicant or any Principal has ever had any business-related license or permit revoked or suspended, the reasons therefor, and the business activity or occupation of the applicant or Principal subsequent to the suspension or revocation.
 - 8. Whether the applicant will be a sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited

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liability company, limited liability partnership or any other form of organization for doing business.

- a.** If a partnership, the application must set forth the names, birth dates, addresses, telephone numbers, and principal occupations, along with all other information required of any individual applicant, of each partner, whether general, limited, or silent, and the respective ownership shares owned by each;
 - b.** If a corporation, or limited liability company, the application must set forth the corporate or company name, copies of the articles of incorporation or organization and the corporate by-laws or operating agreement, and the names, addresses, birth dates, telephone numbers, and principal occupations, along with all other information required of any individual applicant, of every officer, director, members or managers, and shareholder (owning more than five percent of the outstanding shares) and the number of shares held by each;
- 9.** If the applicant does not own the business premises, a true and complete copy of the executed lease (and the legal description of the premises to be permitted) must be attached to the application;
- 10.** All Criminal Arrests or Convictions of each Principal enumerated in paragraphs 1 through 7 of this Subsection;
- 11.** Upon request, Principals and employees shall submit fingerprints and passport size photographs to the Portland Police Bureau. Principals and employees must submit new photos if requested to do so by the Portland Police Bureau;
- 12.** Any other information that the Director may reasonably feel is necessary to accomplish the goals of this Chapter.
- B.** The Dealer shall notify the Revenue Division of any changes in the information required in Subsection A. within ten business days.
- C.** New employees of Dealers shall complete and submit the personal history form as required in Subsection A. Employees may not acquire Regulated Property until all required information has been reviewed and approved by the Portland Police Bureau. The criteria used to review a new employee will be the same as those used in the review of an initial application in Subsection 14B.90.050 B.

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- D.** The personal and business information contained in the application forms required pursuant to Subsection 14B.90.040 A. are subject to the requirements of the Oregon Public Records Law, ORS 192.410 et seq.

14B.90.050 Issuance and Renewal of Permit.

(Amended by Ordinance Nos. 186746 and 188976, effective June 29, 2018.)

- A.** Upon the filing of an application for a permit and payment of the required fee, the Chief of Police shall conduct an investigation of the applicant and all principals and employees listed according to the requirements in Subsection 14B.90.040 A. The Director shall issue the permit within 90 days of receiving the application if no cause for denial exists.
- B.** Except as provided in Subsection 14B.90.050 C. the Director shall deny an application for a permit if any of the following apply:
- 1.** The applicant, or any Person who will be directly engaged in the management or operation of the business, or any Person who owns a five percent or more interest in the business, has previously owned or operated a business regulated by Chapter 14B.90; and
 - a.** the license or permit for the business has been revoked for cause that would be grounds for revocation pursuant to Chapter 14B.90; or
 - b.** the business has been found to constitute a public nuisance and abatement has been ordered.
 - 2.** Any Person listed on the initial application or renewal application has been convicted of one or more of the offenses listed below or has violated any section of Chapter 14B.90. The offenses include:
 - a.** Any felony.
 - b.** Any misdemeanor or violation involving either bribery, controlled substances, deception, dishonesty, forgery, fraud, or theft, or any attempt or conspiracy to commit any of the listed offenses.
 - 3.** The Director finds by a preponderance of the evidence that the applicant or any Principal or employee has committed any offense relating to fraud, theft or any attempt or conspiracy to commit theft, or any offense listed in Section 14B.90.120;
 - 4.** The Director finds by a preponderance of the evidence that the applicant or any Principal or employee who will be involved in the business has violated any law where the elements of such law are equivalent to the provisions of Chapter 14B.90;

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5. Any statement in the application is false or any required information is withheld; or
 6. The Director finds by a preponderance of the evidence that the applicant, or any person who will be directly engaged or employed in the management or operation of the business, or any Person who owns a five percent or more interest in the business, has previously owned or operated a business regulated by Chapter 14B.90 or any laws or statutes equivalent to the provisions of Chapter 14B.90, and the business has violated applicable State, Federal or local requirements, including permitting requirements.
- C. Notwithstanding Subsection 14B.90.050 B., the Director may grant a permit after consulting with the Chief of Police despite the presence of one or more of the enumerated factors if the applicant establishes to the Director's reasonable satisfaction that:
1. The behavior evidenced by such factor is not likely to recur; or,
 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 the purpose of Chapter 14B.90.
- D. Permits are valid for a term of one year and expire on the first anniversary of their issuance. The permits are nontransferable and are valid only for a single Business Location. When the Business Location is to be changed, the permit holder shall provide the address of the new location in writing to the Revenue Division for approval at least 14 days prior to the change.
- E. Permits must be displayed at the Business Location in a manner readily visible to patrons.
- F. Upon denial of an application for a permit, the Director shall give the applicant written notice of the denial.
1. Service of the notice will be accomplished by mailing the notice to the applicant by certified mail, return receipt requested.
 2. Mailing of the notice will be prima facie evidence of receipt of the notice.
 3. The denial will be effective the date the notice is sent.
- G. Denial of a permit may be appealed by filing written notice of an appeal within 10 days of the date of denial in accordance with Section 14B.90.150.

14B.90.060 Permit Fees.

(Amended by Ordinance No. 186746, effective August 6, 2014.) Every Dealer shall complete and submit all required forms to the Revenue Division and pay a nonrefundable fee as required by the Administrative Rules.

14B.90.070 Subsequent Locations.

(Amended by Ordinance Nos. 186746 and 188976, effective June 29, 2018.)

- A. Dealers must file an application for a permit for a subsequent or additional Business Location with the Revenue Division and pay a non-refundable fee as set forth in the Administrative Rules of Chapter 14B.90, provided the information required for the subsequent or additional Business Location is identical to that provided in the application for the prior location with the exception of that required by Subsection 14B.90.040 A.2.
- B. Permits issued for subsequent or additional Business Locations will be subject to all the requirements of this Chapter, and the term of the permit issued for a subsequent or additional location will expire on the same date as the initial permit.

14B.90.080 Reporting of Secondhand Dealer Transactions.

(Amended by Ordinance No. 188976, effective June 29, 2018.)

- A. Dealers shall provide to the Portland Police Bureau all required information as described in the Administrative Rules for each Regulated Property transaction (not including sales). The Chief of Police may designate the format for the transfer of this information and may direct that it be communicated by means of mail, the internet, or other computer media as provided in the Administrative Rules.
 - 1. In any such case that the Chief directs that the information be transmitted via computer media, the Chief may also direct the system that will be utilized in order to ensure conformity among all Dealers.
 - 2. If, after establishing the format and requirements for the transmission of computerized reports of transactions, the Chief of Police alters the required format, Dealers will be given at least 60 days to comply with the new format requirements. If unable to implement the reporting system before the deadline, a Dealer must submit a written request for additional time to the Chief of Police before the deadline.
 - 3. Upon approval by the Chief of Police, a Dealer that acquires less than 25 items of Regulated Property in a year may use forms provided by the Portland Police Bureau to report transactions.
 - 4. Pawnbrokers are required to report only new transactions. Loan renewals do not need to be reported.

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- B.** The Declaration of Proof of Ownership will be considered to be included in references in this Chapter to the transaction record, as appropriate.

14B.90.090 Regulated Property Sale Limitations.

(Amended by Ordinance Nos. 186746 and 188976, effective June 29, 2018.)

- A.** Regulated Property is subject to the following limitations:
- 1.** Holding Period: Regulated Property acquired by any Dealer must be held for a period of 30 full days from the date of acquisition. Pawnbroker loan transactions are exempt from the 30-day hold requirements of Section 14B.90.090 because of the redeemable nature of the loans and the holding requirements in ORS 726. However, if the loan is converted to a buy by the pawnbroker within 30 days from the date of the pawn transaction, the difference between the original date of the pawn and the buy will count toward the 30-day hold requirement. All other provisions of Section 14B.90.090 remain in effect.
 - 2.** Requirements of Held Property: All Held Property must remain in the same form as when received, must not be sold, dismantled or otherwise disposed of, and must be kept separate and apart from all other property during the holding period to prevent theft or accidental sale and to allow for identification and examination by the Revenue Division or Police Bureau. Held Property must be kept at the Business Location during this holding period so that it can be inspected during normal business hours (as provided in Section 14B.90.110). Held Property, other than property on Police Hold, may be held in a place within public view, as long as the other requirements of the Subsection are met.
- B.** Notwithstanding Subsection 14B.90.090 A., the Director may determine that certain types of transactions pose a reduced risk of being an outlet for the sale of stolen property and therefore may modify the hold period and/or reporting requirements for those types of transactions. Those transactions and the modified requirements are described in the Administrative Rules.
- C.** Upon reasonable belief that an item of Regulated Property is the subject of a crime, any peace officer may provide notice to any Dealer that a specifically described item of Regulated Property must be held in a separate Police Hold area for a period not to exceed 30 days from the date of notification, and is subject to the requirements of Subsection 14B.90.090 A.2 above. The hold may be extended an additional 30 days upon notice provided to the Dealer that additional time is needed to determine whether a specific item of Regulated Property is the subject of a crime. The Dealer shall comply with the hold notice and notify the Chief of Police of the hold notice not later than five calendar days from the day the notice was received, either by telephone, fax, email, or in person. A Dealer must notify the Chief of

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Police of their intent to dispose of any item of Regulated Property under Police Hold at least 10 days prior to doing so.

1. A Police Hold area must meet the following criteria:
 - a. Located out of public view and access, and
 - b. Marked "Police Hold," and
 - c. Contain only items that have been put on Police Hold.
 2. Dealers may maintain up to three Police Hold areas as necessary for the safe storage of high value items, physically large items, and general merchandise put on Police Hold.
 3. If it is not possible or practical to move an item to or store an item in the Police Hold area, a Dealer may submit a written request to the Chief of Police for approval to keep the item with other Held Property. Approval may be granted with the understanding that the item will be clearly marked as being on Police Hold and kept from public view and access.
- D.** Upon probable cause that an item of property is the subject of a crime, the Chief of Police may take physical custody of the item or provide written notice to any Dealer to hold such property for a period of time as determined by the Chief of Police, not to exceed the statute of limitations for the crime being investigated. Any property placed on hold pursuant to this subsection is subject to the requirements found in Subsection 14B.90.090 A.2., and will be maintained in the Police Hold area unless seized or released by the Police. Seizure of property will be carried out in accordance with Oregon Revised Statutes.
- E.** If a Dealer acquires Regulated Property with serial numbers, personalized inscriptions or initials, or other identifying marks which have been destroyed or are illegible due to obvious normal use, the Dealer must continue to hold the property at the Business Location for a period of 90 full days after acquisition. The Dealer must notify the Portland Police Bureau by adding "90 day hold" to the description of the item in the transaction record, along with a notation of what kind of information has been destroyed or is illegible. The Held Property must conform to all the requirements found in Subsection 14B.90.090 A.2.
- F.** If a Dealer receives information that leads to an objectively reasonable basis to believe that any property already at his/her Business Location has been previously lost or stolen, he/she must report that belief to the Portland Police Bureau by day's end. The notice must include the RAPID item number and any additional information regarding the name of the owner, if known.

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- G.** If a peace officer seizes any property from a Dealer; the Dealer must notify the Portland Police Bureau of the seizure not later than five calendar days from the day the seizure occurs. The Dealer must provide the name of the agency, the name of the peace officer, the number of the receipt left for the seizure, and the seized property information. Notification to the Police Bureau may be given by telephone, fax, email, or in person.

14B.90.095 Release of Held or Seized Property.

(Added by Ordinance No. 188976, effective June 29, 2018.) Items held or seized under Subsection 14B.90.090 D. may not be released to anyone other than the Dealer unless the property is released to:

- A.** Another law enforcement agency that has provided documentation to the satisfaction of the Chief of Police of the stolen status of the property, or
- B.** A Person who reported the property as stolen; and
- 1.** A stolen property report has been filed with a law enforcement agency where making an untruthful report is a violation of the law, and
 - 2.** A notice has been delivered to the Dealer holding the property or from whom the property was seized.
 - a.** The required notice will state that the property will be released to the Person who has filed the stolen property report unless the Dealer or pawner/Seller files a motion for return of seized property within 10 days of the date of the notice and in the manner set forth in the notice.
 - b.** The notice will be sent electronically with a request for acknowledgement, or delivered in person to the Dealer at the email or physical address shown on the Dealer's permit application or most recent permit renewal application, and to the pawner/Seller at the address shown in the transaction report required by Section 14B.90.080.
 - c.** The notice will provide the information necessary to submit a motion for return of seized property.
 - d.** The failure of any Person to receive the required notice will not invalidate or otherwise affect the proceedings of this Section.

14B.90.100 Tagging Regulated Property for Identification.

(Amended by Ordinance No. 188976, effective June 29, 2018.) Dealers shall affix a tag to every item of Regulated Property, which must contain a unique, legible number. That

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unique number must either be the item number from the RAPID transaction record or be referenced to the Transaction Report required by the Portland Police Bureau. After the hold period has expired, the unique number must remain identifiable on the property until the sale of the property.

- A. After the applicable hold period has expired, hand tools, or items that are sold with other like items and have no identifiable numbers or markings need not remain tagged.
- B. After the applicable hold period has expired, items that are Remanufactured need not remain tagged.

14B.90.110 Inspection of Property and Records.

(Amended by Ordinance Nos. 186746 and 188976, effective June 29, 2018.) Upon presentation of official identification, a Dealer must allow any representative of the Portland Police Bureau or the Revenue Division to enter the Business Location to ensure compliance with the provisions of Chapter 14B.90. The inspection will be for the limited purpose of inspecting the Business Location, Regulated Property, and related records as provided in this Chapter and the Administrative Rules. Except by mutual agreement with the Dealer or by court order, any inspection under this Section will occur only during the Dealer's normal business hours.

14B.90.120 Prohibited Acts.

(Amended by Ordinance No. 188976, effective June 29, 2018.)

- A. It is unlawful for any Person regulated by Chapter 14B.90:
 - 1. To receive any property from any Person
 - a. Known to the Principal, employee or Dealer to be prohibited from selling by a court order,
 - b. Under the age of 18 years unless the Person's parent or guardian complete the applicable information on the Declaration of Proof of Ownership,
 - c. About whom the Principal, employee or Dealer has been given notice by law enforcement as having been convicted of burglary, robbery, theft or possession of or receiving stolen property within the past ten years whether the Person is acting in his or her own behalf or as the agent of another who meets the above criteria;
 - 2. To receive property prohibited by this Chapter or the Administrative Rules, including
 - a. Medications;

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- b. Property with serial numbers, personalized inscriptions or initials or other identifying marks that appear to have been intentionally altered or rendered illegible.
 - 3. To receive property that a reasonable Person under similar circumstances would believe is more likely than not stolen, except as allowed by the Administrative Rules. A later determination regarding whether or not an item is found to be stolen will not be used as a factor to determine whether a Dealer has violated this Subsection.
- B. Any violation of Subsection 14B.90.120 A. is punishable, upon conviction, by a fine of not more than \$500 and a jail sentence of up to six months.
- C. Notwithstanding Subsection 14B.90.120 A., a Dealer may receive property for which the Dealer has an objectively reasonable basis to believe is more likely than not stolen if the Dealer is doing so with the intention of recovering the item for a specifically identified victim. The Dealer must notify the Portland Police Bureau of the acquisition and the name of the specific Person or entity believed to be the victim by the end of the business day that the acquisition is made. Notification may be made by phone or email. An item acquired under this Subsection must be immediately placed under a 30-day Police Hold.

14B.90.130 Penalties.

(Amended by Ordinance No. 188976, effective June 29, 2018.)

- A. The Director may assess civil penalties in an amount up to \$500 for each violation of Chapter 14B.90.
- B. Procedure.
 - 1. The Director, having made a determination to seek civil penalties as provided by this Section, shall give the Dealer written notice of the determination.
 - 2. Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.
 - 3. Mailing of the notice will be prima facie evidence of receipt of the notice.
 - 4. The civil penalty will be due ten days from the date of the notice unless such civil penalty is appealed in accordance with Section 14B.90.150.
- C. Any Principal of a Dealer that has been assessed civil penalties in excess of \$2,000 in the previous 12 months who subsequently violates Chapter 14B.90 may be punished, upon conviction, by a fine of up to \$500 and a jail sentence of up to 6 months.

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14B.90.140 Revocation or Suspension of Permit.

(Amended by Ordinance Nos. 186746 and 188976, effective June 29, 2018.)

- A.** Along with the other regulatory enforcement authority granted under this Chapter, the Director may, after consulting with the Chief of Police, revoke or suspend any permit issued pursuant to this Chapter:
- 1.** For any cause that would be grounds for denial of a permit; or
 - 2.** Upon a finding that any violation of the provisions of this Chapter, federal, state or other local law has been committed and the violation is connected with the operation of the permitted 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 by the Dealer or any Principal or employee engaged or employed in the management or operation of the Business Location; or
 - 3.** A lawful inspection has been refused; or
 - 4.** If payment of civil penalties has not been received by the Revenue Division within ten business days after the penalty becomes final; or
 - 5.** If any statement contained in the application for the permit is false.
- B.** The Director, upon revocation or suspension of any permit issued pursuant to this Chapter, shall give the Dealer written notice of the revocation or suspension.
- 1.** Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.
 - 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 ten days after the giving of notice unless the revocation is appealed in accordance with Section 14B.90.150.
- D.** Suspension will be effective immediately upon the giving of notice, for the period of time set in the notice not to exceed 30 days.
- E.** Any Principal of a Dealer whose permit has been revoked who subsequently violates Chapter 14B.90 may be punished, upon conviction, by a fine of up to \$500 and a jail sentence of up to 6 months.

14B.90.150 Appeals.

(Amended by Ordinance Nos. 186746 and 188976, effective June 29, 2018.)

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- A. Any Dealer or Person whose initial application or renewal application for a Dealer permit has been denied, or whose permit has been revoked or suspended, or who has been directed to pay a civil penalty by the Director, may appeal the action of the Director to the Code Hearings Officer of the City of Portland, as set out in Chapter 22.10 of the Portland City Code. Requests for appeal hearings must be filed with the Code Hearings Office or as specified by Section 22.10.030.
- B. The filing of a notice of appeal of revocation or suspension of a permit, 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.90.170 Authority of Director to Adopt Rules, Procedures and Forms.
(Amended by Ordinance No. 186746, effective August 6, 2014.)

- A. The Director may adopt rules, procedures and forms to implement the provisions of this Chapter.
- B. Adoption of Rules.
 - 1. The Director may adopt rules pertaining to matters within the scope of this Chapter.
 - 2. Before the Director adopts a rule, a public hearing must be conducted. The Director must give notice of the public hearing in a reasonable manner not less than ten nor more than 30 days before the hearing. The notice must include the place and time of the hearing; where copies of the full text of the proposed rules may be obtained; and a brief description of the proposed rules.
 - 3. The Director will consider oral and/or written testimony during the public hearing. The Director shall adopt the proposed rule, modify, or reject the proposed rule, based on the testimony received. Unless otherwise stated, all rules are effective upon adoption by the Director and will be kept on file at the Revenue Division. Copies of all rules will be made available to the public upon request.
 - 4. Notwithstanding paragraphs 2 and 3 of this Section, the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly would result in serious prejudice to the public interest. In so doing, the Director must include the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph will be effective for a period of not longer than 180 days.

**CHAPTER 14B.100 - LIQUOR LICENSE
RECOMMENDATIONS**

Sections:

- 14B.100.010 Purpose.
- 14B.100.020 Delegation of Application Recommendation Authority.
- 14B.100.030 Application Procedure.
- 14B.100.040 Reconsideration of Applications.
- 14B.100.050 Notification of OLCC Proceedings.
- 14B.100.060 Impact Areas.

14B.100.010 Purpose.

The purpose of this Chapter is to establish a fair, effective and efficient process which shall be used by the Chief of Police in making recommendations to the Oregon Liquor Control Commission (OLCC) for liquor licenses for premises within the City limits. This Chapter is necessary to ensure that all premises licensed to sell or dispense liquor in any form meet the high expectations of this community and that all licensed premises are conducted in a lawful manner that does not unreasonably disturb the peace and tranquility of this City and its neighborhoods.

14B.100.020 Delegation of Application Recommendation Authority.

In order to expedite service to license applicants and the citizens of the City, the Council, as the governing body of the City, hereby delegates to the Chief of Police its authority to make liquor license application recommendations to the OLCC. Any responsibility delegated to the Chief of Police by this Chapter may also be performed by the designee of the Chief of Police.

14B.100.030 Application Procedure.

(Amended by Ordinance No. 179351, effective June 22, 2005.)

- A.** Any applicant for any license who is required by the OLCC to have a recommendation from the City of Portland concerning the suitability of the application shall present the license application forms prescribed by the OLCC to the Office of Neighborhood Involvement, or its designee, for the purpose of obtaining the recommendation of the Chief of Police concerning the license.
- B.** The Office of Neighborhood Involvement shall accept liquor license applications only when the following conditions are met:
 - 1.** All required forms are properly completed and in order; and
 - 2.** The applicant has obtained a valid City business license; and
 - 3.** The processing fee has been paid. Fees shall be in the maximum amount allowed by Oregon law and shall be nonrefundable.

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- C.** The Office of Neighborhood Involvement shall forward liquor license applications to the Chief of Police with a copy of the City of Portland Liquor Outlet Information form to the Bureau of Licenses within one business day of receipt.
- D.** Except for applications for new licensed premises for railroads, public passenger carriers or boats, health care facilities, or all OLCC wholesale type licenses, in addition to the posting of a conspicuous notice on the licensed premises as required by the OLCC, ONI shall:

 - 1.** Notify the following persons by mail that an application has been filed:

 - a.** Property owners and property occupants within 300 feet of the proposed licensed premises;
 - b.** The neighborhood association within whose boundaries the licensed premises will be located.
 - 2.** Post the proposed new licensed premises with a notice indicating the process for public comment.
 - 3.** Request a response in writing from the neighborhood association, property owners and property occupants and allow at least 20 days after the mailing or posting of notification as provided in this Section, to provide a response in writing to ONI. ONI shall notify any person who responds pursuant to this Section of the recommendation made by the Chief of Police to the OLCC.
- E.** The Chief of Police shall conduct an investigation of each application for the purpose of determining the recommendation that shall be made to the OLCC. In addition to the information required by the OLCC application forms, the Chief of Police is authorized to require from the applicant any other pertinent information that the Chief of Police deems appropriate.
- F.** The Chief of Police shall coordinate with ONI and the City Noise Control Officer prior to issuance of a recommendation to determine if there is substantial neighborhood concern or opposition to the application, or if there is evidence that noise is or will be a significant and persistent problem at the licensed premises.

 - 1.** If the Chief of Police finds that there are valid grounds to make an unfavorable recommendation to OLCC as provided by Oregon liquor laws, the Chief of Police shall forward an unfavorable recommendation directly to the OLCC.
 - 2.** If there is substantial neighborhood concern or opposition to the application, or there is evidence that noise is or will be a significant and persistent

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problem at the licensed premises, but the Chief of Police, because of time constraints or other factors, does not find sufficient basis for an unfavorable recommendation as provided by Oregon liquor laws, the Chief of Police shall forward a no endorsement recommendation directly to the OLCC, with supporting documentation of neighborhood concern or opposition and/or evidence of noise as provided by ONI, and shall request that the OLCC hear testimony from the neighborhood. ONI shall coordinate neighborhood testimony for OLCC hearings.

3. If the Chief of Police finds no basis for an unfavorable recommendation as provided by Oregon liquor laws, and there is no substantial neighborhood concern or opposition or evidence that noise is or will be a significant and persistent problem at the licensed premises, the Chief of Police shall forward a favorable recommendation directly to the OLCC. The Chief of Police may also attach conditions or restrictions to a favorable recommendation, such as allowing sales only during limited hours, restricting the sale of alcoholic beverages associated with street drinkers, or other conditions or restrictions consistent with the Oregon liquor laws.

- G. The Chief of Police shall notify the applicant of the recommendation.
- H. The process for renewal applications shall be as provided by this Section except that the notification requirements of Subsection D shall not apply.
- I. If ONI believes a good neighbor agreement will alleviate substantial neighborhood concern or opposition, ONI shall attempt to work with the licensed premises and the neighborhood to achieve a good neighbor agreement. ONI shall notify the Chief of Police and the OLCC of any completed good neighbor agreements, or, of its attempts to achieve a good neighbor agreement, in the event ONI is unable to complete a good neighbor agreement within a reasonable period of time.

14B.100.040 Reconsideration of Applications.

Except as provided by this Section, after having made a recommendation other than favorable on any new license application, the Chief of Police shall not reconsider an application for the same location by the same or substantially the same applicant for a period of at least 6 months, or during the period the applicant has an appeal relating to the license pending in court or in a state administrative agency, whichever is longer. However, the Chief of Police may reconsider an application in less than 6 months if no appeal relating to the license is pending in court or in a state administrative agency, and the Chief of Police reasonably determines that the circumstances which caused the Chief of Police to make a recommendation other than favorable have substantially changed.

14B.100.050 Notification of OLCC Proceedings.

ONI shall notify Council of OLCC hearing dates, places and times, and advise Council of applications that will receive unfavorable recommendations, no endorsements

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recommendations, or favorable recommendations with conditions or restrictions. ONI shall advise Council of the OLCC's decisions on applications.

14B.100.060 Impact Areas.

- A.** It shall be the responsibility of the Chief of Police to review, from time to time, the locations, types and quantities of liquor licenses that have been issued for premises located in geographical areas, neighborhoods or sectors of the City. If the Chief of Police, upon inquiry, or at the request of citizens or groups finds: that some area of the City is saturated with certain types of licensed premises selling or serving alcoholic beverages and that the placement of additional licensed premises within that area will likely be deleterious to that area; or, that excessive criminal acts, traffic congestion, or litter problems are present or will increase due in part to the licensed premises; or, additional licensed premises are not justified by public interest or convenience, then the Chief of Police shall make a recommendation to Council that the area be designated as an impact area, and that liquor licenses of certain types should not be granted or renewed in that area for a specific period of time, or until the number of current licenses is reduced to the point that licensed premises can be permitted that will not be deleterious to the area, or, will not lead to additional criminal acts, traffic congestion or litter problems, or, are justified by public interest or convenience.
- B.** If Council declares an area to be an impact area based upon findings that valid grounds exist as provided by Oregon liquor laws, the Chief of Police shall notify OLCC so that OLCC may ensure that liquor license applicants are put on notice of the impact area.
- C.** Within any area declared to be an impact area as provided by this Chapter, the Chief of Police is authorized, on behalf of Council:

 - 1.** To present an unfavorable recommendation to the OLCC on any application for a new licensed premises located in the impact area; or,
 - 2.** To present a favorable recommendation for any existing licensed premises located in the impact area, subject to certain conditions or restrictions, such as allowing liquor sales only during limited hours, restricting the sale of alcoholic beverages associated with street drinkers, or other restrictions consistent with the Oregon liquor laws.
- D.** Impact area recommendations shall not apply to licensed premises wherein the sale of alcoholic beverages is incidental to full service restaurant facilities, with meals prepared on the licensed premises, provided that the liquor license applicant(s) and the restaurant owner(s) are one and the same.
- E.** The following areas are declared by Council to be impact areas:

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1. Burnside District Impact Area. The Burnside District, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For purposes of this Section, the Burnside District is defined as that area bounded by the Willamette River on the East and North, by NW Ninth Avenue to West Burnside Street, by West Burnside Street to SW Fourth Avenue, by SW Fourth Avenue to SW Ankeny Street, by SW Ankeny Street to the Willamette River.
2. Central Eastside Industrial District Impact Area. The portion of the Central Eastside Industrial Area, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For the purposes of this Section, the Central Eastside Industrial Area is defined as that area bounded by the Banfield Freeway to the North, by SE 12th Avenue to the East, by SE Clay Street to the South, and by the Willamette River on the West.
3. Inner North/Northeast Neighborhood Impact Area. The Inner North/Northeast Neighborhood, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For purposes of this Section, the Inner North/Northeast Neighborhood is defined as that area bounded by NE Columbia Blvd. on the North, NE Broadway Blvd. on the South, and Interstate 5 on the West. The area's boundary on the East is NE 42nd Avenue from NE Columbia Blvd. to NE Prescott Street, NE 23rd Avenue from NE Prescott Street to NE Mason Street, NE 21st Avenue from NE Mason Street to NE Fremont Street and NE 7th Avenue from NE Fremont Street to NE Broadway Blvd.

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**CHAPTER 14B.110 - AMUSEMENT DEVICES,
GAMES AND MACHINES**

Sections:

- 14B.110.010 Purpose.
- 14B.110.020 Definitions.
- 14B.110.030 Authorization.
- 14B.110.040 Permits Required for Certain Amusement Devices.
- 14B.110.050 Permits Required, Fees.
- 14B.110.060 Permit Application, Issuance, Denial.
- 14B.110.070 Requirements of Permit Holders.
- 14B.110.080 Inspection of Amusement Devices, Records, and Premises.
- 14B.110.090 Prohibited Conduct.
- 14B.110.100 Permit Suspension, Revocation.
- 14B.110.110 Violations, Sealing Prohibited Amusement Devices.
- 14B.110.120 Civil Penalties.
- 14B.110.130 Criminal Penalties.
- 14B.110.140 Appeals.

14B.110.010 Purpose.

The purpose of this Chapter is to provide for the strict regulation of amusement devices, games and machines in order to reduce the potential for unlawful gambling, adverse neighborhood impacts, and adverse impacts on the welfare and education of children in the City, and to raise revenue.

14B.110.020 Definitions.

(Amended by Ordinance No. 186746, effective August 6, 2014.) As used in this Chapter, unless the context requires otherwise:

- A.** “Amusement device” means any machine, device, or game, including foosball or table soccer games, billiards or pool tables, shuffleboard, shooting gallery devices, miniature bowling games, electronic games of skill, video games, and other similar machines, devices, or games:
 - 1.** Which are made available for display or operation; and,
 - 2.** Which require the payment of money or other valuable consideration.
 - 3.** “Amusement device” shall not include:
 - a.** Ping pong tables, music devices, vending machines, or any rides where no element of chance, bonus, or prize is involved; or
 - b.** Video lottery games, game terminals and equipment operated directly by the Oregon Lottery Commission as a state agency.

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- B.** “Amusement Center” means any location where a person makes seven or more amusement devices available for operation or play at any one time, but excluding any location that:
1. Derives at least 50 percent of its gross income from the sale of food; or,
 2. Possesses a current, valid license authorizing the on-premises consumption of alcoholic beverages; or,
 3. Is operated primarily as a movie theater, bowling alley, skating rink, or other similar establishment, which displays or operates amusement devices only during the hours that such establishment makes its primary service or activity available to the public.
- C.** “Director” means the Director of the Bureau of Revenue and Financial Services Revenue Division, or his or her designee.
- D.** “Display or operation” means to make any amusement device available to the public for use or play, for the purposes of displaying or exercising skill or for amusement, at any public or private location.
- E.** “Location” means any business establishment, public or private club, association, or any other site where a person makes any amusement device available for display or operation, excepting only private residences in which such amusement devices are available only for display or operation at no cost to the player.
- F.** “Person” means any real person, or any partnership, association, corporation, or other form of business organization.

14B.110.030 Authorization.

- A.** Enforcement. The Director is authorized to enforce all provisions of this Chapter.
- B.** Procedures and forms. The Director may adopt procedures and forms to implement the provisions of this Chapter.

14B.110.040 Permits Required for Certain Amusement Devices.

- A.** It shall be unlawful for any person to make available for display or operation any amusement device in which the outcome does not depend in a material degree upon an element of chance, unless all required permits have been obtained, and the display or operation of the amusement device comply with all applicable provisions of this Chapter and of the statutes of the State of Oregon.

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- B.** The provisions the this Section shall not exempt any amusement device from any applicable provisions of the Internal Revenue Code requiring federal gaming device tax stamps, or any applicable provisions of the statues of the State of Oregon.

14B.110.050 Permits Required, Fees.

- A.** It shall be unlawful for any owner of a location to display or make available for operation any amusement device described in Subsection 14B.110.040 without first obtaining a valid Location Permit for the location. Location Permits shall be classified with respective nonrefundable fees, as follows:

Type of Permit	Number of Devices	Fee Per Location
Class I	1 - 3	\$ 50.00
Class II	4 - 6	100.00
Class III	7 - 9	200.00
Class IV	10 - 19	500.00
Class V	20 or more	1000.00

- B.** It shall be unlawful for any owner of an amusement center to display or make available for operation any amusement device described in Section 14B.110.040 without first obtaining a valid Amusement Center Permit. Amusement Center Permits shall be classified with nonrefundable fees according to the number of devices at the location as set forth above.
- C.** In lieu of all other permits required by this Chapter, any person may make any amusement device described in Section 14B.110.040 available for display or operation, for one continuous time period not exceeding 90 days in any calendar year, by obtaining a Temporary Location Permit, which shall require the payment of a nonrefundable fee of \$250.
- D.** All permits issued under this Chapter, except Temporary Location Permits, shall be valid for the calendar year of issue, and shall expire on December 31 of that year. All permits shall contain information regarding the permittee's identity. No permit issued under this Chapter shall be transferable or assignable under any circumstances.
- E.** No provision in this Chapter shall be construed to permit the use of any amusement device in violation of State or federal law, or of any of the other provisions of this Code other than those specifically referred to herein.

14B.110.060 Permit Application, Issuance, Denial.

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

- A.** Applications for all permits required by this Chapter shall be made to the Revenue Division on forms provided by the Revenue Division. The applicant shall provide all the information relating to the purposes of this Chapter required on the form by

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the Revenue Division. Failure to provide any information requested on this form may be cause to deny the requested permit.

- B.** The Director shall approve issuance of permits after payment of the required fee, completion of the application form and following an investigation of the applicant. However, the Director shall deny a permit application if:
1. The applicant has been convicted of any offense related to minors, juveniles, gambling, obscenity, controlled substances, prostitution or alcoholic beverages;
 2. Any person has been convicted of any offense relating to minors, juveniles gambling, obscenity, controlled substances, prostitution or alcoholic beverages occurring at the location for which the permit is to be obtained;
 3. Any statement in the application is found to be false;
 4. The applicant has been a principal owner, operator, manager or supervisor of an amusement location and the activities or patrons of such business caused a significant increase in harassing, disorderly or violent acts, criminal activity, vandalism, litter, liquor law violations, noise or traffic congestion in or around such business;
 5. In the Director's opinion, after investigation of the proposed location of an amusement location, the proposed site would be reasonably likely to result in an increase in those acts noted in part (4) of this Subsection;
 6. The business operation as proposed by the applicant would not comply with all applicable requirements of this Code, including, but not limited to, the Building, Health, Planning and Zoning and Fire Codes of the City;
 7. The permitted amusement center would be located within 100 feet of any residential zone established by the Planning and Zoning Code or any location within 500 feet of any public or private elementary, junior high or high school or playground, this distance to be measured in a straight line without regard to intervening structures or obstacles from the nearest point of the school property or residential zone to the nearest point of the structure in which the permitted amusement devices would be operated; or,
 8. The proposed location of the business operation requiring a Location Permit, would be a detriment to the immediate vicinity due to congregation of pedestrian or vehicular traffic.

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- C. Notwithstanding Subsection B. above, the Director with the concurrence of the Chief of Police may issue a conditional permit if the applicant establishes to the Director's satisfaction that:
1. The behavior evidenced by such factor is not likely to recur;
 2. The behavior evidenced by such factor is remote in time; or,
 3. The behavior evidenced by such factor occurred under circumstances which diminish the seriousness of the factor as it relates to the purpose of this Chapter.
 4. Under this Subsection, the Director may only issue a permit containing conditions directed at ensuring that such factor shall not recur.
- D. Denial of a permit may be appealed by the applicant by filing written notice of an appeal as provided in Section 14B.110.140.

14B.110.070 Requirements of Permit Holders.

- A. Any person issued any permit for any amusement device shall supervise the use and operation of such device to prevent its use or operation for any purposes contrary to the provisions of this Chapter or any other violation of the provisions of the City Code or applicable State statutes.
- B. Displaying Permits.
1. All location, amusement center, and temporary location permits issued under this Chapter shall either be:
 - a. Securely affixed to the permitted amusement device;
 - b. Displayed so as to be visible to the public at all times such device is in a location open to the public; or,
 - c. Visible to the public in the same room as the permitted amusement device.
 2. If affixed to the amusement device, the permit must be visible for inspection without removing any portion of the amusement device, or any other obstacle, and without physically moving the amusement device from its normal operating position.
 3. The entire face of any displayed permit shall be visible. The permit shall be displayed or affixed during its entire term.

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- C. Any person issued a Location Permit, or a permit to operate an amusement center, shall operate, maintain and supervise the permitted business and its premises, including parking facilities, to prevent:
1. Violations of the provisions of the Portland City Code, state, or federal law, relating to juveniles, minors, alcoholic beverages, gambling, obscenity, controlled substances, prostitution, or crimes against persons or property as defined by the Oregon Revised Statutes, that are connected in a time and manner with the operation and proximity of such premises;
 2. Harassing or disorderly acts on, in, or around such premises; and,
 3. Any significant increase in litter, noise, vehicular or pedestrian traffic congestion, or other locational problems in the area around such business.

14B.110.080 Inspection of Amusement Devices, Records, and Premises.

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

- A. Any person issued permits under this Chapter, or who controls any location in which a permitted amusement device is located, shall permit any Revenue Division representative or Bureau of Police officer upon presentation of official identification, to enter such location for the limited purposes of inspecting all records, amusement devices and premises regulated under this Chapter, to which the public has access, to ensure compliance with the provisions of this Chapter.
- B. Inspections under this Section shall be authorized only during normal business hours.
- C. Failure to permit an inspection authorized under this Section shall be grounds for suspension or revocation of any permit required under this Chapter.

14B.110.090 Prohibited Conduct.

- A. It shall be unlawful for any person to make an amusement device available for use or operation without first obtaining all permits required pursuant to this Chapter.
- B. It shall be unlawful for any person in control of an amusement device to display an expired permit.
- C. It shall be unlawful for any person to possess or control an amusement device which has any paper, sticker, tag or other device affixed, attached or placed on the device which purports to be a permit issued by the City or implies that the City has issued a permit when the paper, sticker, tag or other device was not issued by the City.
- D. It shall be unlawful to knowingly or intentionally use or permit the use or operation of an amusement device for any gambling purposes, whether by operation of the

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amusement device or based upon results obtained through use or operation of the device.

- E.** It shall be unlawful for any owner to transfer ownership of any amusement location permitted under this Chapter without first removing the permit from the location.
- F.** It shall be unlawful for any person to sell, rent, give, loan or otherwise assign or transfer any permit issued under this Chapter.
- G.** It shall be unlawful for any person to operate an amusement center without having a permit issued pursuant to this Chapter.

14B.110.100 Permit Suspension, Revocation.

- A.** The Director may suspend or revoke any permit issued under this Chapter upon finding reasonable grounds to believe, based upon an investigation, that:
 - 1.** Cause exists which would otherwise be grounds for the denial of such permit;
 - 2.** An intentional or knowing violation by the permittee of any provision of this Chapter has occurred; or,
 - 3.** Any violation by any person of any City ordinance or state or federal statute has occurred relating to gambling while using, operating or playing any such amusement device. Persons holding permits shall be considered to be responsible for any gambling activity of any employee relating to any permitted amusement device. Pursuant to this Section, permits may be suspended or revoked for any violation of law relating to gambling activity relating to permitted amusement devices or premises.
- B.** A suspension or revocation ordered by the Director shall not become effective until the permittee is served with written notice of the suspension or revocation, the reasons therefor, and the limited right of appeal pursuant to Section 14B.110.140, either personally or by delivery or posting of the notice at the location of the involved amusement device or business. The suspension or revocation may be appealed by filing written notice of an appeal as provided in Section 14B.110.140.

14B.110.110 Violations, Sealing Prohibited Amusement Devices.

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

- A.** Upon a determination that any provision of this Chapter has been violated, the Director shall issue a written Notice of Violation and assess civil penalties. The notice shall state the nature of the violation, the date of the violation, and the date by which such violation must be corrected and any civil penalties which must be

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paid to prevent the amusement device from being sealed. The person responsible for the violations shall be allowed 5 days in which to correct the violation.

B. Sealing of Amusement Devices.

1. If a violation is not corrected and civil penalties paid within the time period allowed in Subsection A. above, the Director may seal the coin slot of any amusement device involved in the violation. If an amusement device is sealed, the Director may remove the seal only if the person responsible for the violations has corrected the violations and paid any penalties imposed under this Chapter.
2. It shall be unlawful for any other person other than the Director to remove or alter a seal. If a seal is unlawfully removed or altered, the sealed amusement device shall be subject to seizure and destruction pursuant to this Section.
3. If within a single calendar year a permittee has been issued a Notice of Violation, the Director may seal any amusement device and impose penalties for all further violations by that permittee within that calendar year without first issuing a Notice of Violation or allowing time to correct the violations.

C. A sealed amusement device shall be subject to seizure and destruction as a public nuisance if:

1. The violation is not corrected and all penalties paid within 5 days of sealing;
or
2. Upon the occurrence of any subsequent violations of this Section by any one owner or lessor within any calendar year.

D. The Bureau of Police shall assist the Revenue Division in the seizure of the amusement device. The City Attorney is authorized to bring any suit or action for the destruction of the amusement device as a public nuisance.

E. The owner of any amusement device seized for destruction may, within 10 days of the permittee being served with written notice of such seizure, file a written notice of appeal as provided in Section 14B.110.140.

14B.110.120 Civil Penalties.

A. The Director may impose civil penalties for violations of the provisions of this Chapter according to the following schedule:

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1. Sealed amusement device removed from location: the penalty shall be up to \$50 per amusement device.
 2. Failure to obtain proper location permit: the penalty shall be up to \$50 per amusement device.
 3. The unlawful removal of seal from amusement device: the amusement device shall be subject to seizure and destruction pursuant to Section 14B.110.110.
- B.** Calculation of Civil Penalties.
1. In calculating the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Director shall consider:
 - a. The extent and nature of the person's involvement in the violation;
 - b. The economic or financial benefit accruing or likely to accrue as a result of the violations;
 - c. Whether the violations were repeated or continuous, or isolated and temporary;
 - d. The magnitude and seriousness of the violation;
 - e. The City's costs of investigating the violations and correcting or attempting to correct the violation; and,
 - f. Any other factor the Director deems to be relevant.
 2. The Director shall provide notice of the assessment of civil penalties in the Notice of Violation under Section 14B.110.110 A.
- C.** No person assessed a penalty under this Section shall be issued a permit under this Chapter until all such penalties have been paid in full.
- D.** Civil penalties imposed pursuant to this Section shall be the only penalties authorized for such violations.
- E.** Any person assessed a penalty may, within 10 days of receiving such written order, file a written notice of appeal as provided in Section 14B.110.140.

14B.110.130 Criminal Penalties.

Except as provided in Section 14B.110.120, the intentional or knowing violation of any provision of this Chapter is punishable upon conviction by a fine of not more than \$500 or by imprisonment for not more than 6 months, or both.

14B.110.140 Appeals.

- A.** The filing of a notice of appeal to the Code Hearings Officer, as set out in Chapter 22.10 of this Code, of revocation or suspension of a permit, or of any civil penalty imposed by the Director under this Chapter, or of any seizure of an amusement device for destruction, shall stay the effective date of the action until the appeal is determined by the Code Hearings Officer.
- B.** The notice of appeal shall be in writing. The notice shall state the name and address of the appellant to which all required notices may be mailed. The notice shall also indicate the reasons why the appealed action was wrong and what the correct determination should be.

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**CHAPTER 14B.120 - TIME, PLACE AND
MANNER REGULATION OF
ESTABLISHMENTS THAT SELL AND
SERVE ALCOHOLIC BEVERAGES**

(Chapter added by Ordinance No. 178201, effective
March 19, 2004.)

Sections:

- 14B.120.010 Purpose.
- 14B.120.020 Definitions
- 14B.120.025 Authority to Adopt Rules, Procedures and Forms.
- 14B.120.030 Nuisance Activity Violations.
- 14B.120.040 Notice.
- 14B.120.050 Nuisance Abatement Plan.
- 14B.120.055 Responsible Neighbor Program.
- 14B.120.060 Enforcement.
- 14B.120.070 Hearings.
- 14B.120.080 Remedies.

14B.120.010 Purpose.

The Oregon Legislature has authorized Oregon cities and counties to adopt reasonable time, place and manner regulations of the nuisance aspects of establishments serving alcoholic beverages, ORS 471.164. In adopting the provisions of this Chapter, the City Council's intent is to provide for reasonable time, place and manner regulations of the nuisance aspects of those establishments that serve alcoholic beverages where adverse effects occur with regard to the surrounding community. By requiring that the nuisance violations be brought before the Code Hearings Officer, the City Council's intent is that there will be specific findings made regarding the occurrence of adverse effects. The City Council also intends that the remedies imposed by the Code Hearings Officer under the authority of this Chapter will solely address the time, place and manner aspects of the nuisance activities. In addition, to create the most effective program, this Chapter establishes the Responsible Neighbor Program. The purpose of the Responsible Neighbor Program is to encourage the owners of establishments serving alcoholic beverages to act to ensure that the operation of their establishment does not create nuisances and thereby negatively impact neighborhood livability.

14B.120.020 Definitions.

(Amended by Ordinance No. 184870, effective September 14, 2011.) As used in this Chapter, unless the context requires otherwise:

- A. "Alcoholic Beverage" means any liquid or solid containing more than one-half of one-percent alcohol and capable of being consumed by a human being.

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- B.** "Director" means the Director of the Office of Neighborhood Involvement, or the Director's designee.
- C.** "Chief of Police" means the Chief of Police of the Portland Police Bureau.
- D.** "Licensee" means any person holding a license issued by the Oregon Liquor Control Commission.
- E.** "Establishment" means any location licensed under ORS Chapter 471 and includes all enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas where patrons are permitted to be present. "Establishment" also includes areas outside of a building that the Oregon Liquor Control Commission has specifically approved for serving alcoholic beverages.
- F.** "Nuisance activity" means any of the following:
- 1.** Operation of sound producing equipment, as prohibited by City Code Section 14A.30.020.
 - 2.** Disorderly conduct as defined in ORS 166.025 (2003).
 - 3.** Offensive littering as defined in ORS 164.805 (2003).
 - 4.** Drinking on public rights of way, unless officially authorized, as prohibited by City Code Section 14A.50.010.
 - 5.** Interference with vehicle ingress and egress as prohibited by City Code Section 14A.50.035.
 - 6.** Alcoholic beverage violations in parks, as prohibited by City Code Section 20.12.040, where the violation relates to a specific licensee.
 - 7.** Discharge of a firearm at the establishment, as prohibited by City Code Section 14.A.60.020.
 - 8.** Illegal Drug activity as defined by ORS Chapter 475.840 sections (1) – (4).
 - 9.** Unlawful Prostitution Procurement Activities or loitering for the purpose of prostitution as defined in City Code Sections 14A.40.040 or 14A.40.050 or Illegal prostitution as defined in ORS 167.007.
 - 10.** Criminal homicide as defined in ORS 163.005(2) and 163.095-163.149.

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11. Assault by means of a weapon or motor vehicle as defined in ORS 163.160(1)(b), 163.165(1)(a), 163.165(1)(c), 163.175(b)-(c), 163.185(a) and 163.185(d).
 12. Assault that causes serious physical injury as defined in ORS 163.165(b) and 163.175(a).
 13. Recklessly endangering another person as defined in ORS 163.195.
 14. Any felony sexual offense in the first degree as defined in ORS 163.375-163.427.
 15. Unlawful Use of a Weapon as defined in ORS 166.220.
- G. "Serve" or "serving" means to furnish, provide or supply alcoholic beverages to patrons or customers.

14B.120.025 Authority to Adopt Rules, Procedures and Forms.

The Director and Chief of Police are authorized to adopt rules, procedures and forms to implement the provisions of this Chapter.

14B.120.030 Nuisance Activity Violations.

(Amended by Ordinance No. 184870, effective September 14, 2011.) It shall be a violation of this Chapter if:

- A. During any continuous sixty (60) day period, any combination of three or more nuisance activities as defined in Subsections 14B.120.020 F.1.-9. occurs that is related to or arising out of an establishment that serves alcoholic beverages.
- B. One or more nuisance activities as defined in Subsections 14B.120.020 F.10-15. occur that are related to or arising out of an establishment that serves alcoholic beverages.

14B.120.040 Notice.

(Amended by Ordinance No. 184870, effective September 14, 2011.)

- A. The Director and the Chief of Police shall appoint a Liquor License Team to review and substantiate the occurrences of nuisance activities.
- B. If the Director or the Chief of Police determines that a nuisance activity has occurred at an establishment, the Director or the Chief of Police will send a written notice to the licensee. The notice shall contain a description of the nuisance activity, the date and the time of its occurrence.
- C. Upon determining that there is reasonable belief that a violation of this Chapter has occurred as provided under Section 14B.120.030, the Director or the Chief of Police

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shall send written notice to the licensee. The written notice shall contain at least the following information:

1. The street address or legal description of the establishment, as reflected in the records of the Oregon Liquor Control Commission.
 2. A concise statement setting forth the date and time of nuisance activities, and the possible remedies that may be imposed under this Chapter by the Code Hearings Officer; and,
 3. A request that the licensee provide a written response within ten (10) business days either disputing the occurrence of the nuisance activities or providing specific proposals to abate the nuisance activities and preventing such nuisance activities from reoccurring.
- D.** If the licensee's response does not satisfy the Director or the Chief of Police's concerns, they may attempt to develop a nuisance abatement plan with the licensee. The Director or the Chief of Police may file a complaint with the Code Hearings Officer as provided under Section 14B.120.060 if:
1. The licensee refuses to actively and meaningfully participate in the process of developing a nuisance abatement plan; or,
 2. The effort by the Director or the Chief of Police to develop a nuisance abatement plan with the licensee fails.

14B.120.050 Nuisance Abatement Plan.

- A.** If the licensee responds to the Director or the Chief of Police within ten (10) business days of the date of the notice, with a proposed course of action for abating the nuisance activities, the Director or the Chief of Police shall review the proposal. If the Director or the Chief of Police determines that the proposal will reasonably abate the nuisance activities, the Director or the Chief of Police and the licensee shall enter into an enforceable agreement, specifying the terms and conditions of the abatement plan.
- B.** At a minimum, the agreement shall identify the nature of the nuisance activities, the specific steps the licensee will undertake to abate the nuisance activity and the related resources the licensee will commit to the abatement, if applicable, and a mechanism for the Director or the Chief of Police to monitor compliance with the plan.
- C.** Any such agreement shall be executed by the licensee and the Director or the Chief of Police within thirty (30) days of the date of the licensee's written response to the Director or the Chief of Police's notice. The Director or the Chief of Police may,

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upon request, extend this thirty-day period if it appears that the parties are working diligently to come to agreement.

14B.120.055 Responsible Neighbor Program.

(Amended by Ordinance No. 178898, effective November 24, 2004.) Qualified licensees may request to participate in a Responsible Neighbor Program as administered by the Director.

- A. The Director shall approve a licensee for participation in the Responsible Neighbor Program, if the licensee meets all of the following qualifications:
 - 1. The licensee is licensed solely for off premises sales; and
 - 2. The licensee is currently certified for participation in the Responsible Vendor Program provided in ORS 471.344 (2003).
- B. If any licensee participating in the Responsible Neighbor Program has three (3) nuisance activities in violation of Section 14B.120.030, or fails to comply with any of the qualifications under Subsection 14B.120.030 A., the Director shall issue a written notice to the licensee and initiate a proceeding before the Code Hearings Officer as set out in Chapter 22.03 of the City Code for suspension of the licensee from participation in the Responsible Neighbor Program for a period of one year.
- C. If a licensee is removed from the Responsible Neighbor Program, any subsequent nuisance activity violations under Section 14B.120.030, the Director or the Chief of Police will follow the processes and remedies as provided in Sections 14B.120.040 through 14B.120.080

14B.120.060 Enforcement.

(Amended by Ordinance No. 184870, effective September 14, 2011.) Upon making a determination that a violation of this Chapter has occurred as provided under Section 14B.120.030, the Director or the Chief of Police may file a complaint before the Code Hearings Officer to initiate a code enforcement proceeding only if any of the following have first occurred:

- A. The licensee has failed to submit a timely written response to the Director or the Chief of Police's notice; or
- B. The licensee fails to propose or enter into an abatement plan that is acceptable to the Director or the Chief of Police; or
- C. The licensee does not operate the establishment in compliance with the written abatement plan.
- D. The licensee has been found to be in violation of this Chapter within the preceding 12 months.

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14B.120.070 Hearings.

The initiation and procedures of any code enforcement proceeding to determine whether nuisance activities have occurred as provided in Section 14B.120.030 and to impose remedies under Section 14B.120.080 shall follow the provisions of Chapter 22.03 of the City Code.

14B.120.080 Remedies.

(Amended by Ordinance No. 184870, effective September 14, 2011.) If the Code Hearings Officer determines that a violation has occurred, as provided in Section 14B.120.030, the Code Hearings Officer shall make findings regarding the occurrence of the nuisance activities and any related adverse effects. Time, place and manner abatement remedies imposed by the Code Hearings Officer to address the occurrence of the nuisance activities may include any of the following:

- A. Limiting the hours or days during which the establishment may operate.
- B. Requiring the establishment to provide resources to monitor, control and respond to patron behavior at and around the establishment, including but not limited to, hiring adequate security personnel to patrol the establishment.
- C. Restricting the activities at the establishment to prevent the reoccurrence of nuisance activities, including but not limited to restrictions upon the time and manner in which entertainment is offered.
- D. Ordering the licensee to undertake other actions reasonably necessary to abate the nuisance activities or mitigate the effects thereof, including but not limited to, modifying the establishment to include noise insulation to prevent and abate nuisance activities related to noise.

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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, 188329 and 188602, effective September 20, 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 a 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 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 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.
 - a.** A marijuana processor may only process and sell cannabinoid products, concentrates, or extracts if the processor has received an endorsement from the Director for that type of processing activity. Endorsements types are:

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- (1) Cannabinoid edible processor;
 - (2) Cannabinoid topical processor;
 - (3) Cannabinoid concentrate processor; and
 - (4) Cannabinoid extract processor.
 - b. An applicant must request an endorsement upon submission of an initial application but may also request an endorsement at any time after being licensed by the Director.
 - c. In order to apply for an endorsement an applicant or processor licensee must submit a form prescribed by the Director that includes a description of the type of products to be processed, a description of equipment to be used, and any solvents, gases, chemicals or other compounds proposed to be used to create extracts or concentrates.
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.
 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.

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- 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 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, 188178 and 188602, effective September 20, 2017.)

- 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

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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:
 - a.** The medical dispensary has been:
 - (1)** Registered, operating and in good standing with the Oregon Health Authority since on or before July 1, 2015 and had a valid City of Portland Business License on or before July 1, 2015.
 - (2)** Registered and in good standing with the Oregon Health Authority since on or before September 30, 2015, if the Director finds that the applicant demonstrates that they incurred significant financial obligations prior to that date, such as entering a lease, hiring employees, or obtaining fixtures and equipment, and had a valid City of Portland Business License on or before September 30, 2015.
 - b.** The medical dispensary has no outstanding compliance issues pending with the Oregon Health Authority.
 - c.** The application for the medical dispensary has not submitted for or obtained a marijuana regulatory license for a marijuana retailer

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4. If a school described in Subsection 14B.130.040 D. that has not previously been attended by children is established within 1,000 feet of a medical dispensary, marijuana retailer or marijuana retail courier for which a license has been issued under Chapter 14B.130, the medical dispensary, marijuana retailer or marijuana retail courier located at that premises may remain at that location unless:
 - a. The Office of Neighborhood Involvement revokes the license of the marijuana business under Section 14B.130.110; or
 - b. A new application is required.
- F. No medical dispensary, marijuana business, marijuana laboratory, or research certificate holder may be located in residential zones RF through RH or where otherwise not allowed per City Code.
- G. A marijuana retail courier may not operate their licensed premises as being generally open to the public for business. All sales must be conducted off-site by delivery to consumers in accordance with the standards established in OAR 845-025-2880, as in effect on December 1, 2016.
- H. A person or business operating a medical dispensary, marijuana business, marijuana laboratory, or research certificate holder must comply with all state and local regulations that apply.

14B.130.050 Application Procedure.

(Amended by Ordinance Nos. 188178 and 188602, effective September 20, 2017.)

- A. Applications for marijuana regulatory licenses will be processed in the order they are received by the Director. The application shall not be considered received until all the required information and documentation has been submitted and the application fee has been paid. An applicant for a marijuana regulatory license shall complete an application that includes the following information:
 1. All completed forms fully executed and signed, including:
 - a. Personal history forms, as developed by the Office of Neighborhood Involvement, for any person who will be directly involved in the management or operation of the proposed medical dispensary or 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

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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 issued or obtained. Upon renewal, marijuana producers and processors must provide documentation showing that all applicable City permits have been obtained and received final inspection approval.
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 same materials in conjunction with the marijuana regulatory license application.

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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. If ownership of the licensed entity changes by 51 percent or more, a new application is required.
- 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, 188329 and 188602, effective September 20, 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;
1. Proof that a state license or registration has been issued.

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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 of cannabinoid extracts must provide documentation showing that all applicable City permits, which may include applicable commercial building permits, electrical permits, and mechanical 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

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outlined in Subsection 14B.130.070 C., if the applicant establishes to the Director's satisfaction that,

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.

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2. Licensee may not allow consumption of marijuana or marijuana items on the premises licensed under Chapter 14B.130, except as specifically 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:

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1. Licensee must not allow the licensed location to be open to the general public.
 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 Nos. 188178 and 188602, effective September 20, 2017.)

- A.** Upon presentation of proper credentials, an Applicant or 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 Applicant or Licensee or by court order, any inspection under this Section may occur only during the business' 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

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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.

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

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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, 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;

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2. The economic or financial benefit accruing or likely to accrue as a result of the violations;
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.

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- 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.

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.

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- E. “Police officer” means any police officer employed or acting at the direction of or in collaboration with the Portland Bureau of Police and any officer of the Port of Portland Police Department.

14C.10.030 Inventories of Impounded Vehicles.

- A. The contents of all vehicles impounded by a police officer will be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:
1. If there is reasonable suspicion to believe that the safety of either the police officer(s) or any other person is at risk, a required inventory will be done as soon as safely practical; or
 2. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.
- B. The purpose for the inventory of an impounded vehicle will be to:
1. Promptly identify property to establish accountability and avoid spurious claims to property;
 2. Assist in the prevention of theft of property;
 3. Locate toxic, flammable or explosive substances; or
 4. Reduce the danger to persons and property.
- C. Inventories of impounded vehicles will be conducted according to the following procedure:
1. An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats;
 2. In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:
 - a. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked vehicle trunks and unlocked car-top containers; and

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- b. Any locked compartments including, but not limited to, locked vehicle trunks, locked hatchbacks and locked car-top containers, if either the keys are available to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- 3. Unless otherwise provided in this Chapter, closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes.
- 4. Upon completion of the inventory, the police officer will complete a report as directed by the Chief of such officer's department.
- 5. Any valuables located during the inventory process will be listed on a property receipt. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present. The valuables will be dealt with in such manner as directed by the Chief of the police officer's department.

14C.10.040 Inventories of Persons In Police Custody.

- A. A police officer will inventory the personal property in the possession of a person taken into police custody and such inventory will be conducted whenever:
 - 1. Such person will be either placed in a secure police holding room or transported in the secure portion of a police vehicle; or
 - 2. Custody of the person will be transferred to another law enforcement agency, correctional facility, or "treatment facility" as that phrase is used in ORS 426.460 or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statute.
- B. The purpose of the inventory of a person in police custody will be to:
 - 1. Promptly identify property to establish accountability and avoid spurious claims to property; or
 - 2. Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the police officer for safekeeping; or
 - 3. Assist in the prevention of theft of property; or
 - 4. Locate toxic, flammable or explosive substances; or
 - 5. Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel; or

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6. Reduce the danger to persons and property.
- C. Inventories of the personal property in the possession of such persons will be conducted according to the following procedures:
1. An inventory will occur prior to placing such person into a holding room or a police vehicle, whichever occurs first. However, if reasonable suspicion to believe that the safety of either the police officer(s) or the person in custody or both are at risk, an inventory will be done as soon as safely practical prior to the transfer of custody to another law enforcement agency or facility.
 2. To complete the inventory of the personal property in the possession of such person, the police officer will remove all items of personal property from the clothing worn by such person. In addition, the officer will also remove all items of personal property from all open containers in the possession of such person.
 3. A closed container in the possession of such person will have its contents inventoried only when:
 - a. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room;
 - b. Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room;
or
 - c. The closed container is designed for carrying money and/or small valuables on or about the person including, but not limited to, closed purses, closed coin purses, closed wallets and closed fanny packs.
- D. Valuables found during the inventory process will be noted by the police officer in a report as directed by the Chief of such officer's department.
- E. All items of personal property neither left in the immediate possession of the person in custody nor left with the facility or agency accepting custody of the person, will be handled in the following manner:
1. A property receipt will be prepared listing the property to be retained in the possession of the respective police department and a copy of that receipt will be tendered to the person in custody when such person is released to the facility or agency accepting custody of such person;

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2. The property will be dealt with in such manner as directed by the Chief of such officer's department.

- F. All items of personal property neither left in the immediate possession of the person in custody nor dealt with as provided in Subsection 14.10.040 E. above, will be released to the facility or agency accepting custody of the person so that they may:
 1. Hold the property for safekeeping on behalf of the person in custody, and
 2. Prepare and deliver a receipt, as may be required by ORS 133.455, for any valuables held on behalf of the person in custody.

CHAPTER 14C.20 - POLICE BUREAU
PROPERTY/EVIDENCE DIVISION DUTIES

Sections:

- 14C.20.010 Maintenance of Property/Evidence Division.
- 14C.20.020 Receipts for Property.
- 14C.20.030 Records.
- 14C.20.040 Evidence Property.
- 14C.20.050 Reserved.
- 14C.20.060 Found Property.

14C.20.010 Maintenance of Property/Evidence Division.

The Bureau of Police shall maintain a property/evidence division which shall keep the following:

- A.** Property of all persons arrested by Portland Police and incarcerated in a Multnomah County Jail, except any personal items kept at the jailer's discretion for the prisoners;
- B.** Evidence seized by officers or other persons in the process of making an arrest;
- C.** Contraband, illegal items, or miscellaneous property which comes into possession of members of the Bureau of Police.

14C.20.020 Receipts for Property.

Officers and other authorized persons shall issue a receipt for all seized property, a duplicate copy of which shall be retained by the property/evidence division custodian. The receipt and any copy therefrom shall bear the signature of the person depositing the property and contain a description of the property.

14C.20.030 Records.

The property/evidence division custodian shall keep an accurate record of all property received by the property/evidence division and shall keep current records showing the disposition of all property.

14C.20.040 Evidence Property.

(Amended by Ordinance No. 186355, effective November 27, 2013.)

- A.** All property received by the property/evidence division as evidence shall be held subject to use as evidence in the appropriate court(s). Currency received by the division may be held as cash or deposited into a trust fund. Upon final disposition of the case(s) for which such property was seized as evidence, the Bureau of Police shall make a reasonable attempt to return all lawful property still held by the property/evidence division to its legal owner or rightful possessor. The property/evidence division may return currency in the form of cash.

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- B.** The Bureau of Police shall make a reasonable attempt to give notice to the legal owner or rightful possessor that the property will be released to him or her. The notice shall state that the legal owner or rightful possessor has 60 days within which to claim the property at the Bureau of Police. All property received from the property/evidence division requires the signature of the legal owner or rightful possessor.
- C.** Upon attempted notice, if property is not claimed within 60 days, the property may be disposed of by the Bureau of Police in the manner provided by law. Payment on disputed claims shall be authorized either by an appropriate court order approved by the City Attorney or by ordinance.

14C.20.060 Found Property.

All found property in the custody of the Bureau of Police will be held, and a reasonable attempt will be made to return the property to the owner. If the owner of found property held by the Bureau of Police cannot be determined, or no owner comes forward to claim the property, the property may be disposed after 30 days from the date the property was taken into custody by the Bureau of Police in the manner provided by law.

**CHAPTER 14C.30 - GENERAL
PROCEDURES AND AUTHORITY OF THE
BUREAU OF POLICE**

Sections:

- 14C.30.010 Authority to Restrict Access to Certain Areas.
- 14C.30.020 Other Police Officers Authorized to Arrest, Cite, or Take Other Enforcement Action for Violations of City Code Provisions.
- 14C.30.030 Authority to Direct Traffic on Public Rights of Way.
- 14C.30.040 Seizure and Disposition of Weapons.
- 14C.30.050 Seizure of Dangerous and Deadly Weapons for Safekeeping.
- 14C.30.060 Caretaking of Property.
- 14C.30.070 Authority of Tri-Met to Prohibit Misuse of Transit Shelters and Loading Platforms on City Property.
- 14C.30.080 Appeal of Designation as a Gang Affiliate.

14C.30.010 Authority to Restrict Access to Certain Areas.

- A.** Whenever a threat to the public health or safety is created by any emergency, a Portland police officer may restrict or deny access to any persons to the area where such threat exists, for the duration of such threat, when the officer reasonably believes the presence of such persons would constitute a danger to themselves or others or would substantially interfere with the performance of the police or other emergency services. For purposes of this Section, an emergency includes, but is not limited to an escaped prisoner, a natural disaster, a fire, an explosion, an accident, a riot, the presence of an armed person, a hostage incident or a bomb threat.
- B.** Whenever it appears to be reasonably necessary to investigate, or to preserve or collect evidence of criminal acts, a police officer may restrict or deny access to any area.
- C.** As used in this Section, "restrict or deny access" means that a police officer has the authority to regulate or prohibit the presence or movement of persons or vehicles to, from, and within any area, to evacuate persons and to move or remove any property therefrom, until the reason for such restriction or denial of access no longer exists.
- D.** It is unlawful for any person to enter or to refuse to leave any area closed or restricted in access pursuant to Subsections (A) or (B) above, unless such person has specific statutory authority, or the permission of the on-scene ranking police officer, to be within such area.
- E.** In accordance with the authority granted by this Section, and in consideration of the law enforcement and emergency services needs involved, provision shall be

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made for reasonable access to such areas by members of the media for the purpose of news gathering and reporting.

14C.30.020 Other Police Officers Authorized to Arrest, Cite, or Take Other Enforcement Action for Violations of City Code Provisions.

(Amended by Ordinance No. 184522, 185448 and 186053, effective January 1, 2015.)
Police officers, as defined in this Title, are authorized to arrest, issue a citation, or take other enforcement action for violations of the following City Code provisions:

- A. All provisions of Title 11, Tree Regulations;
- B. All provisions of Title 14, Public Order and Police;
- C. All provisions of Title 16, Vehicles and Traffic;
- D. All provisions of Title 18, Noise Control; and
- E. All provisions of Title 20, Parks and Recreation.

14C.30.030 Authority to Direct Traffic on Public Rights of Way.

Officers and reserve officers of the Portland Police Bureau are authorized to direct pedestrian and vehicular traffic on any public right of way.

14C.30.040 Seizure and Disposition of Weapons.

- A. The Bureau of Police may seize and take possession of any dangerous or deadly weapon that is possessed unlawfully, or used unlawfully, or used for an unlawful purpose. The weapon shall be held subject to disposal as provided in this Section.
- B. If it is determined that the weapon was not possessed, carried, or used unlawfully, the weapon shall be released to the lawful owner if he or she files a timely written claim with the Bureau.
 - 1. A claim is timely if it is filed:
 - a. Within 60 days after the weapon was seized, if it was not held for use as evidence, or
 - b. Within 60 days after it was released by directive of the Chief of Police or court order, if it was held for use as evidence.
 - 2. If there is a question as to ownership or right to possession, the weapon shall be released as ordered by the court.

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- C. If the name and address of a person entitled to claim possession of a weapon under Subsection B. is known to the Bureau of Police, the Bureau shall give that person notice as provided in Portland City Code 14C.20.
- D. If the weapon is not claimed under the provisions of Subsection B. or was possessed, carried or used unlawfully by the owner, it is a nuisance. Subject to a court order to the contrary, the weapon shall be disposed of as provided in Subsection E. to G.
- E. Subject to approval of the, Property/Evidence Division, if the weapon is a firearm suitable for use by the Bureau of Police, it shall be added to the inventory of the Bureau.
- F. Subject to Subsection C. if the weapon is a shotgun or rifle, it shall be delivered to the Property/Evidence Division, which shall dispose of it in the same manner as surplus property. However, disposal shall be only to persons who have prequalified with the Property/Evidence Division as being licensed to sell firearms at retail.
- G. Any weapon described in Subsection D. that is not disposed of as ordered by the court, or as provided in Subsection E. or F., shall be destroyed by the Property/Evidence Division.

14C.30.050 Seizure of Dangerous and Deadly Weapons for Safekeeping.

If a police officer reasonably believes that a dangerous or deadly weapon may be used to cause serious harm to any person, the police officer may temporarily seize the weapon for safekeeping. If an officer seizes a weapon under this Section, he or she shall promptly turn the weapon into the Bureau of Police Property/Evidence Division.

14C.30.060 Caretaking of Property.

At the discretion of a police officer, property may be received for safekeeping or the prevention of crime.

14C.30.070 Authority of Tri-Met to Prohibit Misuse of Transit Shelters and Loading Platforms on City Property.

- A. Tri-Met may make and enforce such ordinances and regulations as it deems necessary regarding misuse of transit shelters and transit loading platforms for the purpose of exclusion and criminal trespass.
- B. For the purposes of this Section, the following definitions apply:
 - 1. Transit Shelter: the area within the drip line of any transit shelter within the limits of the City of Portland, except the Pioneer Square North and South stations.

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2. Transit loading platform: the area that extends the entire length of the tactile bricks where Tri-Met operated trains and trolleys load and unload within the limits of the City of Portland. This area extends from the tracks to one foot past the rear of the Tri-Met ticket vending machines, or to the farthest drip line of the transit shelter, whichever is farthest from the tactile bricks.

14C.30.080 Appeal of Designation as a Gang Affiliate.

- A. Any person who is to be designated as a gang affiliate by the Police Bureau following the administrative hearing provided for in the Portland Police Bureau Manual of Policy and Procedure or who has unsuccessfully challenged a gang affiliate designation at such a hearing, has a right of appeal to the Code Hearings Officer.
- B. The appeal authorized by this Section shall be conducted in accordance with the procedures and under the conditions set forth in Chapter 22.10 of this Code.

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successive maximum period of parking as designated by official signs, markings or meters. A separate citation may be issued for each successive violation.

2. To a vehicle parked or stopped at an Upper Northwest Long-Term Parking Meter space, and the cited vehicle remains parked or stopped at the same space, a separate violation occurs upon the expiration of a parking receipt for the vehicle at that space as designated by official signs, markings or meters. A separate citation may be issued for each successive violation.

16.35.200 Central Eastside Industrial Area Permit Parking Regulations.

Sections 16.35.200 through 16.35.220 contains regulations addressing parking within the Central Eastside Industrial Area Permit Parking.

16.35.210 Central Eastside Industrial Area Permit Parking.

The Central Eastside Industrial Area (CEID) includes the area with boundary lines depicted on the CEID Plan Map, which shall be maintained in the files of the City Traffic Engineer as the official map for the Area. The Central Eastside Industrial Area is contiguous with Zone G and Zone N, and overlays Zone G and Zone N permit parking regulations with right-of-way parking regulations established in this Chapter. Within the Central Eastside Industrial Area (CEID), the City Traffic Engineer may control parking by signage. Zone G and N Parking permits apply within a portion of the Central Eastside Industrial Area (CEID).

16.35.220 Central Eastside Industrial Area (CEID) Violations and Enforcement.

Violations established in this Section will be cited as Central Eastside Industrial Area (CEID) violations:

- A. Within the Central Eastside Industrial Area (CEID) Parking Permit Area during permit designated hours, it is unlawful for a non-permitted vehicle to:
 1. Exceed the maximum visitor time limit allowed within the Parking Permit Area; or,
 2. Return to the same Parking Permit Area block face for a period of 3 hours after parking for any time period.

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**CHAPTER 16.40 - PRIVATE FOR-HIRE
TRANSPORTATION REGULATIONS**

(Chapter replaced by Ordinance No. 188483,
effective July 21, 2017.)

Sections:

- 16.40.010 PFHT Program Purpose and Provisions.
- 16.40.020 Chapter Applies to All Companies, Drivers, and Vehicles.
- 16.40.030 Definitions.
- 16.40.100 Taxi Services Permits Required.
- 16.40.110 Taxi Company Permit Application Standards for Approval and/or Denial and Certification Requirements.
- 16.40.120 Taxi Services Permit Fees and Civil Penalty Fines.
- 16.40.130 Taxi Company Insurance Requirements.
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- 16.40.150 Taxicab Vehicle Certification Requirements.
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- 16.40.420 Shuttle Services Permit Fees.
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- 16.40.980 Currently Permitted Companies, Vehicles, and Drivers Grandfathered — Renewal Process.
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16.40.010 PFHT Program Purpose and Provisions.

To ensure the safety and reliability of Private for-Hire Transportation (PFHT) services as a matter of public concern, the City of Portland has the authority, delegated by ORS 221.495, to license, control, and regulate privately owned vehicles for hire operating within the City of Portland. The purpose of Chapter 16.40 is to provide for the safe, fair, and efficient operation of PFHT services.

The provisions contained herein should be applied and enforced in such a manner as to require the “for-hire” transportation to:

- A. Promote innovation in the PFHT industry to meet evolving consumer demand; and
- B. Allow fair competition, so long as public safety and the public interests are served.

16.40.020 Chapter Applies to All Companies, Drivers, and Vehicles.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A. It is not a defense to any regulatory action, including penalties and fines, to assert that the City cannot act because a PFHT service operator does not possess a valid City-issued permit, certification, decal, or taxiplate.
- B. The requirements of Chapter 16.40, along with any penalties that may be assessed for violations of Chapter 16.40, apply to all PFHT service operators, whether or not legally and validly permitted.
- C. Any section and or requirement of this Chapter may be further explained in Administrative Rule.

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- D.** No company, vehicle or driver will be issued a permit under the authority of this Chapter if any of the following apply:
- 1.** A Federal Out of Service Orders has been issued.
 - 2.** Company is suspended by the State pursuant to ORS 825.137.
- E.** Companies and their drivers are prohibited from blocking or altering the presentation of any information or denying access to their company App, including any digital or analog network, to any City employee authorized to enforce the provisions of this Chapter or for the purpose of thwarting or interfering with any City employee’s enforcement or oversight of Private for-Hire Transportation companies and their drivers. Violation of this sub-section is a Class A violation and is also subject to suspension and/or revocation.
- F.** All driver backgrounds will be verified by the Bureau of Transportation. Those companies self-certifying drivers may allow the driver to operate for up to 30 days with a provisional driver permit. The company shall provide Driver background information to PBOT in a manner approved in writing by the Director within 24-hours of the Driver’s certification or permit date. Absent exceptional circumstances, PBOT will review the self-certified backgrounds and conduct additional reviews, supplemental investigations or other steps to make a determination before validating the Driver’s permit for one full year from the certification or permit date. Drivers who are not approved to operate will have their certifications and permits immediately cancelled, pursuant to Section 16.40.940. Violation of this Subsection is a Class A violation and is also subject to suspension and/or revocation.

16.40.030 Definitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** “Approved Blue Seal Shop” means an automotive repair and service shop recognized officially by the National Institute of Automotive Service Excellence (ASE) as being an ASE Blue Seal Automotive Shop.
- B.** “Approved Mechanic” means a mechanic who meets all the following criteria:
- 1.** Does not own, lease, or drive a vehicle for-hire;
 - 2.** Has no financial interest in any PFHT company operating within the state of Oregon or Washington;
 - 3.** Has received and maintains a current, valid ASE Master Technician Certification or ASE A-Series certification between relevant areas of ASE A4-A8; and

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4. Is not employed by any PFHT company.
- C. “Branded Vehicle” (a.k.a. “Reconstructed Vehicle”) means any vehicle that has been declared a total loss and has a branded or reconstructed notation on the vehicle title.
- D. “Bureau” means the Portland Bureau of Transportation (PBOT) of the City of Portland.
- E. “Carriage” means any vehicle or conveyance that is drawn, pulled, or propelled by a horse or other animal(s).
- F. “Certificate of Safety” means a document completed by an approved mechanic certifying that a vehicle meets all requirements set forth in this Chapter and/or administrative rules.
- G. “Certification List” means a list of drivers and vehicles submitted by a PFHT company for approval as permitted if certified by the Director as meeting all requirements set forth in this Chapter and/or administrative rules.
- H. “Committee” means the PFHT Advisory Committee.
- I. “Company Permit” means the permit issued to a PFHT company under the terms of this Chapter and/or administrative rules.
- J. “Compensation” means any form of payment or gratuity by a customer or customer’s agent to a permitted PFHT or company for the use of the driver’s or company’s for-hire transportation services. PFHT providers that accept only gratuities, tips, etc., are considered to be providing “for-hire” transportation services.
- K. “Conduct Business” means operating a for-hire vehicle or company, receiving money or other compensation from the use of a for-hire vehicle, causing or allowing another person to do the same, or advertising for services that originate in the City of Portland.
- L. “Customer” means a person who purchases PFHT service from a PFHT service provider that is permitted or should be permitted by the City. The customer may or may not also be a passenger.
- M. “Day” means a business day and not a calendar day unless specifically stated otherwise.
- N. “Decal” means the numbered identification sticker issued by the City and affixed to a Limited Passenger Transportation (LPT) vehicle.

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- O.** “Director” means the Director of PBOT or the Director’s designee.
- P.** “Downtown Core” means the area formerly known as the “Fareless Square” or “Free Rail Zone” as defined by TriMet as follows: The area to the west of the Willamette River shall be bounded on the North by NW Irving, except that at the intersection of NW Irving and NW Station Way it shall be bounded on the North by NW Station Way to NW Broadway and then by NW Broadway south to NW Irving and continuing west on NW Irving to the Stadium (I-405) Freeway, on the West and South by the Stadium (I-405) Freeway and on the East by the Willamette River. The area to the east of the Willamette River shall be bounded on the West by North Interstate Avenue, on the North by NE Multnomah to 125 feet east of 13th Avenue, on the East by 13th Avenue and on the South by NE Holladay.
- Q.** “Driver Permit” means the document or certification issued by the Director affirming the driver is approved and certified as a PFHT driver under the terms of this Chapter.
- R.** “Driver” means a PFHT driver, including taxi drivers, NEMT drivers, TNC drivers, shuttle drivers, executive town car drivers, LPT drivers, pedicab drivers, Quadricycle drivers, and horse-drawn carriage drivers.
- S.** “Dynamic Pricing” means the pricing as impacted by market demand, which can be an upward or downward deviation from the fare rates established by the PFHT companies and reported to the Director.
- T.** “Executive Town Car Company” means any entity operating Executive Town Car Vehicles other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.
- U.** “Executive Town Car Company Driver” means any person operating an Executive Town Car Vehicle as a driver for any Executive Town Car Company.
- V.** “Executive Town Car Company Vehicle” must conform to the Administrative Rule for Executive Town Car.
- W.** “Executive Town Car Company Services” means private for-hire transportation offered or provided for compensation to passengers by an Executive Town Car Driver and Executive Town Car Driver Vehicle on behalf of or by an affiliated Executive Town Car Driver Company.
- X.** “Horse-Drawn Carriage” is a vehicle or conveyance operating for hire that is drawn, pulled, propelled, or powered, in whole or in part, by a horse, mule, or other animal(s).

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- Y.** “Horse-Drawn Carriage Driver Permit” means the permit issued to a horse-drawn carriage driver under the terms of this Chapter.
- Z.** “Limousine” means a vehicle whose chassis and wheelbase have been altered by a Qualified Vehicle Modifier (QVM) program participant (or its equivalent) beyond the length of the manufacturer’s original specifications, whether at the time of manufacture or after, and which is commonly recognized by the limousine industry as a “limousine.”
- AA.** “Limousine, Party Bus, Charter Bus, Tour Bus, or custom Multi-passenger vehicle (LPT) Company” means any entity operating LPT Vehicles other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.
- BB.** “LPT Driver” means any person operating a party bus, charter bus, tour bus, or custom multi-passenger vehicle as a permitted driver for any LPT Company.
- CC.** “LPT Services” means PFHT or provided for compensation to passengers by an LPT Driver and LPT Vehicle on behalf of or by a certified and affiliated LPT Company.
- DD.** “Non-Emergency Medical Transportation (NEMT) Company” means any entity that offers and/or provides PFHT services used for agency-sponsored, contracted transportation as defined in OAR 410-136-3000.
- EE.** “Non-Emergency Medical Transportation (NEMT) Driver” means any person operating a vehicle for compensation to offer and/or provide NEMT services.
- FF.** “Non-Emergency Medical Transportation (NEMT) Services” means any PFHT services used for agency-sponsored, contracted transportation as defined in OAR 410-136-3000.
- GG.** “Non-Emergency Medical Transportation (NEMT) Vehicle” means any vehicle driven to offer and/or provide NEMT services.
- HH.** “Operate” means driving a for-hire vehicle, using a for-hire vehicle to conduct a business, receiving money from the use of a for-hire vehicle, or causing or allowing another person to do the same.
- II.** “Party Bus” means a van or luxury bus modified to carry 10 or more people and less than 26,000 pounds in GVWR primarily for recreation and/or sightseeing purposes.
- JJ.** “Passenger” means a person traveling in a PFHT vehicle that is not the operator of that vehicle.

- KK.** “Pedicab and Quadricycle”
- 1.** A pedicab means a tricycle that:
 - a.** Transports or is capable of transporting passengers on seats attached to the tricycle;
 - b.** Is powered by a human; and
 - c.** Is used for private for-hire service.
 - 2.** A Quadricycle means a four-wheel peddle powered unit that:
 - a.** Transports or is capable of transporting four or more passengers on seats attached to the Quadricycle;
 - b.** Is powered by human power or an electric motor assist; and
 - c.** Is used as a PFHT service.
- LL.** “Pedicab and Quadricycle Driver Permit” means the permit issued to a pedicab or Quadricycle driver under the terms of this Chapter.
- MM.** “Permittee” means a person or business entity that has been issued a driver certification or company permit under the terms of this Chapter.
- NN.** “Permitted” means that a PFHT company, driver, or vehicle carries or displays a valid City-issued permit, decal, taxiplate, or certification.
- OO.** “Person” means any individual, partnership, joint venture, association, club, trust, estate, corporation, or other form of business organization recognized by Oregon Law.
- PP.** “Plate” means the numbered identification plate issued by the City and affixed to a taxi vehicle, horse-drawn carriage, pedicab or Quadricycle.
- QQ.** “Prearranged” means that the customer, passenger, or passenger’s agent has personally asked the driver and/or a permitted for-hire vehicle or a permitted PFHT company for transportation services, regardless of the communication format used. The Director may establish the amount of time between asking and receiving transportation services to allow a presumption that the services were “prearranged.”
- RR.** “Private for-Hire Transportation (PFHT)” means providing vehicular, horse-drawn carriage pedicab or Quadricycle transportation for compensation of any kind within Portland City limits. However, it does not include transportation provided by a

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public or governmental entity, including transportation that is regulated entirely by the State of Oregon or the federal government.

- SS.** “Private for-Hire Vehicle” means a motorized or non-motorized vehicle used to transport persons for-hire or other consideration and is not exclusively regulated by the State and federal government, when the requirements for vehicles meets or exceeds those described in this Chapter. This includes limousines, taxis, TNC vehicles, executive town car, shuttles, NEMTs, pedicabs, tour vehicles, Quadricycles, and horse-drawn carriages but does not include school buses, charter buses, or ambulances or ambulance vehicles meeting the requirements of Oregon Administrative Rule 333-255-0000(2) and which are subject to a valid, current ambulance license issued by the Oregon Health Authority.
- TT.** “Public Safety,” as it relates to Private for-Hire Transportation (PFHT), means the City’s responsibility to protect the welfare of the public by establishing the qualifications a PFHT driver must possess to provide PFHT services. This includes sanctioning and potentially suspending or revoking driver permits if those qualifications are not met. Public Safety also includes, but is not limited to, a driver’s duty to, at any time, meet qualifying factors in Chapter 16.40 or a driver who has, by a preponderance of the evidence, engaged in physically threatening behaviors or actual physical assaults.
- UU.** “Revocation” means that a permit, certification, taxiplate or decal is no longer valid and cannot be renewed without approval by the Director.
- VV.** “Shuttle Transportation” means:
- 1.** Fixed Route (Airporter) Service. A service that begins or/ends at the Portland International Airport and provides scheduled service to approved locations, except when transporting large groups (e.g., convention groups) or when operating hotel or parking courtesy shuttles, hereinafter defined as “Airporter Shuttle.”
 - a.** Standard Airporter Shuttle. Vehicle with a minimum capacity of 5 adult passengers and a maximum capacity of 14 passengers, and with the capacity to accommodate equivalent baggage.
 - b.** Large Airporter Shuttle. Vehicle with a minimum capacity of 15 adult passengers (no maximum capacity), and with the capacity to accommodate equivalent baggage.
 - 2.** On Demand/Reservation Service. A service provided by a van with a minimum capacity of 5 adult passengers and a maximum capacity of 14 passengers, and with the capacity to accommodate equivalent baggage. Consists of door-to-door and reserved service to any part of the City where

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primary destination is to and from the Portland International Airport, train station, or bus station.

- WW.** “Suspension” means that a permit, taxiplate, certification, or decal is temporarily invalid and that the holder of that permit, taxiplate, certification, or decal may not engage in any PFHT activity under the authority granted to that suspended permit, taxiplate, certification, or decal. A suspension may also apply to a PFHT driver.
- XX.** “Tour Bus Vehicle” means any van or bus modified to carry 10 or more people and less than 26,000 pounds in GVWR primarily for recreation and/or sightseeing purposes and driven by a tour bus driver to offer and/or provide tour bus services.
- YY.** “Taxi Company” means any entity operating taxi vehicles other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.
- ZZ.** “Taxi Dispatch” means a 24-hour active call center with a dispatcher whose purpose is to receive transportation requests and route taxi vehicles to requested locations.
- AAA.** “Taxi Driver” means any person operating a taxi vehicle as a driver for any taxi company.
- BBB.** “Taxi Vehicle” means any vehicle driven by a taxi driver to offer and/or provide taxi services.
- CCC.** “Taxi Services” means PFHT offered or provided for compensation to passengers by a taxi driver and taxi vehicle on behalf of or by an affiliated taxi company.
- DDD.** “Taximeter” means a mechanical or electronic device that calculates and displays a fare based on an initial fee, distance traveled, waiting time, or any combination thereof.
- EEE.** “Taxiplate” means the numbered metal identification plate issued by the City and permanently affixed to the rear of a taxicab.
- FFF.** “Transportation Network Company” (TNC) means any entity or organization, whether a corporation, partnership, or sole proprietor, that connects passengers with affiliated TNC drivers and TNC vehicles through an Internet-based digital or software platform/application operated by the TNC.
- GGG.** “Transportation Network Company (TNC) Driver” means any individual operating a PFHT vehicle who connects with passengers through an Internet-based digital or software platform/application operated by an affiliated TNC.

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HHH. “Transportation Network Company (TNC) Services” means any PFHT offered or provided to passengers for compensation by a TNC driver and TNC vehicle on behalf of or by an affiliated TNC.

III. “Transportation Network Company (TNC) Vehicle” means any vehicle driven by a TNC driver to offer and/or provide TNC services.

JJJ. “Week” means the 7-day period from Monday through Sunday.

KKK. “Wheelchair-Accessible Vehicle (WAV)” means that a PFHT vehicle is equipped with a hydraulic or electric lift or ramps designed for the purpose of transporting wheelchair users or others using mobility devices, or which contains any other physical device or alteration designed to permit access to and enable the transportation of physically disabled persons that use mobility devices.

16.40.100 Taxi Services Permits Required.

The operation of a Taxi Company is a privilege and not a right. For taxi services to be provided in the City of Portland, the Taxi Company shall be required to obtain a permit. The City of Portland shall certify that all affiliated Taxi Company Vehicles and Taxi Company Drivers have met all certification and operating requirements.

A. Taxi Company Permit Requirements. No person or entity shall conduct business as a Taxi Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection shall be a Class A violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

B. Taxi Driver Certification Requirements. No person or entity shall conduct business as a Taxi Driver in the City of Portland without certification by the Director prior to being authorized to provide taxi services on behalf of an affiliated Taxi Company. Drivers not meeting all required conditions will not be certified as a Taxi Driver and will not be allowed to operate as a Taxi Driver. Failure to comply with this Subsection shall be a Class B violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.

C. Taxi Vehicle Certification Requirements. No vehicle shall be allowed to conduct business as a Taxi Vehicle in the City of Portland without certification by the Director prior to being certified to provide Taxi services by an affiliated Taxi Company. Vehicles not meeting all required conditions will not be certified as Taxi Vehicle and will not be allowed to operate as a Taxi Vehicle. Failure to comply with this Subsection shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.110 Taxi Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

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(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Application. An applicant for a Taxi Company permit shall annually submit to the Director:
- 1.** A completed application on a form supplied by the Director;
 - 2.** Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
 - 3.** Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 - 4.** A list of all persons or entities with 10 percent or more stock ownership, if the company issues stock certificates;
 - 5.** If the applicant Taxi Company is individually owned, the name, business address (or home address), telephone number, and date of birth of the owner;
 - 6.** If the applicant Taxi Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 - 7.** The applicant Taxi Company’s zero-tolerance drug and non-discrimination policy;
 - 8.** The applicant Taxi Company's user terms of service, if applicable;
 - 9.** The applicant Taxi Company’s dispatch contact information, confirmation that dispatch is available 24 hours, seven days a week and, if applicable, Taxi Dispatch App general use information;
 - 10.** Contact information of the Taxi Company’s agent of service and customer service support;
 - 11.** A description and photo or rendering of the branding that the applicant Taxi Company proposes to use for its fleet of affiliated taxi vehicles ;
 - 12.** Company-proposed fare rates, and;
 - 13.** A non-refundable application fee.

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- 14.** All fines and penalties must be paid prior to issuing or reissuing a taxi company permit.
- B.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.
- C.** Insurance. All Taxi Company permit holders shall comply with taxi insurance requirements pursuant to Section 16.40.130. All taxi companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- D.** Director Review Process. After receiving a completed Taxi Company application form and upon successful completion of all the requirements pursuant to Section 16.40.110, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- E.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may issue a Company permit.
- F.** Application Denial. The Application shall be denied for any of the following reasons:
- 1.** The Taxi Company applicant fails to submit all required information and documentation, including valid proof of insurance;
 - 2.** The Taxi Company applicant provides dispatch services to anyone other than affiliated taxi drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;
 - 3.** The Taxi Company applicant leases, permits, or otherwise allows other entities not affiliated with the Taxi Company and certified by the Director to operate Taxi services;
 - 4.** The Taxi Company applicant affiliates with and provides dispatch services to drivers operating vehicles without Taxi Vehicle certification by the Director.
 - 5.** The application has a material misstatement or omission, and;
 - 6.** The Taxi Company application is incomplete.
- G.** Denial Appeal. If the application is denied, the applicant Taxi Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

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- H.** Providing Taxi Services. Taxi services shall be provided only by a permitted Taxi Company.
- I.** Certification of Taxi Drivers. The Taxi Company shall provide a list of applicant drivers affiliated with the permitted Taxi Company for Director certification that the drivers meet requirements in Section 16.40.170, on a form approved by the Director, upon request as drivers are newly affiliated, or as driver certification status changes. Drivers shall be certified and permitted by the Director prior to providing Taxi services on behalf of the affiliated Taxi Company and Taxi Drivers not meeting all required conditions will not be certified as a permitted Taxi Driver and will not be allowed to operate as a Taxi Driver. The requirements include:
1. Criminal and driver background checks;
 2. A valid driver's license;
 3. Taxi Driver business license number (unless the driver operates the vehicle as an employee of the company); and
 4. Successful completion of all Director-approved driver training and testing within 30 days of providing Taxi Service, and successful completion of any additional training and testing must be completed within 30 days of release by the Director.
- J.** Term of Certified Taxi Driver. Certifications for Taxi Drivers provided by a Taxi Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated Taxi Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.
- K.** Taxi Driver Re-certification. The Taxi Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Taxi Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Taxi Driver certification requirements pursuant to this Chapter. Drivers not meeting all conditions will not be re-certified as a Taxi Driver and shall not be allowed to operate as a Taxi Driver.
- L.** Certification of Taxi Vehicles. The Taxi Company shall regularly provide a list of applicant vehicles affiliated with the permitted Taxi Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.150 and 16.40.160 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Taxi Company prior to providing Taxi services. Vehicles not meeting all required conditions will not be certified as a permitted Taxi Vehicle and will not be allowed to operate as a Taxi Vehicle. Such requirements include:

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1. Vehicle ASE mechanic safety inspection;
 2. Vehicle registration and licensing;
 3. Vehicle properly equipped and in good condition; and
 4. Commercial automobile liability insurance.
- M.** Term of Certification of Taxi Vehicles. Certifications for Taxi Vehicles provided by the Director shall be valid for a term of 1 year from date of Director certification.
- N.** Taxi Vehicle Re-certification. The Taxi Company shall provide a list of applicant vehicles for re-certification to the Director at least 1 month prior to the Taxi Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Taxi Vehicle certification requirements pursuant to this Chapter for re-certification. Vehicles not meeting all the conditions will not be re-certified as a Taxi Vehicle and shall not be allowed to operate as a Taxi Vehicle.
- O.** Denial Appeal. If a Taxi Driver or Taxi Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver or vehicle owner may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- P.** Right to a Permit. The Taxi Company's ability to satisfy the criteria for a Taxi Company permit does not create a right to a Taxi Company permit.
- Q.** Transferring Permits. Permits are non-transferrable. The Company must notify the City within 5 business days in the event of any changes in business ownership.
- R.** Removal of Taxi Drivers and Vehicles from Affiliated Taxi Company. Taxi companies shall notify the Director within 1 business day when an affiliated Taxi Driver has been prohibited from providing Taxi services by the Taxi Company and/or Taxi Vehicles have been removed from the fleet of the affiliated Taxi Company.
- S.** Operating at the Port of Portland. Taxi Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.
- T.** Failure to comply with any provision in Section 16.40.110 is a Class B violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.

16.40.120 Taxi Services Permit Fees and Civil Penalty Fines.
(Amended by Ordinance No. 188972, effective June 29, 2018.)

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- A. Permit Fees. Taxi Companies shall pay City fees, established in TRN 3.450, and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.
- B. Permit Issuance. No Taxi Company permit shall be issued until all fees and civil penalty fines have been paid.

16.40.130 Taxi Company Insurance Requirements.

- A. In order to provide protection to the public, the Taxi Company shall provide levels of insurance in accordance with all requirements of Chapter 16.40.
- B. Providing Taxi Services. The Taxi Vehicle shall be covered by a general commercial liability and primary automobile insurance policy provided by the Taxi Company, the Taxi Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to a Taxi Company receiving a Taxi Company permit.
- C. Additional Insured and Notification of Policy Changes. The Taxi Company shall provide certificates of insurance naming the City of Portland and its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation, and employer's liability insurance (as required by state law).
- D. Ensuring Driver and Vehicle Insurance. Taxi Companies shall be responsible for ensuring the Taxi Driver and Taxi Vehicle have appropriate insurance coverage as required by state law.
- E. Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.
- F. Commercial Business Insurance. Taxi Company permit holders shall secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT Taxi permit.
- G. Automobile Insurance. All Taxi Company permit holders shall provide the City with a copy of a valid commercial auto liability policy with the following coverage:
 - 1. Combined single limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a PFHT vehicle.

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- H.** Certification of Auto Insurance. Taxi Companies shall provide proof of current, valid insurance for Director certification that all affiliated Taxi Vehicles operating for such company and satisfying the minimum requirements.
- I.** Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term.
- J.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.
- K.** Continuous and Uninterrupted Coverage. The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if the insurance company later backdates it, is subject to a civil penalty.
- L.** Insurance Rating. All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better, or meet all the requirements for Alternative to Insurance described in the Administrative Rule.
- M.** Additional Policy Conditions. Policies required under Sections 16.40.130 and/or 16.40.130 must also contain, include, provide for, or comply with the following:
 - 1.** Independent Contractors/Owner-Operators. If an independent contractor/owner-operator relationship exists with a permit holder, and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.130 D. – H. The same certificate of liability and additional insured endorsement requirements will apply.
 - 2.** Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Subsections 16.40.130 D. – H., and only if the public safety and well-being are not endangered thereby. The adequacy of proposed alternative insurance coverage shall be approved by the City Attorney's Office before such alternative insurance may become effective.
- N.** Failure to comply with any provision in Section 16.40.130 is a Class A violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.140 Taxi Company Operating Responsibilities and Prohibitions.
(Amended by Ordinance No. 188972, effective June 29, 2018.)

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- A.** Minimum Standards of Service. A permitted Taxi Company shall comply with the following minimum standards:
1. A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests. It is a rebuttable presumption that any time beyond 30 minutes from the time the passenger requests service is unreasonable.
 2. Acceptance of any request for Taxi service received from any location within the City including requests made by persons with disabilities and requests for wheelchair-accessible service pursuant to Section 16.40.190. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
 3. Service citywide, 24 hours a day, 7 days a week.
 4. A minimum fleet of 15 Taxi Vehicles.
- B.** Drug, Alcohol, and Discrimination Policy.
1. Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted companies shall employ at all times a zero-tolerance policy for intoxicants.
 2. Zero Tolerance for Discrimination. All permitted companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.
- C.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in a Taxi Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a Taxi Company shall be governed by Oregon tort law in effect at the time of the claim.
- D.** Fare Rate Transparency. All Taxi fare rates shall be established by the Taxi Company, reported to the Director, and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride. Fare rates for wheelchair-accessible vehicle (WAV) service shall be comparable with fare rates for non-WAV service. Changes to fare rates shall be submitted by the permitted Taxi Company and reported to the Director prior to implementation.

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- E.** Receipts. All Taxi passengers shall be provided either a paper or digital receipt with a unique transaction ID number that corresponds with the transaction number provided with the company's data submissions described in Subsection 16.40.140 I. (below). A receipt must be provided at the termination of the ride that clearly indicates the fare paid, time of ride, name of Taxi Company, name of Taxi Driver, Taxi Company customer service support contact information, and the City of Portland's PFHT complaint phone number.
- F.** Limitation or Prohibition on Dynamic Pricing. The Director may limit or prohibit dynamic pricing by any Taxi Company or Taxi Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040. Dynamic pricing is prohibited at all times for WAV service.
- G.** Agent of Service Requirements. Taxi Companies will maintain, during all times when the Taxi Company permit is valid, a local agent of service, with regular hours of business during weekdays.
- H.** Customer Service Support Requirements. Taxi Companies will maintain, during all times when the Taxi Company permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.
- I.** Reporting Requirements. Each Taxi Company shall regularly report the following to the Director:

 - 1. The number and type of crimes against drivers to the extent known;
 - 2. The arrest or conviction for any criminal offense of any affiliated Taxi Driver;
 - 3. The filing of any lawsuit against or on behalf of the Taxi Company related to the operation of the company and its services in the City of Portland;
 - 4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
 - 5. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Taxi Company.
- J.** Data Requirements.

 - 1. Any permitted Taxi Company shall provide relevant anonymized data to the City no later than the 5 business days after the last day of the previous month. Examples of relevant data may include, but are not limited to, the following:

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- a. Unique transaction ID number that corresponds with the passenger's receipt;
 - b. Number, date, and time of fulfilled trips;
 - c. Trip wait time;
 - d. Number, date, and time of unfulfilled requests (rides the company was unable to fulfill);
 - e. Number, date, and time of trips declined by the driver or the company (rides declined by drivers);
 - f. Number of canceled rides (rides canceled by the customer);
 - g. Trip origin GPS, latitude and longitude; and
 - h. Trip destination GPS, latitude and longitude.
2. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City, and not disclosed to third parties, in accordance with any applicable data-sharing agreement.
 3. In the event that disclosure of such data is required by law, the City will provide taxi companies notice prior to any disclosure of such data.
 4. Upon request, the Taxi Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.
 5. Failure to report any ride data as described in Subsection 16.40.910 E.1. is a Class B violation.
- K.** Digital Record Requirements. Digital records shall provide a verifiable way to identify drivers and riders for investigation purposes. A permitted Taxi Vehicle must maintain either secure, digital records with contact information from Taxi Drivers and Taxi passengers or a digital security camera system in accordance with the following requirements:
1. Digital security cameras are required in every permitted taxicab, or secure digital records with contact information from the passenger must be maintained by the Taxi Company. Taxi Companies own the cameras or secure digital records and are responsible for their maintenance and the records produced by them.

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2. Taxi Companies must perform inspection and testing of the cameras according to the recommended product specifications, requirements, and schedule.
3. No Taxi Driver may tamper with, damage, disturb, remove, or disable a digital security camera system in a taxicab or any digital records maintained by the Taxi Company.
4. Taxi Drivers must utilize the digital security camera and immediately notify the Taxi Company if a digital security camera system is or appears to be damaged, stolen, or inoperable. When a digital security camera is utilized, signage must be visible to passengers within the Taxi Vehicle that states the following: YOU ARE ON CAMERA. IT IS A FELONY IN OREGON TO ASSAULT A TAXICAB DRIVER.
5. If any law enforcement officer requests access to any record necessary to assist in the investigation of any crime after following the appropriate legal process, the Taxi Company shall respond to the request within 24 hours and promptly disclose records pursuant to the investigation request.
6. No Taxi Company or Driver may allow any person to intentionally access any records produced by the digital security camera or record systems.
7. The Taxi Company shall notify the City of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.

L. Taxi Company Records Management and Mandatory Compliance.

1. Taxi Companies will be required to keep documentation of all certified Taxi Drivers and Taxi Vehicles. Such records shall be kept on file during the term of the Taxi Company permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, Taxi Company records shall be provided to the Director and/or law enforcement officers.
2. Taxi Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

M. Failure to comply with any provision in Section 16.40.140 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.150 Taxicab Vehicle Certification Requirements.

- A. Taxi Vehicle Certification.** The Taxi Company shall regularly provide a list of applicant vehicles affiliated with the permitted Taxi Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a

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form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Taxi Company prior to being used to provide taxi service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Taxi Vehicle.

- B.** Term of Certified Taxi Vehicle. Certifications for Taxi Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification. The Taxi Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.
- C.** Application Process. Applications for Taxi Vehicle certification shall be made directly to an affiliated Taxi Company. The Taxi Company will regularly provide to the Director a Taxi Driver and vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a Taxi Vehicle on a form approved by the Director.
- D.** Vehicle Registration, Licensing, and Insurance. All Taxi Vehicles shall maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.
- E.** Vehicle Age Requirements. No vehicle will be allowed to operate as a Taxi Vehicle following 10 years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a Taxi Vehicle.
- F.** Vehicle Safety Inspections. Each Taxi Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:
 - 1.** Is more than 1-year-old, based on model year;
 - 2.** Has 10,000 miles or more on its odometer; or
 - 3.** Has the “check engine” light illuminated, regardless of model year or mileage.
- G.** Taxi Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Taxi Driver applicant a safety certificate stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.
- H.** Vehicle Condition. Each Taxi Vehicle shall meet the following requirements:

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1. Be kept in safe condition and good;
 2. Be kept clean and in good appearance;
 3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
 4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for Portland Metro.
 5. Failure to comply with any provision in this Subsection H. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- I.** Taxi Vehicle Re-certification. The Taxi Company shall provide a list of applicant vehicles for re-certification to the Director 1 month prior to the Taxi Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Taxi Vehicle certification requirements pursuant to Sections 16.40.150 and 16.40.160 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Taxi Vehicle and shall not be allowed to operate as a Taxi Vehicle.
- J.** Unless otherwise noted, failure to comply with any provision in Section 16.40.150 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.160 Taxicab Vehicle Operating Requirements and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** No vehicle shall operate as a Taxi Vehicle unless it has been certified by the Director and is affiliated with a permitted Taxi Company and properly displays a valid City of Portland taxiplate.
- B.** Vehicle Registration, Insurance, and Business License. A non-digital copy of the vehicle's registration and proof of insurance shall be kept in every Taxi Vehicle, pursuant to ORS 806.011. In addition, for independent contractors, the City requires that proof of a Taxi Driver's business license, as required by Chapter 7.02, be kept in every Taxi Vehicle. Failure to comply with any provision in this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Identification of Taxi Vehicles. Every Taxi Vehicle shall meet the following identification requirements to operate as a Taxi Vehicle:

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1. Only vehicles with City-issued taxiplates may be equipped with a top light or taximeter, and only those vehicles may use the words “taxi,” “cab,” or “taxicab” anywhere on the vehicle.
 2. Every Taxi Vehicle affiliated with a Taxi Company must have a design scheme with the unique symbol or logo of that affiliated Taxi Company in a manner that clearly identifies the Taxi Company, as approved by the Director.
 3. Every Taxi Vehicle must prominently display on both sides of the vehicle the following information:
 - a. The full name of the Taxi Company;
 - b. The company-assigned Taxi Vehicle number;
 - c. The telephone number of the Taxi Company where services can be requested; and
 - d. Word “taxi,” “cab,” or “taxicab.”
- D.** Every Taxi Vehicle must be equipped with a taximeter in accurate operating condition, with a lighted face that can easily be read at all times by the passenger. Taximeters shall meet the following requirements:
1. Every taximeter must be inspected by a certified taximeter installer and certified at installation, at change in rate, and within 1 year of the last inspection. A certificate of inspection must be issued by a qualified taximeter repair service upon each inspection. A copy of the certificate of inspection must remain in the taxicab and must include the following:
 - a. The identifying number of the taximeter;
 - b. The make, model, and license number of the Taxi Vehicle in which the taximeter is installed;
 - c. The name of the taxicab company;
 - d. The date of inspection, and;
 - e. A statement that the taximeter has been inspected and approved as operating within the acceptable limits and rates as specified by the Director and on file with the company.
 2. Taxi Companies must keep on file copies of all certificates of inspection until the taximeter is recalibrated and the certificate is no longer accurate.

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3. Taximeters must operate within the following limits of accuracy: Plus or minus 50 feet in 1 mile and 1 second in 1 minute of waiting time.
 4. All taximeters must be approved by the National Type Evaluation Program (NTEP) as evidenced by a Certificate of Conformance issued by an authorized inspector. All taximeters must have an active NTEP Certificate of Conformance number.
 5. Certificates of inspection may be examined or a taximeter re-inspected by the Director or law enforcement officers at any time during normal business hours.
- E. Vehicle Operating Conditions. In determining whether a Taxi Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair, which includes the following:
1. All Taxi Vehicle equipment and devices shall be properly equipped and maintained in good working order.
 2. At all times, Taxi Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals) windshield wipers; windshield washers; interior/dome lights; taximeter; top light; heating/air conditioning systems; odometer; speedometer; and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions.
 3. The Taxi Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light, and reflectors.
 4. Taxi Vehicles shall be free of dirt, grease, grime, glue, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body.
 5. The Taxi Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and may only be equipped with studded tires during time periods provided by Oregon law.
 6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

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- F.** Mandatory Compliance. Taxi Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.
- G.** The taximeter, traditional or computer application-based, must be used to calculate all fees for time and distance traveled and must be programmed with all fares, including flat rates or fees previously reported to the Director, pursuant to Subsection 16.40.140 D.
- H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.160 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.170 Taxi Driver Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Taxi Driver Certification. The Taxi Company shall regularly provide a list of applicant drivers affiliated with the permitted Taxi Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified and permitted by the Director and affiliated with a permitted Taxi Company prior to operating a Taxi Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Taxi Driver. Taxi Companies shall regularly provide a current list of affiliated Taxi Drivers and Taxi Vehicles.
- B.** Term of Certified Taxi Driver. Certifications for Taxi Drivers provided by a Taxi Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated Taxi Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.
- C.** Application Process. Applications for Taxi Driver certification shall be made directly to an affiliated Taxi Company. The Taxi Company will regularly provide to the Director a list of Taxi Drivers, pursuant to certification requirements, that the driver meets all requirements before the driver may operate a Taxi Vehicle on a form approved by the Director.
- D.** Taxi Driver Criminal and Driving Background Checks. A local, national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Taxi Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
 - 1.** Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);

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2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and
 3. The National Sex Offender Public Registry.
- E.** Taxi Driver Criminal and Driving History Disqualifications. A driver will not be certified as a Taxi Driver and cannot provide Taxi services if any of the following conditions exist:
1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
 3. The applicant is a match in the National Sex Offender Public Registry.
 4. During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:
 - a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons, or
 - b. Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
 5. Based on the conviction date during a 3-year period, the applicant had more than five traffic violations convictions as defined in ORS 801.557; more than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or more than five of any combination of serious traffic violations or motor vehicle accidents as provided above.
 6. Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
 7. Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.
 8. Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.

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9. The applicant does not have at least 1 year's worth of uninterrupted driving experience with a valid driver's license in a United States jurisdiction, immediately preceding the certification.
 10. The applicant is less than 21 years old.
 11. The applicant is unable to obtain car insurance for any reason.
- F.** All Taxi Driver criminal and driving histories are subject to review by the Director.
- G.** Taxi Driver Training. The affiliated company must ensure that all Taxi Drivers successfully complete all Director-approved trainings and testing within 30 days of Taxi Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.
- H.** Business License Requirements. All Taxi Drivers operating as independent contractors affiliated with a Taxi Company shall comply with all provisions of the Business License Law, Chapter 7.02, prior to operating a Taxi Vehicle. Any Taxi Driver operating as an independent contractor without a valid City of Portland business license cannot be certified as a Taxi Driver and will not be allowed to operate as a Taxi Driver until such business license is obtained.
- I.** Taxi Driver Re-certification. The Taxi Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Taxi Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Taxi Driver certification requirements pursuant to Sections 16.40.170. Drivers not meeting all such conditions will not be re-certified as a Taxi Driver and shall not be allowed to provide Taxi services.
- J.** Suspension or Revocation of Certified Taxi Drivers. If a Taxi Driver certification is suspended or revoked by the Director, the affiliated Taxi Company shall be notified and the driver shall be removed as soon as notified by the City. Taxi Drivers and Taxi Vehicles without current, valid certification by the Director shall not be allowed to operate as a Taxi Driver or Taxi Vehicle.
- K.** Failure to comply with any provisions in Section 16.40.170 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.180 Taxi Driver Conduct, Requirements and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Transferring Credentials. Transferring Taxi Driver or Taxi Vehicle credentials from one driver or vehicle to another shall be prohibited. Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

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- B.** Taxi Drivers at all times shall carry the following while operating as a Taxi Driver and provide the following upon request of a law enforcement officer or Director:
1. A non-digital copy of Taxi Company insurance pursuant to ORS 806.011 and a non-digital copy of the vehicle registration;
 2. A non-digital copy of the driver's City of Portland business license as required by Chapter 7.02.;
 3. A valid state-issued driver's license; and
 4. A valid, original, City of Portland driver permit. All licensed drivers must prominently post and display the taxi permit in the taxicab while on duty.
 5. All required documents listed above must be available and presented at the time of any inspection, upon request.
 6. Failure to comply with this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Driver Conduct. No Taxi Driver shall:
1. Allow another person to use their Taxi Driver certification;
 2. Drive or allow another person to drive a Taxi Vehicle without a valid driver's license, driver permit, and company certification while the vehicle is being used to provide taxi services;
 3. Operate any Taxi Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
 4. Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
 5. Use a vehicle in the commission of any crime;
 6. Use or broadcast profane or obscene language offensive to the passenger or other persons while operating a PFHT vehicle;
 7. Consume any intoxicant, smoke any substance or use any device that produces a smoke-like vapor while operating a Taxi Vehicle;
 8. Allow any passenger to consume an intoxicant or smoke any substance or use any device that produces a smoke-like vapor inside a Taxi Vehicle;

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9. Defraud a passenger in any way;
 10. Be discourteous to a passenger;
 11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
 12. Drive passengers to their destination by any route other than the safest and efficient route, unless requested to do so by the passenger;
 13. Operate any Taxi Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
 14. Refuse to transport to a requested destination within the City of Portland any passenger of proper demeanor whose request for service has been accepted by the Taxi dispatch or Taxi Driver; and
 15. Provide PFHT services without a valid City of Portland permit or certification.
 16. Violate Section 16.20.130.
- D.** Maximum Hours of Driving. No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.
- E.** Street-Hails.
1. A Taxi Driver may accept street-hails in all locations including the following locations: taxi stands, hotel zones, and loading/unloading zones.
 2. Other than for drop off, a Taxi Driver may not park a Taxi Vehicle in a hotel zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance with Section 16.40.140 and available for review by the Director or law enforcement officer.
 3. Failure to comply with this Subsection E. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- F.** Mandatory Compliance. Taxi Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.
- G.** Driver Reporting. Every Taxi Driver shall report any of the following events to the Director and to all affiliated Taxi Companies within 24 hours of its occurrence:

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1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
 2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
 3. Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
 4. Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.
- H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.180 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.190 Taxi Company Accessible Service Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Taxi Companies shall provide reasonable accommodations to passengers with disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices.
- B.** Requests for service from a passenger accompanied by a service animal may not be refused.
- C.** Regarding accommodations to passengers with hearing and visual impairments:
 1. Taxi Companies shall maintain at all times dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
 2. Taxi Companies shall maintain customer service support services pursuant to Subsection 16.40.140 H. in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
- D.** Regarding accommodations to passengers with mobility devices:
 1. Taxi Companies shall reasonably accommodate passengers with canes, walkers, or other mobility devices that can readily fit within a non-wheelchair-accessible Taxi Vehicle.
 2. Taxi Companies are required to provide wheelchair-accessible vehicle service within a reasonable time by maintaining a fleet of affiliated wheelchair-accessible (WAV) Taxi Vehicles, contracting with a permitted

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operator of wheelchair-accessible PFHT vehicles or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.

3. Fare rates for WAVs shall not exceed fare rates for comparable non-wheelchair-accessible Taxi Vehicles, and shall not be subject to dynamic pricing.
4. WAV services must comply with Administrative Rule, WAV Service Performance Guidelines established by the PFHT Advisory Committee and the Portland Commission on Disability.
5. Any permitted Taxi Company shall enter into an agreement with the City to regularly provide aggregated and anonymized data relevant to WAV service. Examples of relevant data may include, but not be limited to, the following:
 - a. Number, date, and time of fulfilled WAV trips;
 - b. WAV trip wait time;
 - c. Number, date, and time of WAV trips declined by the driver or the company;
 - d. WAV trip origin GPS, latitude and longitude; and
 - e. WAV trip destination GPS, latitude and longitude.
6. The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund for the purpose of meeting the objectives established in Administrative Rule for Accessible Service.
 - a. The Accessible Transportation Fee rate shall be established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability for the purpose of funding the Accessible Transportation Fund.
 - b. The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV service performance guidelines and mitigating the higher costs of providing WAV service compared to comparable non-WAV service. A detailed report on the status and performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually.

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- E.** Failure to comply with any provision in Section 16.40.190 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.200 TNC Services Permits Required.

(Amended by Ordinance No. 188972, effective June 29, 2018.) The operation of a Transportation Network Company (TNC) is a privilege and not a right. For transportation network services to be provided in the City of Portland, the TNC shall be required to obtain a permit. The City shall certify that all affiliated TNC vehicles and TNC drivers have met all certification and operating requirements.

- A.** TNC Permit Requirements. No person or entity shall conduct business as a TNC in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection A. is a Class A violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- B.** TNC Certification Requirements. No person or entity shall conduct business as a TNC Driver in the City of Portland without certification by the Director prior to being activated on the affiliated TNC platform. Drivers not meeting all required conditions will not be certified as a TNC Driver and will not be allowed to operate as a TNC Driver.
- C.** TNC Vehicle Certification Requirements. No vehicle shall be allowed to conduct business as a TNC Vehicle in the City of Portland without certification by the Director prior to being activated on the affiliated TNC platform. Vehicles not meeting all required conditions will not be certified as TNC vehicle and will not be allowed to operate as a TNC Vehicle.
- D.** Unless otherwise noted, failure to comply with Section 16.40.200 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.210 TNC Permit Application Standards for Approval and/or Denial and Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Application. An applicant for a TNC permit shall annually submit to the Director:
 - 1.** A completed application on a form supplied by the Director;
 - 2.** Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
 - 3.** Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 - 4.** A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;

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5. If the applicant TNC is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner;
 6. If the applicant TNC is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 7. The applicant TNC’s zero-tolerance drug and non-discrimination policy;
 8. The applicant TNC’s user terms of service;
 9. TNC app description with general use information and customer instructions for requesting a wheelchair-accessible vehicle;
 10. Contact information of the TNC’s agent of service and customer service support;
 11. The trade dress the applicant TNC proposes to use for each affiliated driver’s vehicle, with a photo of the trade dress submitted with the application; and
 12. A non-refundable application fee.
 13. All fines and penalties must be paid prior to PBOT issuing or reissuing a TNC permit.
- B.** Compliance with Secretary of State’s Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.
- C.** Insurance. All TNC permit holders shall comply with TNC insurance requirements pursuant to Section 16.40.230. All TNCs shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- D.** Director Review Process. After receiving a completed TNC application form and upon successful completion of all the requirements pursuant to Section 16.40.210, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

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- E.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a TNC permit valid for a period of up to 1 year from the date of approval.
- F.** Application Denial. The application shall be denied for any of the following reasons:
1. The TNC applicant fails to submit all required information and documentation, including valid proof of insurance;
 2. The TNC applicant provides TNC app services to anyone other than TNC Drivers meeting the requirements set forth in Chapter 16.40;
 3. The TNC applicant leases, permits, or otherwise allows other entities not affiliated with the TNC and certified by the Director to operate TNC services;
 4. The TNC applicant affiliates with and provides a TNC App to drivers operating vehicles without a TNC Vehicle certification;
 5. The application has a material misstatement or omission; and
 6. The TNC application is incomplete.
- G.** Denial Appeal. If the application is denied, the applicant TNC may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- H.** Providing TNC Services. TNC services shall be provided only by a permitted TNC.
- I.** Certification of TNC Drivers. The TNC shall provide a daily list of applicant drivers affiliated with the permitted TNC for Director certification that drivers meet requirements in Section 16.40.270, on a form approved by the Director on a daily basis. Drivers shall be certified by the Director prior to being activated on the affiliated TNC platform, and drivers not meeting all required conditions will not be certified as a permitted TNC Driver and will not be allowed to operate as a TNC Driver. Such requirements include:
1. Criminal and driver background checks;
 2. Personal automobile liability insurance for independent contractors;
 3. A valid driver's license;
 4. TNC driver business license number; and

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- 5.** Successful completion of all Director-approved driver training and testing within 30 days of providing TNC Service, and successful completion of any additional training and testing must be completed within 30 days of release by the City.
- J.** Term of Certification of TNC Driver. Certifications for TNC Drivers provided by the Director shall be valid for a term of 1 year from date of Director certification.
- K.** TNC Driver Re-certification. The TNC shall daily provide a list of applicant drivers for re-certification to the Director within 1 month prior to the TNC Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with TNC Driver certification requirements pursuant to Section 16.40.270. Drivers not meeting all such conditions will not be re-certified as a TNC Driver and shall not be allowed to operate as a TNC Driver.
- L.** Certification of TNC Vehicles. The TNC shall daily provide a list of applicant vehicles affiliated with the permitted TNC for Director certification that vehicles meet requirements in Section 16.40.250, on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a certified TNC driver prior to being activated on the affiliated TNC. Vehicles not meeting all required conditions will not be certified as a permitted TNC vehicle and will not be allowed to operate as a TNC vehicle on a TNC platform. Such requirements include:

 - 1.** Vehicle ASE safety inspection;
 - 2.** Vehicle registration and licensing;
 - 3.** Vehicle properly equipped and in good condition;
 - 4.** Commercial automobile liability insurance; and
 - 5.** Personal automobile liability insurance, as required by state law.
- M.** Term of Certification of TNC Vehicles. Certifications for TNC Vehicles provided by the Director shall be valid for a term of 1 year from date of Director certification.
- N.** TNC Vehicle Re-certification. The TNC shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the TNC Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with TNC Vehicle certification requirements pursuant to Section 16.40.250 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a TNC Vehicle and shall not be allowed to operate as a TNC Vehicle.

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- O.** Denial Appeal. If a TNC Driver or TNC Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- P.** Right to a Permit. The TNC's ability to satisfy the criteria for a TNC permit does not create a right to a TNC permit.
- Q.** Transferring Permits. Transferring permits shall be prohibited.
- R.** Removal of TNC Drivers and TNC Vehicles from Affiliated TNC Platform. A TNC shall daily provide to the Director notification of affiliated TNC Drivers and TNC Vehicles that have been permanently deactivated from the TNC platform or prohibited from providing TNC services by the affiliated TNC.
- S.** Operating at the Port of Portland. TNCs, TNC Drivers, and TNC Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.
- T.** Failure to comply with any provision in Section 16.40.210 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.220 TNC Services Permit Fees and Civil Penalty Fines.
(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Permit Fees. TNCs shall pay City surcharges and permit fees, established in TRN 3.450, and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.
- B.** Permit Issuance. No TNC permit shall be issued until all surcharges, fees and civil penalty fines have been paid.

16.40.230 TNC Insurance Requirements.
(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** TNC Service Periods Defined. In order to provide protection to the public, the TNC shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40. TNC service is defined by three distinct periods:
 - 1.** Period 1: The TNC Driver has logged into the app. The app is open and the driver is waiting for a match.
 - 2.** Period 2: A passenger match has been accepted – the passenger is not yet picked up (i.e., the driver is on their way to pick up the passenger).

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- 3.** Period 3: The passenger is in the vehicle and until the passenger exits the vehicle at the destination.
- B.** Providing TNC Services. All periods of TNC service shall be covered by a general commercial liability and primary automobile insurance policy provided by the TNC, the TNC Driver, or a combination of both. Evidence of TNC insurance requirements shall be received and approved by the City prior to a TNC receiving a TNC permit.
- C.** Additional Insured and Notification of Policy Changes. The TNC shall provide certificates of insurance naming the City of Portland, its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).
- D.** Ensuring Driver and Vehicle Insurance. TNC Drivers shall be responsible for ensuring appropriate personal motor vehicle liability insurance required by state law.
- E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.
- F.** Commercial Business Insurance. TNC permit holders shall secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT TNC permit.
- G.** Automobile Insurance. All TNC permit holders shall provide the City with proof of the following coverages:

 - 1.** Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury and \$25,000 for property damage, plus any other state compulsory coverage to the extent required by law. Coverage is to be maintained by the TNC.
 - 2.** Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1 million in combined single limit coverage for death, personal injury, and property damage per incident; and \$1 million in combined single limit under/uninsured motorist coverage for death, personal injury, and property damage per incident. Coverage is to be maintained by the TNC.

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- 3.** The required automobile liability policy shall specifically recognize the driver's provision of TNC services or other for hire transportation and shall comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies.
- H.** Certification of Auto Insurance. TNCs shall provide proof of current, valid insurance for Director certification covering all affiliated TNC Drivers and Vehicles operating for such company and satisfying the minimum requirements of Periods 1, 2 and 3 in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.
- I.** Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term.
- J.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.
- K.** Continuous and Uninterrupted Coverage. The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
- L.** Insurance Rating. All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better, or meet all the requirements for Alternative to Insurance described in an Administrative Rule.
- M.** Additional Policy Conditions: Policies required under Section 16.40.230 must also contain, include, provide for or comply with the following:

 - 1.** A TNC shall not require or encourage a TNC Driver to secure a primary personal automobile insurance policy providing coverage for TNC activities as a condition to becoming affiliated on the TNC's digital network, nor shall a TNC provide any incentive to any TNC Driver who secures a primary personal automobile insurance policy providing coverage for TNC activities in periods as defined in Subsection 16.40.230 G.
 - 2.** A TNC shall disclose in writing to affiliated TNC Drivers that drivers are not required to purchase or maintain an insurance policy that provides coverage for TNC activities in any periods as defined in Subsection 16.40.230 G. as a condition of providing TNC Services on behalf of an affiliated TNC. Additionally, a TNC shall disclose in writing to affiliated TNC Drivers that securing such a policy will not result in any material

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benefit or incentive of any kind provided by the affiliated TNC to the TNC Driver. A TNC shall disclose in writing to affiliated TNC Drivers that insurance maintained by the TNC pursuant to Section 16.40.230 does not include collision coverage for affiliated TNC Drivers, unless the policy secured and maintained by the TNC expressly states otherwise.

3. A TNC shall disclose in writing to affiliated TNC Drivers the insurance coverage, including the types of coverage and limits for each coverage that the TNC provides while the affiliated TNC Driver uses an affiliated TNC Vehicle to provide TNC services. The TNC shall also advise affiliated TNC Drivers in writing that the driver's personal automobile insurance policies may be subject to cancellation in accordance to ORS 742.562 or might not provide coverage because the driver uses a vehicle in connection with an affiliated TNC, as specified by the terms of the policy. A TNC shall provide written disclosure to the affiliated TNC Driver that coverage required pursuant to Subsection 16.40.230 G. shall be provided by the affiliated TNC on a primary basis from the first dollar of every claim, unless a policy secured and maintained by a TNC Driver expressly states otherwise.
4. A TNC Driver is not prohibited from voluntarily securing a primary automobile insurance policy covering the TNC Vehicle and providing coverage in any period as defined in Subsection 16.40.230 G. A TNC Driver's or the TNC Vehicle owner's personal automobile insurance policy may only provide coverage during periods as defined by Section 16.40.230 to the driver, vehicle owner, or any third party, if the policy expressly provides coverage for TNC activities during periods defined by Section 16.40.230 as specified by the terms of the policy.

N. Failure to comply with any provision in Section 16.40.230 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.240 TNC Operating Responsibilities and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A. Minimum Standards of Service. A permitted TNC shall comply with the following minimum standards:
 1. A TNC app in operation 24 hours each day capable of providing reasonably prompt service in response to requests. It is a rebuttable presumption that any time beyond 30 minutes from the moment the passenger requests a ride using the TNC application, is unreasonable.
 2. Acceptance of any request for TNC service received from any location within the City including requests made by persons with disabilities and requests for wheelchair-accessible service pursuant to Section 16.40.290.

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3. The TNC app used to connect drivers to riders shall display an accurate picture of the TNC Driver and a picture or description of the type of TNC Vehicle, as well as the license plate number of the TNC Vehicle.
- B. Drug, Alcohol and Discrimination Policy.**
1. Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted companies shall employ at all times a zero tolerance policy for intoxicants.
 2. Zero Tolerance for Discrimination. All permitted companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.
- C. User Terms of Service.** It must be stated within a disclaimer or limitation of liability in a TNC's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a TNC shall be governed by Oregon tort law in effect at the time of the claim.
- D. Fare Rate Transparency.**
1. TNCs shall use an online-enabled or mobile software-based application to determine fares for TNC services.
 2. All TNC fare rates shall be made available in a clear and transparent way to the TNC passenger on the TNC app prior to the TNC passenger accepting a ride.
- E. Receipts.** All TNC passengers shall be provided either a paper or digital receipt with a unique transaction ID number that corresponds with the transaction number provided with the company's data submissions described in Subsection 16.40.240 I. (below). A receipt must be provided at the termination of the ride that clearly indicates the fare paid, time of ride, name of TNC, name of TNC Driver, TNC customer service support contact information, and the City of Portland's PFHT complaint phone number.
- F. Limitation or Prohibition on Dynamic Pricing.** The Bureau Director may limit or prohibit dynamic pricing by any TNC or TNC Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040.

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- G.** Agent of Service Requirements. TNCs will maintain, during all times when the TNC permit is valid, a locally based agent of service, with regular hours of business during weekdays.
- H.** Customer Service Support Requirements. TNCs will maintain, during all times when the TNC permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.
- I.** Reporting Requirements. Each TNC shall regularly report the following to the Director:
1. The number and type of crimes committed against drivers to the extent known;
 2. Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution; and any restriction, suspension or revocation of the driver's motor vehicle driver's license arrest or conviction for any criminal offense of any affiliated TNC driver involving the operation of TNC service in the City of Portland;
 3. The filing of any lawsuit against or on behalf of the TNC related to the TNC services of the affiliated TNC, TNC Driver, or TNC Vehicle in the City of Portland;
 4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company, and;
 5. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the TNC.
- J.** Data Requirements.
1. TNCs shall provide relevant anonymized data to the City no later than the 5 business days after the last day of the previous month pursuant to applicable data sharing agreement. Examples of relevant data may include, but are not limited to, the following:
 - a. Unique transaction ID number that corresponds with the passenger's receipt;
 - b. Number, date, and time of fulfilled trips;
 - c. Trip wait time;

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- d. Number, date, and time of unfulfilled requests (rides the company was unable to fulfill);
 - e. Number, date, and time of trips declined by the driver or the company (rides declined by drivers);
 - f. Number of canceled rides (rides canceled by the customer);
 - g. Trip origin GPS, latitude and longitude; and
 - h. Trip destination GPS, latitude and longitude.
 2. TNCs shall submit data, pursuant to a data sharing agreement with the City and permitted companies.
 3. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.
 4. In the event disclosure of such data is required by law, the City will provide TNCs notice prior to any disclosure of such data.
 5. Upon request, the TNC shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.
- K.** Digital Record Requirements. Secure, digital records with contact information from TNC Drivers and TNC passengers shall be maintained by the TNC. Such records shall provide a verifiable way to identify drivers and riders for investigatory purposes. Secure digital records must be maintained in accordance with the following requirements:
 1. Secure digital records with contact information from the TNC Driver and passenger must be maintained by the TNC. TNCs own the secure digital records and are responsible for their maintenance and the records produced by them;
 2. If any law enforcement officer requests access to any record necessary to assist in the investigation of any crime after following appropriate legal process, the TNC shall respond to the request within 24 hours and promptly disclose records pursuant to the investigation request;
 3. No TNC or Driver may allow any unauthorized person to intentionally access any records produced by the digital record systems; and
 4. The TNC shall notify the City of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.

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- L.** TNC Records Management and Mandatory Compliance.
 - 1.** TNCs will be required to keep documentation of all certified TNC Drivers and TNC Vehicles. Such records shall be kept on file during the term of the TNC permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, TNC records shall be provided to the Bureau Director and/or law enforcement officers.
 - 2.** TNCs shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel or law enforcement officers pursuant to Chapter 16.40.
- M.** Failure to comply with any provision in Section 16.40.240 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.250 TNC Vehicle Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Trade Dress.
 - 1.** The TNC may not “on-board” a vehicle unless the designated trade dress includes a visible Portland business license identification number specific to each TNC Driver.
 - 2.** No TNC vehicle may display the words “taxi,” “taxi cab,” or “cab,” display a top light, employ a taxi-meter, have a taxiplate, or otherwise attempt to appear as a taxi.
- B.** TNC Vehicle Certification. The TNC shall daily provide a list of applicant vehicles affiliated with the permitted TNC for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a certified TNC driver prior to being activated on the affiliated TNC platform. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a TNC vehicle.
- C.** Term of Certified TNC Vehicle. Certifications for TNC Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification. TNC shall provide a re-certification to the Director, as they occur, prior to the certification expiration and within 1 month of the expiration date.
- D.** Application Process. Applications for TNC Vehicle certification shall be made directly to an affiliated TNC. The TNC shall regularly provide to the Director a TNC Driver and Vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a TNC Vehicle on a form approved by the Director.

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- E.** Vehicle Registration, Licensing, and Insurance. All TNC Vehicles will maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.
- F.** Vehicle Age Requirements. No vehicle older than 10 years will be allowed to operate as a TNC Vehicle following 10 years after the vehicle manufactured date regardless of when the vehicle was purchased or put into service as a TNC Vehicle.
- G.** Vehicle Safety Inspections. Each TNC Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

 - 1.** Is more than 1-year-old, based on model year;
 - 2.** Has 10,000 miles or more on its odometer; or
 - 3.** Has the “check engine” light illuminated, regardless of model year or mileage.
- H.** TNC Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the TNC Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.
- I.** Vehicle Condition. Each TNC Vehicle shall meet the following requirements:

 - 1.** Each TNC Vehicle shall:

 - a.** Be kept in safe condition and condition;
 - b.** Be kept clean and in good appearance;
 - c.** Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
 - d.** Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland Metro.
 - e.** Failure to comply with any provision in this Subsection I. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

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- J.** TNC Vehicle Re-certification. The TNC shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the TNC Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with TNC Vehicle certification requirements pursuant to Section 16.40.250 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a TNC Vehicle and shall not be allowed to operate as a TNC Vehicle.
- K.** Unless otherwise noted, failure to comply with any provision in Section 16.40.250 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.260 TNC Vehicle Operating Requirements and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** No vehicle shall operate as a TNC Vehicle unless it has been affiliated with an approved TNC and properly displays a trade dress approved by the Director.
- B.** Vehicle Registration, Insurance, and Business License. A non-digital copy of the vehicle's registration and non-digital proof of insurance shall be kept in every TNC Vehicle, pursuant to ORS 806.011. In addition, for independent contractors, the City requires proof of TNC insurance and proof of a TNC driver's business license be kept in every TNC Vehicle. Failure to comply with any provision in this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Trade Dress Signage. Trade dress signage is required for each TNC Vehicle in operation at all times. The trade dress signage shall be clearly visible from the front and rear of the vehicle from a distance of 20 feet and shall be placed on the interior or exterior of the vehicle body, but not on the roof and shall not obscure any of the driver's views, vehicle lights, or the view of any mirrors, and it cannot exceed four square feet.
- D.** Vehicle Operating Conditions. In determining whether a TNC vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair, and appearance which includes the following:
 - 1.** All TNC Vehicle equipment and devices shall be properly equipped and maintained in good working order;
 - 2.** At all times, TNC Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes, or

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other exhaust components that prevent unnecessary noise and smoke emissions;

3. The TNC Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, and reflectors;
 4. The TNC Vehicle shall be free of dirt, grease, grime, glue, rips, stains, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body;
 5. The TNC Vehicle shall not include missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and may only be equipped with studded tires during time periods allowed by Oregon Law; and
 6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.
- E.** Mandatory Compliance. The TNC Vehicle shall be made available to compliance audits and enforcement actions upon request by the Director, authorized city personnel or law enforcement officers pursuant to Chapter 16.40.
- F.** Unless otherwise noted, failure to comply with any provision in Section 16.40.260 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.270 TNC Driver Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Driver Certification. The TNC shall provide a list of applicant drivers affiliated with the permitted TNC for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director on a daily basis. Drivers shall be certified by the Director and affiliated with a certified TNC Vehicle prior to being activated on the affiliated TNC platform. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a TNC Driver.
- B.** Term of Certified TNC Driver. Certifications for TNC Drivers provided by a TNC to the Director shall be valid for 1 year from the date of the initial certification. TNC shall provide a re-certification to the Director within 1 month prior to the certification expiration.

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- C.** Application Process. Applications for TNC Driver certification shall be made directly to an affiliated TNC. The TNC will regularly provide to the Director TNC Driver and Vehicle certification lists, pursuant to certification requirements, that the driver meets all requirements prior to the driver operating the vehicle, on a form approved by the Director.
- D.** TNC Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually, based on the driver's anniversary date, on behalf of the affiliated TNC by a third party accredited by the National Association of Professional Background Screeners that shall include:
1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
 2. All motor vehicle records associated with the applicant driver available pursuant to record laws of each state, and
 3. The National Sex Offender Public Registry.
- E.** TNC Driver Criminal and Driving History Disqualifications. A TNC Driver will not be certified and cannot provide TNC services if any of the following conditions exist:
1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
 3. The applicant is a match in the National Sex Offender Public Registry.
 4. During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:
 - a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
 - b. Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
 5. Based on the conviction date during a 3-year period, the applicant had more than five traffic violations as defined in ORS 801.557; more than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be

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reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or more than five of any combination of serious traffic violations or motor vehicle accidents as provided above.

6. Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
 7. Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.
 8. Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.
 9. The applicant does not have at least 1 year's worth of uninterrupted driving experience with a valid driver's license in a United States jurisdiction, immediately preceding the certification.
 10. The applicant is less than 21 years old.
 11. The applicant is unable to obtain car insurance for any reason.
- F.** All TNC Driver criminal and driving histories are subject to review by the Director.
- G.** TNC Driver Training. The affiliated company must ensure that all TNC Drivers successfully complete all Director-approved trainings and testing within 30 days of TNC Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.
- H.** Insurance Requirements. All TNC Drivers affiliated with a TNC shall maintain current, valid personal automobile insurance that meets State of Oregon requirements.
- I.** Business License Requirements. All TNC Drivers affiliated with a TNC shall comply with all provisions of the Business License Law, Chapter 7.02, prior to being activated on the TNC app. Any TNC Driver without a valid City of Portland business license cannot be certified as a TNC Driver and will not be allowed to operate as a TNC Driver until such business license is obtained.
- J.** TNC Driver Re-certification. The TNC shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the TNC Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with TNC Driver certification requirements pursuant to Section 16.40.270. Drivers not meeting all such conditions will not be re-certified as a TNC Driver and shall not be allowed to operate as a TNC Driver.

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- K.** Suspension or Revocation of Certified TNC Drivers. If a TNC Driver or TNC Vehicle certification is suspended or revoked by the Director, the affiliated TNC shall be notified and the driver shall be removed as soon as notified by the City. TNC Drivers and TNC Vehicles without current, valid certification by the Director shall not be allowed to provide TNC services.
- L.** Failure to comply with any provision in Section 16.40.270 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.280 TNC Driver Conduct Requirements and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Transferring Credentials. Transferring TNC Driver or TNC Vehicle credentials from one driver or vehicle to another shall be prohibited. All TNC Drivers are required to meet all driver certification requirements within this chapter at all time times while providing private for-hire service. Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- B.** TNC Drivers shall carry:
 - 1.** A non-digital copy of TNC insurance pursuant to ORS 806.011 and a non-digital copy of the vehicle registration at all times while operating as a TNC Driver. Upon request of the Director or law enforcement officer, TNC Drivers shall present proof of a valid TNC primary automobile insurance policy and vehicle registration.
 - 2.** A non-digital copy of the TNC Driver's personal automobile insurance.
 - 3.** A non-digital copy of the driver's City of Portland business license as required by Chapter 7.02 always while operating as a TNC Driver.
 - 4.** A valid state issued driver's license while operating as a TNC Driver.
 - 5.** A valid, original, City of Portland driver permit. All licensed drivers must prominently post and display the permit in the vehicle while on duty.
 - 6.** All required documents listed above must be available and presented at the time of any inspection, upon request.
 - 7.** Failure to comply with this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Driver Conduct. No TNC Driver shall:
 - 1.** Allow another person to use their TNC Driver certification;

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2. Drive or allow another person to drive a TNC Vehicle without completing the certification process through the affiliated TNC;
 3. Operate any TNC Vehicle while consuming or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
 4. Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
 5. Use a vehicle in the commission of any crime;
 6. Use or broadcast profane or obscene language offensive to the passenger or other persons while operating a PFHT vehicle;
 7. Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating a TNC Vehicle;
 8. Allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke-like vapor, inside a TNC Vehicle;
 9. Defraud a passenger in any way;
 10. Be discourteous to a passenger;
 11. Drive passengers to their destination by any other than the safest and most efficient route, unless requested to do so by the passenger;
 12. Operate any TNC Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
 13. Refuse to transport to a requested destination within the City of Portland any passenger of proper demeanor whose request for service has been accepted on the TNC app, and;
 14. Provide PFHT services without a valid City of Portland permit or certification.
 15. Violate Section 16.20.130.
 16. Transport a passenger in a TNC Vehicle unless the TNC Driver is active on and has accepted the passenger's trip request through the TNC application.
- D.** Maximum hours of driving. No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.

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- E.** Street-Hails, Taxi Stands, and Hotel Zones.
 - 1.** A TNC Driver shall accept rides only booked through an affiliated TNC app and shall not solicit or accept street-hails or stop in any City-approved taxi zones, and;
 - 2.** A TNC Driver may not park a TNC Vehicle in a taxi zone or loading/unloading zone.
- F.** Mandatory Compliance. TNC Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.
- G.** Driver Reporting. Every TNC Driver shall report any of the following events to the Director and to all affiliated TNCs within 24 hours of its occurrence:
 - 1.** Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
 - 2.** Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
 - 3.** Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
 - 4.** Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.
- H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.280 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.290 TNC Accessible Service Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.) TNCs shall provide reasonable accommodations to passengers with disabilities, including to passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices.

- A.** Accommodations to passengers accompanied by a service animal.
 - 1.** Requests for service from a passenger accompanied by a service animal may not be refused.
- B.** Accommodations to passengers with hearing and visual impairments.

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1. TNCs shall maintain at all times mobile apps or online dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
 2. TNCs shall maintain customer service support services pursuant to Subsection 16.40.240 H. in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
- C. Accommodations to passengers with mobility devices.
1. TNCs shall reasonably accommodate passengers with canes, walkers, or other mobility devices that can readily fit within a non-wheelchair-accessible TNC Vehicle.
 2. TNCs shall maintain at all times mobile apps or online dispatch services available to customers that request a wheelchair-accessible vehicle (WAV).
 3. TNC Vehicles are required to provide WAV service within a reasonable time by maintaining a fleet of affiliated wheelchair-accessible TNC vehicles, contracting with a permitted operator of wheelchair-accessible PFHT vehicles, or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
 4. Fare rates for WAVs shall not exceed fare rates for comparable non-WAV TNC Vehicles, be reported to the Director, and shall not be subject to dynamic pricing.
 5. WAV services must comply with Administrative Rule, WAV Service Performance Guidelines, established by the PFHT Advisory Committee and the Portland Commission on Disability.
 6. Any permitted TNC shall enter into any applicable agreement with the City to regularly provide anonymized data relevant to WAV service. Examples of relevant data may include, but not be limited to, the following:
 - a. Number, date, and time of fulfilled WAV trips;
 - b. WAV trip wait time;
 - c. Number, date, and time of WAV trips declined by the driver or the company;
 - d. WAV trip origin GPS, latitude and longitude; and
 - e. WAV trip destination GPS, latitude and longitude.

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7. The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund for the purpose of meeting the objectives established in Administrative Rule for Accessible Service.
 - a. The Accessible Transportation Fee rate shall be established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability for the purpose of funding the Accessible Transportation Fund.
 - b. The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV Service Performance Guidelines and mitigating the higher costs of providing WAV service compared to commensurate non-WAV service. A detailed report on the status and performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually.
- D. Failure to comply with any provision in Section 16.40.290 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.300 Executive Town Car Service Permits Required.

The operation of an Executive Town Car Company is a privilege and not a right. For Executive Town Car services to be provided in the City of Portland, the Executive Town Car Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Executive Town Car Vehicles and Executive Town Car Drivers have met all certification and operating requirements.

- A. Executive Town Car Company Permit Requirements. No person or entity shall conduct business as an Executive Town Car Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with Subsection A. is a Class A violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- B. Executive Town Car Driver Certification Requirements. No person or entity shall conduct business as an Executive Town Car driver in the City of Portland without certification by the Director prior to being authorized to provide Executive Town Car services on behalf of an affiliated Executive Town Car Company. Drivers not meeting all required conditions will not be certified as an Executive Town Car Driver and will not be allowed to operate as an Executive Town Car Driver. Failure to comply with this Subsection B. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- C. Executive Town Car Vehicle Certification Requirements. No vehicle shall be allowed to conduct business as an Executive Town Car Vehicle in the City of

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Portland without certification by the Director prior to being used to provide Executive Town Car services by an affiliated Executive Town Car Company. Vehicles not meeting all required conditions will not be certified as Executive Town Car Vehicle and will not be allowed to operate as an Executive Town Car Vehicle. Failure to comply with this Subsection C. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.310 Executive Town Car Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Application. An applicant for an Executive Town Car Company permit shall annually submit to the Director:
1. A completed application on a form supplied by the Director;
 2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
 3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
 5. If the applicant Executive Town Car Company is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner;
 6. If the applicant Executive Town Car Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 7. The applicant Executive Town Car Company’s zero-tolerance drug and non-discrimination policy;
 8. The applicant Executive Town Car Company’s user terms of service;
 9. The applicant dispatch or passenger reservation contact information;
 10. Contact information of the Executive Town Car Company’s agent of service and customer service support;

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11. Fare rates shall be provided to and approved by the Director prior to implementation; and
 12. A non-refundable application fee.
- B.** All fines and penalties must be paid prior to issuing or reissuing an Executive Town Car Company permit.
 - C.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.
 - D.** Insurance. All Executive Town Car permit holders shall comply with Executive Town Car insurance requirements pursuant to Section 16.40.330. All Executive Town Car Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
 - E.** Director Review Process. After receiving a completed Executive Town Car Company application form and upon successful completion of all the requirements pursuant to Section 16.40.310, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
 - F.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may issue an Executive Town Car Company permit.
 - G.** Application Denial. The Application shall be denied for any of the following:
 1. The Executive Town Car Company applicant fails to submit all required information and documentation, including valid proof of insurance;
 2. The Executive Town Car Company applicant leases, permits, or otherwise allows other entities not affiliated with the Executive Town Car Company and certified by the Director to operate Executive Town Car services;
 3. The application has a material misstatement or omission; and
 4. The Executive Town Car Company application is incomplete.
 - H.** Denial Appeal. If the application is denied, the applicant Executive Town Car Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
 - I.** Providing Executive Town Car Services. Executive Town Car services shall be provided only by a permitted Executive Town Car Company.

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- J.** Certification of Executive Town Car Drivers. The Executive Town Car Company shall regularly provide a list of applicant drivers affiliated with the permitted Executive Town Car for Director certification that drivers meet requirements in Section 16.40.300 on a form approved by the Director. Drivers shall be certified by the Director prior to providing Executive Town Car services on behalf of the affiliated Executive Town Car Company and Executive Town Car Drivers not meeting all required conditions will not be certified as a permitted Executive Town Car Driver and will not be allowed to operate as an Executive Town Car Driver. Such requirements include:
1. Criminal and driver background checks;
 2. Valid driver's license; and
 3. Successful completion of all Director-approved driver training and testing within 30 days of providing Executive Town Car Service, and successful completion of any additional training and testing must be completed within 30 days of release by the Director.
- K.** Executive Town Car Driver Re-certification. The Executive Town Car Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Executive Town Car Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Executive Town Car Driver certification requirements pursuant to Section 16.40.300. Drivers not meeting all such conditions will not be re-certified as an Executive Town Car Driver and shall not be allowed to operate as an Executive Town Car Driver.
- L.** Certification of Executive Town Car Vehicles. The Executive Town Car Company shall regularly provide a list of applicant vehicles affiliated with the permitted Executive Town Car Company for Director certification that vehicles meet requirements pursuant to Section 16.40.300 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Executive Town Car Company prior to providing Executive Town Car services. Vehicles not meeting all required conditions will not be certified as a permitted Executive Town Car Vehicle and will not be allowed to operate as an Executive Town Car Vehicle. Such requirements include:
1. Vehicle ASE safety inspection;
 2. Vehicle registration and licensing;
 3. Vehicle properly equipped and in good condition; and
 4. Executive Town Car company general and automobile liability insurance.

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- M.** Term of Certification of Executive Town Car Vehicles. Certifications for Executive Town Car Vehicles provided by the Director shall be valid for a term of 1 year from date of Director certification.
- N.** Executive Town Car Vehicle Re-certification. The Executive Town Car Company shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the Executive Town Car Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Executive Town Car Vehicle certification requirements pursuant to Section 16.40.300 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an Executive Town Car Vehicle and shall not be allowed to operate as an Executive Town Car Vehicle.
- O.** Denial Appeal. If an Executive Town Car Driver or Executive Town Car Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- P.** Right to a Permit. The Executive Town Car Company's ability to satisfy the criteria for an Executive Town Car Company permit does not create a right to an Executive Town Car Company permit.
- Q.** Transferring Permits. Transferring permits shall be prohibited. The Company must notify the City in the event that all or part of the business ownership and/or assets are transferred to another party within 5 business days.
- R.** Removal of Executive Town Car Drivers and Vehicles from affiliated Executive Town Car Company. Executive Town Car Companies shall provide to the Director notification of affiliated Executive Town Car Drivers that have been prohibited from providing Executive Town Car services by the affiliated Executive Town Car Company and Executive Town Car Vehicles that have been removed from the fleet of the affiliated Executive Town Car Company as changes occur.
- S.** Operating at the Port of Portland. Executive Town Car Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland Permit/Certification and specific permission or approval from the Port of Portland.
- T.** Failure to comply with any provision in Section 16.40.310 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.320 Executive Town Car Services Permit Fees.

- A.** Permit Fees. Executive Town Car Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.

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- B.** Permit Issuance. No Executive Town Car Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

16.40.330 Executive Town Car Company Insurance Requirements.

- A.** In order to provide protection to the public, the Executive Town Car Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40.
- B.** Providing Executive Town Car Services. The Executive Town Car Vehicle shall be covered by a general commercial liability and primary automobile insurance policy secured by the Executive Town Car Company, the Executive Town Car Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to an Executive Town Car Company receiving an Executive Town Car Company permit.
- C.** Additional Insured and Notification of Policy Changes. The Executive Town Car Company shall provide certificates of insurance naming the City of Portland, its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation, and employer's liability insurance (as required by state law).
- D.** Ensuring Driver and Vehicle Insurance. Executive Town Car Companies shall be responsible for ensuring the Executive Town Car Driver and Executive Town Car Vehicle have appropriate insurance coverage as required by state law.
- E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.
- F.** Commercial Business Insurance. Executive Town Car Company permit holders shall secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT permit.
- G.** Automobile Insurance. All Executive Town Car Company permit holders shall provide the City with a copy of a valid commercial auto liability policy with the following coverage:
 - 1.** Combined single limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred

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from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a PFHT vehicle.

- H.** Certification of Auto Insurance. Executive Town Car Companies shall provide proof of current, valid insurance for Director certification that all affiliated Executive Town Car Drivers and Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.
- I.** Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
- J.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.
- K.** Continuous and Uninterrupted Coverage. The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
- L.** Insurance Rating. All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.
- M.** Additional Policy Conditions: Policies required under Subsections 16.40.330 F. and/or 16.40.330 G. must also contain, include, provide for, or comply with the following:
 - 1.** Independent contractors/owner-operators. If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.330 F. - H. The same certificate of liability and additional insured endorsement requirements will apply.
 - 2.** Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Subsections 16.40.330 F. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage shall be approved by the City Attorney's Office before such alternative insurance may become effective.
- N.** Failure to comply with any provision in Section 16.40.330 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

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16.40.340 Executive Town Car Company Operating Responsibilities and Prohibitions.
(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Executive Town Car Companies shall accept all requests for Executive Town Car Service received from any location within the City.
- B.** Drug, Alcohol, and Discrimination Policy.
 - 1.** Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted Companies shall employ at all times a zero-tolerance policy for intoxicants.
 - 2.** Zero Tolerance for Discrimination. All permitted Companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.
- C.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in an Executive Town Car Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against an Executive Town Car Company shall be governed by Oregon tort law in effect at the time of the claim.
- D.** Fare Rate Transparency. Executive Town Car fare rates shall be established by the Executive Town Car Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.
- E.** Receipts. All Executive Town Car passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of Executive Town Car Company, Executive Town Car Driver, Executive Town Car Company customer service support contact information, and the City of Portland's PFHT complaint phone number.
- F.** Agent of Service Requirements. Executive Town Car Companies will maintain, during all times when the Executive Town Car Company permit is valid, a locally based agent of service, with regular hours of business during weekdays.
- G.** Customer Service Support Requirements. Executive Town Car Companies will maintain, during all times when the Executive Town Car Company permit is valid, customer service support with posted contact information, including a local phone

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number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

H. Reporting Requirements. Each Executive Town Car Company shall regularly report the following to the Director:

1. Report the number and type of crimes against drivers to the extent known;
2. The arrest or conviction for any criminal offense of any affiliated Executive Town Car Driver;
3. The filing of any lawsuit against or on behalf of the Executive Town Car Company related to the operation of the company and its services in the City of Portland;
4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
5. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Executive Town Car Company.

I. Data Requirements. Upon request, the Executive Town Car Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

J. Executive Town Car Company Records Management and Mandatory Compliance.

1. Executive Town Car Companies will be required to keep documentation of all certified Executive Town Car Drivers and Executive Town Car Vehicles. Such records shall be kept on file during the term of the Executive Town Car Company permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, Executive Town Car Company records shall be provided to the Director and/or law enforcement officers.
2. Executive Town Car Companies shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

K. Failure to comply with any provision in Section 16.40.340 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.350 Executive Town Car Vehicle Certification Requirements.

A. Executive Town Car Vehicle Certification. The Executive Town Car Company shall regularly provide a list of applicant vehicles affiliated with the permitted

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Executive Town Car Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Executive Town Car Company prior to being used to provide Executive Town Car service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as an Executive Town Car Vehicle.

- B.** Term of Certified Executive Town Car Vehicle. Certifications for Executive Town Car Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification, or 4 months from the date a seasonal permit is issued pursuant to the Administrative Rule. The Executive Town Car Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.
- C.** Application Process. Applications for Executive Town Car Vehicle certification shall be made directly to an affiliated Executive Town Car Company. The Executive Town Car Company will regularly provide to the Director an Executive Town Car Driver and Vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as an Executive Town Car Vehicle, on a form approved by the Director.
- D.** Vehicle Registration, Licensing, and Insurance. All Executive Town Car Vehicles shall maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.
- E.** Vehicle Requirements. Executive Town Car Vehicles shall widely be recognized as luxury vehicles, and no vehicle will be allowed to operate as an Executive Town Car Vehicle following 10 years after the vehicle manufactured date, unless the vehicle meets the requirements described in Section 16.40.935, Vehicle Age Exemption, regardless of when the vehicle was purchased or put into service as an Executive Town Car Vehicle.
- F.** Vehicle Safety Inspections. Each Executive Town Car Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:
 - 1.** Is more than 1-year-old, based on model year;
 - 2.** Has 10,000 miles or more on its odometer; or
 - 3.** Has the “check engine” light illuminated, regardless of model year or mileage.

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- G.** Executive Town Car Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Executive Town Car Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.
- H.** Vehicle Condition. Each Executive Town Car Vehicle shall meet the following requirements:
1. Be kept in safe condition and condition;
 2. Be kept clean and in good appearance;
 3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
 4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for Portland Metro.
 5. Failure to comply with any provision in Subsection H. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- I.** Executive Town Car Vehicle Re-certification. The Executive Town Car Company shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the Executive Town Car Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Executive Town Car Vehicle certification requirements pursuant to Sections 16.40.310 G. – I. and 16.40.360 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an Executive Town Car Vehicle and shall not be allowed to operate as an Executive Town Car Vehicle.
- J.** Unless otherwise noted, failure to comply with any provision in Section 16.40.350 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.360 Executive Town Car Vehicle Operating Requirements and Prohibitions.
(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** No vehicle shall operate as an Executive Town Car Vehicle unless it has been certified by the Director and is affiliated with a permitted Executive Town Car Company and properly displays a valid City of Portland permit.

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- B.** Vehicle Registration, Insurance, and Business License. A paper copy of the vehicle's registration and proof of insurance shall be kept in every Executive Town Car Vehicle, pursuant to ORS 806.011. A copy of the business license is required for every driver operating as an independent contractor. Failure to comply with any provision in Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Identification of Executive Town Car Vehicles. Every Executive Town Car Vehicle shall meet the following identification requirements to operate as an Executive Town Car Vehicle:
- 1.** Upon successful completion of the Executive Town Car Company permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing the City Seal for each certified Executive Town Car Vehicle.
 - 2.** Executive Town Car decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated Executive Town Car Company permit. Fees for decals that are not issued contemporaneously with an Executive Town Car Company permit will be prorated to equal the cost of the number of months remaining until the Executive Town Car Company permit expires.
 - 3.** Executive Town Car decals must be affixed to the vehicle's front and back window in a manner outlined by the Administrative Rule, Applying Permits and Decals.
 - 4.** Executive Town Car decals that are intentionally destroyed or damaged by an Executive Town Car Company or Executive Town Car Driver prior to renewal and without the City's authorization are not subject to renewal.
 - 5.** Voided Executive Town Car Vehicle decals are not renewable in the year following their voidance. Once an Executive Town Car Vehicle decal is voided, an Executive Town Car Company may not renew that decal and instead must complete the initial application process if the Executive Town Car Company seeks a decal for that Executive Town Car Vehicle.
 - 6.** Executive Town Car Vehicle decals issued by the Director shall not be leased, sold, transferred, or assigned in any manner.
 - 7.** Executive Town Car Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and considered to be an actionable offense in a court of competent jurisdiction.

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- D.** Vehicle Operating Conditions. In determining whether an Executive Town Car Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair, and appearance which includes the following:
1. All Executive Town Car Vehicle equipment and devices shall be properly equipped and maintained in good working order;
 2. At all times, Executive Town Car Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals, and interior lights) windshield wipers, windshield washers, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions;
 3. The Executive Town Car Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to windows, lights, light covers, top light, and reflectors;
 4. Executive Town Car Vehicles shall be free of dirt, grease, grime, glue, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body;
 5. The Executive Town Car Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting and may only be equipped with studded tires during time periods allowed by Oregon Law; and
 6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.
- E.** Mandatory Compliance. Executive Town Car Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.
- F.** Unless otherwise noted, failure to comply with any provision in Section 16.40.360 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.370 Executive Town Car Driver Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Executive Town Car Driver Certification. The Executive Town Car Company shall regularly provide a list of applicant drivers affiliated with the permitted Executive Town Car Company for Director certification that drivers meet all requirements

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pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified/permitted by the director prior to operating an Executive Town Car Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as an Executive Town Car Driver. Executive Town Car Companies shall provide a current list to the Director as changes occur.

- B.** Term of Certified Executive Town Car Driver. Certifications for Executive Town Car Drivers provided by an Executive Town Car Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated Executive Town Car Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.
- C.** Application Process. Applications for Executive Town Car Driver certification shall be made directly to an affiliated Executive Town Car Company. The Executive Town Car Company will regularly provide to the Director Executive Town Car Driver and Vehicle application lists, pursuant to certification requirements, that the driver meets all requirements before the driver may operate an Executive Town Car Vehicle, on a form approved by the Director.
- D.** Executive Town Car Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Executive Town Car Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

 - 1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
 - 2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and
 - 3. The National Sex Offender Public Registry.
- E.** Executive Town Car Driver Criminal and Driving History Disqualifications. A driver will not be certified as an Executive Town Car Driver and cannot provide Executive Town Car services if any of the following conditions exist:

 - 1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
 - 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
 - 3. The applicant is a match in the National Sex Offender Public Registry.

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4. During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:
 - a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
 - b. Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
 5. Based on the conviction date during a 3-year period the applicant had more than five traffic violations as defined in ORS 801.557; more than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, more than five of any combination of serious traffic violations or motor vehicle accidents as provided above.
 6. Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
 7. Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.
 8. Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.
 9. The applicant does not have at least 1 year's worth of uninterrupted driving experience with a valid driver's license in a United States jurisdiction, immediately preceding the certification.
 10. The applicant is less than 21 years old.
 11. The applicant is unable to obtain car insurance for any reason.
- F.** All Executive Town Car Driver criminal and driving histories are subject to review by the Director.
- G.** Executive Town Car Driver Training. The affiliated company must ensure that all Executive Town Car Drivers successfully complete all Director-approved trainings and testing within 30 days of an Executive Town Car Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.

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- H.** Business License Requirements. All Executive Town Car Drivers operating as independent contractors affiliated with an Executive Town Car Company shall comply with all provisions of the Business License Law as required by Chapter 7.02 prior to operating an Executive Town Car Vehicle. Any Executive Town Car Driver without a valid City of Portland Business License cannot be certified as an Executive Town Car Driver and will not be allowed to operate as an Executive Town Car Driver until such Business License is obtained.
- I.** Executive Town Car Driver Re-certification. The Executive Town Car Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Executive Town Car Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Executive Town Car Driver certification requirements pursuant to Section 16.40.370. Drivers not meeting all such conditions will not be re-certified as an Executive Town Car Driver and shall not be allowed to provide Executive Town Car Services.
- J.** Suspension or Revocation of Certified Executive Town Car Drivers. If an Executive Town Car certification is suspended or revoked by the Director, the affiliated Executive Town Car Company shall be notified and the driver shall be removed as soon as notified by the City. Executive Town Car Drivers without current, valid certification by the Director shall not be allowed to operate as an Executive Town Car Driver.
- K.** Failure to comply with any provision in Section 16.40.370 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.380 Executive Town Car Driver Conduct Requirements and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Transferring Credentials. Transferring Executive Town Car Driver or Executive Town Car Vehicle credentials from one driver or vehicle to another shall be prohibited. Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- B.** Executive Town Car Drivers shall carry:
 - 1.** A paper copy of Executive Town Car company insurance pursuant to ORS 806.011 and a copy of the vehicle registration always while operating as an Executive Town Car Driver. Upon request of the Director or law enforcement officer, Executive Town Car Drivers shall present proof of a valid primary automobile insurance policy and vehicle registration;

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2. A City of Portland Business License, when operating as an independent contractor, as required by Chapter 7.02 at all times while operating as an Executive Town Car Driver; and
 3. A valid state issued driver's license while operation as an Executive Town Car Driver;
 4. City of Portland Driver Permit. Drivers must carry a valid, original, City of Portland driver permit at all times while operating an Executive Town Car Vehicle.
 5. All required documents listed above must be available and presented at the time of any inspection, upon request.
 6. Failure to comply with Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- C. Driver Conduct. No Executive Town Car Driver shall:
1. Allow another person to use their Executive Town Car Driver certification;
 2. Drive or allow another person to drive an Executive Town Car Vehicle without a valid driver's license, driver permit, and company while the vehicle is being used to provide Executive Town Car Services;
 3. Operate any Executive Town Car Vehicle while consuming or while under the influence of intoxicants or operate it in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
 4. Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
 5. Use a vehicle in the commission of any crime;
 6. Use or broadcast profane or obscene language offensive to the passenger or other persons while operating a PFHT vehicle;
 7. Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating an Executive Town Car Vehicle;
 8. Allow any passenger to consume an intoxicant, smoke any substance, or use any device that produces a smoke-like vapor inside an Executive Town Car Vehicle;

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9. Defraud a passenger in any way;
 10. Be discourteous to a passenger;
 11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
 12. Operate any Executive Town Car Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
 13. Refuse to provide Executive Town Car services to any passenger of proper demeanor whose request for service has been accepted by the Executive Town Car company dispatch or reservation service or Executive Town Car Driver from a designated hotel zone; and
 14. Provide PFHT services without a valid City of Portland permit or certification.
 15. Violate Section 16.20.130.
- D.** Maximum Hours of Driving. No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.
- E.** Street-Hails, Taxi Stands, and Hotel Zones.
1. All requests for service shall be received and accepted through the dispatch or online and/or mobile app reservation services.
 2. An Executive Town Car Driver may not accept street-hails received within in the City of Portland, with the exception of designated hotel zones and as approved by the Port of Portland at the Portland International Airport.
 3. Other than for drop off, an Executive Town Car Driver may not park an Executive Town Car Vehicle in a hotel zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance with Section 16.40.340 and available for review by the Director or law enforcement officer.
- F.** Mandatory Compliance. Executive Town Car Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.
- G.** Driver Reporting. Every Executive Town Car Driver shall report any of the following events to the Director and to all affiliated Executive Town Car Companies within 24 hours of its occurrence:

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1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
 2. Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
 3. Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
 4. Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.
- H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.380 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.400 Shuttle Services Permits Required.

The operation of a Shuttle Company is a privilege and not a right. For Shuttle services to be provided in the City of Portland, the Shuttle Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Shuttle Company Vehicles and Shuttle Company Drivers have met all certification and operating requirements.

- A.** Shuttle Company Permit Requirements. No person or entity shall conduct business as a Shuttle Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection A. is a Class A violation subject to penalties provided in Sections 16.40.930 to 16.40.950.
- B.** Shuttle Driver Certification Requirements. No person or entity shall conduct business as a Shuttle Driver in the City of Portland without certification by the Director prior to being authorized to provide Shuttle services on behalf of an affiliated Shuttle Company. Drivers not meeting all required conditions will not be certified as Shuttle Driver and will not be allowed to operate as a Shuttle Driver. Failure to comply with this Subsection B. shall be a Class B violation.
- C.** Shuttle Vehicle Certification Requirements. No vehicle shall be allowed to conduct business as a Shuttle Vehicle in the City of Portland without certification by the Director prior to being used to provide Shuttle services by an affiliated Shuttle Company. Vehicles not meeting all required conditions will not be certified as Shuttle Vehicle and will not be allowed to operate as a Shuttle Vehicle. Failure to comply with this Subsection C. shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.410 Shuttle Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

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- A. Application. An applicant for a Shuttle Company permit shall annually submit to the Director:
1. A completed application on a form supplied by the Director;
 2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
 3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates.
 5. If the applicant Shuttle Company is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner;
 6. If the applicant Shuttle Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 7. The applicant Shuttle Company’s zero-tolerance drug and non-discrimination policy;
 8. The applicant Shuttle Company’s user terms of service;
 9. The applicant dispatch or passenger reservation contact information;
 10. Contact information of the Shuttle Company’s agent of service and customer service support;
 11. A description and photo or rendering of the unique branding that the applicant Shuttle Company proposes to use for its fleet of affiliated Shuttle Vehicles;
 12. A detailed description of the Shuttle Company’s fixed route and time schedule; and
 13. A nonrefundable application fee.
 14. All fines and penalties must be paid prior to issuing or reissuing a Shuttle Company permit.

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- B.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.
- C.** Insurance. All Shuttle permit holders shall comply with Shuttle insurance requirements pursuant to Section 16.40.430. All Shuttle Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- D.** Director Review Process. After receiving a completed Shuttle Company application form and upon successful completion of all the requirements pursuant to Section 16.40.410, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- E.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a Shuttle Company permit.
- F.** Application Denial. The Application shall be denied for any of the following:
 - 1.** The Shuttle Company applicant fails to submit all required information and documentation, including valid proof of insurance;
 - 2.** The Shuttle Company applicant leases, permits, or otherwise allows other entities not affiliated with the Shuttle Company and certified by the Director to operate Shuttle services;
 - 3.** The application has a material misstatement or omission; or
 - 4.** The Shuttle Company application is incomplete.
- G.** Denial Appeal. If the application is denied, the applicant Shuttle Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- H.** Providing Shuttle Services. Shuttle Services shall only be provided by a permitted Shuttle company.
- I.** Certification of Shuttle Drivers. The Shuttle Company shall regularly provide a list of applicant drivers affiliated with the permitted Shuttle for Director certification that drivers meet requirements in Section 16.40.470 on a form approved by the Director. Drivers shall be certified and permitted by the Director prior to providing Shuttle services on behalf of the affiliated Shuttle Company, and Shuttle Drivers not meeting all required conditions will not be certified as permitted Shuttle Drivers and will not be allowed to operate as Shuttle Drivers. Such requirements include:
 - 1.** Criminal and driver background checks;

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2. Valid driver's license; and
 3. Successful completion of all Director-approved driver training and testing within 30 days of providing Shuttle Service, and successful completion of any additional training and testing must be completed within 30 days of release by the Director.
- J.** Shuttle Driver Re-certification. The Shuttle Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Shuttle Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Shuttle Driver certification requirements pursuant to Section 16.40.470. Drivers not meeting all such conditions will not be re-certified as a Shuttle Driver and shall not be allowed to operate as a Shuttle Driver.
- K.** Certification of Shuttle Vehicles. The Shuttle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Shuttle Company for Director certification that vehicles meet requirements pursuant to Section 16.40.450 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Shuttle Company prior to providing Shuttle services. Vehicles not meeting all required conditions will not be certified as a permitted Shuttle Vehicle and will not be allowed to operate as a Shuttle Vehicle. Such requirements include:
1. Vehicle ASE safety inspection;
 2. Vehicle registration and licensing;
 3. Vehicle properly equipped and in good condition;
 4. Shuttle Company general and motor vehicle liability insurance, and;
 5. Automobile liability insurance, as required by state law.
- L.** Term of Certification of Shuttle Vehicles. Certifications for Shuttle Vehicles provided by the Director shall be valid for a term of 1 year from the date of Director certification.
- M.** Denial Appeal. If a Shuttle Driver or Shuttle Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- N.** Right to a Permit. The Shuttle Company's ability to satisfy the criteria for a Shuttle Company permit does not create a right to a Shuttle Company permit.

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- O.** Transferring Permits. Transferring permits shall be prohibited. The Company must notify the City in the event that all or part of the business ownership and/or assets are transferred to another party within 5 business days.
- P.** Removal of Shuttle Drivers and Vehicles from the Affiliated Shuttle Company. Shuttle Companies shall provide to the Director notification of affiliated Shuttle Drivers that have been prohibited from providing Shuttle services by the affiliated Shuttle Company and Shuttle Vehicles that have been removed from the fleet of the affiliated Shuttle Company as changes occur.
- Q.** Operating at the Port of Portland. Shuttle Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.
- R.** Failure to comply with any provision in Section 16.40.410 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

16.40.420 Shuttle Services Permit Fees.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Permit Fees. Shuttle Companies shall pay City permit fees and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.
- B.** Permit Issuance. No Shuttle Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

16.40.430 Shuttle Company Insurance Requirements.

- A.** In order to provide protection to the public, the Shuttle Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40.
- B.** Providing Shuttle Services. The Shuttle Vehicle shall be covered by a general commercial liability and primary automobile insurance policy secured by the Shuttle Company, the Shuttle Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to a Shuttle Company receiving a Shuttle Company permit.
- C.** Additional Named Insured and Notification of Policy Changes. The Shuttle Company shall provide certificates of insurance naming the City of Portland, its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).

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- D.** Ensuring Driver and Vehicle Insurance. Shuttle Companies shall be responsible for ensuring the Shuttle Driver and Shuttle Vehicle have appropriate insurance coverage as required by state law.
- E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.
- F.** Commercial Business Insurance. Shuttle Company permit holders shall secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT permit.
- G.** Automobile Insurance. All Shuttle Company permit holders shall provide the City with a copy of a valid Commercial Auto Liability policy with the following coverage:

 - 1.** Combined single limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a PFHT vehicle.
- H.** Certification of Auto Insurance. Shuttle Companies shall provide proof of current, valid insurance for Director certification that all affiliated Shuttle Drivers and Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.
- I.** Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
- J.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.
- K.** Continuous and Uninterrupted Coverage. The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
- L.** Insurance Rating. All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.

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- M.** Additional Policy Conditions: Policies required under Sections 16.40.430 must also contain, include, provide for, or comply with the following:
- 1.** Independent contractors/owner-operators. If an independent contractor/owner-operator relationship exists with a permit holder, and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Section 16.40.430. The same certificate of liability and additional insured endorsement requirements will apply.
 - 2.** Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Section 16.40.430, and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage shall be approved by the City Attorney's Office before such alternative insurance may become effective.
- N.** Failure to comply with any provision in Section 16.40.430 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

16.40.440 Shuttle Company Operating Responsibilities and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** A permitted Shuttle Company shall adhere to the fixed route and time schedule approved by the Director. Changes to the Shuttle Company's fixed route and time schedule shall be submitted and approved by the Director prior to implementation of a revised fixed route and time schedule.
- B.** Shuttle Companies shall accept all requests for Shuttle Service received from any location within the City, including requests made by persons with disabilities and requests for wheelchair-accessible service pursuant to Section 16.40.490.
- C.** Drug, Alcohol and Discrimination Policy.
- 1.** Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted Companies shall employ at all times a zero tolerance policy for intoxicants.
 - 2.** Zero Tolerance for Discrimination. All permitted Companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted

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to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.

- D.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in a Shuttle Company’s user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect in the City of Portland, and that any tort claim against a company shall be governed by Oregon tort law in effect at the time of the claim.
- E.** Fare Rate Transparency. Shuttle fare rates shall be established by the Shuttle Company, reported to the Director, and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.
- F.** Receipts. All Shuttle passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of Shuttle Company, Shuttle Driver, Shuttle Company customer service support contact information, and the City of Portland’s PFHT complaint phone number.
- G.** Agent of Service Requirements. Shuttle Companies will maintain, during all times when the Shuttle Company Permit is valid, a locally based agent of service, with regular hours of business during weekdays.
- H.** Customer Service Support Requirements. Shuttle Companies will maintain, during all times when the Shuttle Company permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.
- I.** Reporting Requirements. Each Shuttle Company shall regularly report the following to the Director:

 - 1. The number and type of crimes against drivers to the extent known;
 - 2. The arrest or conviction for any criminal offense of any affiliated Shuttle Driver;
 - 3. The filing of any lawsuit against or on behalf of the Shuttle Company related to the operation of the company and its services in the City of Portland;
 - 4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
 - 5. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Shuttle Company.

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6. Upon request, the Shuttle Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

J. Shuttle Company Records Management and Mandatory Compliance.

1. Shuttle Companies will be required to keep documentation of all certified Shuttle Drivers and Shuttle Vehicles. Such records shall be kept on file during the term of the Shuttle Company Permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, Shuttle Company records shall be provided to the Director and/or law enforcement officers.

2. Shuttle Companies shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

K. Failure to comply with any provision in Section 16.40.440 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

16.40.450 Shuttle Vehicle Certification Requirements.

A. Shuttle Vehicle Certification. The Shuttle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Shuttle Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Shuttle Company prior to being used to provide Shuttle service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Shuttle Vehicle.

B. Term of Certified Shuttle Vehicle. Certifications for Shuttle Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification. The Shuttle Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.

C. Application Process. Applications for Shuttle Vehicle certification shall be made directly to an affiliated Shuttle Company. The Shuttle Company will regularly provide to the Director a Shuttle Driver and Vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a Shuttle Vehicle on a form approved by the Director.

D. Vehicle Registration, Licensing, and Insurance. All Shuttle Vehicles shall maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.

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- E.** Vehicle Requirements. No vehicle will be allowed to operate as a Shuttle Vehicle following 10 years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a Shuttle Vehicle.
1. “Large Airporter Shuttles” as defined in Subsection 16.40.030 UU. are eligible for the Vehicle Age Exemption and are subject to the requirements of Section 16.40.935
- F.** Vehicle Safety Inspections. Each Shuttle Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:
1. Is more than 1-year-old, based on model year;
 2. Has 10,000 miles or more on its odometer; or
 3. Has the “check engine” light illuminated, regardless of model year or mileage.
- G.** Shuttle Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Shuttle Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician certified in any of the areas of ASE A4-A8 shall be completed on a form approved by the Director.
- H.** Vehicle Condition. Each Shuttle Vehicle shall meet the following requirements:
1. Be kept in safe condition;
 2. Be kept clean and in good appearance;
 3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
 4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for Portland Metro.
 5. Failure to comply with any provision in this Subsection H. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

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- I.** Shuttle Vehicle Re-certification. The Shuttle Company shall provide a list of applicant vehicles for re-certification to the Director 1 month prior to the Shuttle Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Shuttle Vehicle certification requirements pursuant to Sections 16.40.410 and 16.40.460 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Shuttle Vehicle and shall not be allowed to operate as a Shuttle Vehicle.
- J.** Unless otherwise noted, failure to comply with any provision in Section 16.40.450 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.460 Shuttle Vehicle Operating Requirements and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** No vehicle shall operate as a Shuttle Vehicle unless it has been certified by the Director and is affiliated with a permitted Shuttle Company and properly displays a valid City of Portland permit.
- B.** Vehicle Registration, Insurance, and Business License. A paper copy of the vehicle's registration and proof of insurance shall be kept in every Shuttle Vehicle, pursuant to ORS 806.011. A copy of the business license is required for every driver operation as an independent contractor.
 - 1.** Failure to comply with any provision in this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Identification of Shuttle Vehicles. Every Shuttle Vehicle shall meet the following identification requirements to operate as a Shuttle Vehicle:
 - 1.** Every Shuttle Vehicle must prominently display on both sides of the vehicle the following information:
 - a.** The full name of the Shuttle Company;
 - b.** The company-assigned Shuttle Vehicle number;
 - c.** The telephone number of that Shuttle Company where services can be requested; and
 - d.** The word "shuttle."
 - 2.** Upon successful completion of the Shuttle Vehicle permit application process and payment of required fees as outlined in Chapter 16.40, the

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Director will issue a vehicle identification decal bearing the City Seal for each certified Shuttle Vehicle.

3. Shuttle decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated Shuttle Company permit. Fees for decals that are not issued contemporaneously with a Shuttle Company permit will be prorated to equal the cost of the number of months remaining until the Shuttle Company permit expires.
 4. Shuttle decals must be affixed to the vehicle's front and back window in a manner outlined by the Administrative Rule, Applying Permits and Decals.
 5. Shuttle decals that are intentionally destroyed or damaged by a Shuttle Company or Shuttle Driver prior to renewal and without the City's authorization are not subject to renewal.
 6. Voided Shuttle Vehicle decals are not renewable in the year following their voidance. Once a Shuttle Vehicle decal is voided, a Shuttle Company may not renew that decal and instead must complete the initial application process if the Shuttle Company seeks a decal for that Shuttle Vehicle.
 7. Shuttle Vehicle decals issued by the Director shall not be leased, sold, transferred, or assigned in any manner.
 8. Shuttle Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and an actionable offense in a court of competent jurisdiction.
- D.** Vehicle Operating Conditions. In determining whether a Shuttle Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair, and appearance which includes the following:
1. All Shuttle Vehicle equipment and devices shall be properly equipped and maintained in good working order.
 2. At all times, Shuttle Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals, and interior lights) windshield wipers, windshield washers, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions.

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3. The Shuttle Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, and reflectors.
 4. Shuttle Vehicles shall be free of dirt, grease, grime, glue, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body.
 5. The Shuttle Vehicle shall not include missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting and may be equipped with studded tires only during time periods allowed by Oregon Law.
 6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.
- E.** Mandatory Compliance. Shuttle Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.
- F.** Unless otherwise noted, failure to comply with any provision in Section 16.40.460 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.470 Shuttle Driver Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Shuttle Driver Certification. The Shuttle Company shall regularly provide a list of applicant drivers affiliated with the permitted Shuttle Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified/permitted by the director prior to operating a Shuttle Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Shuttle Driver. Shuttle companies shall provide a current list to the Director as changes occur.
- B.** Term of Certified Shuttle Driver. Certifications for Shuttle Drivers provided by a Shuttle Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated Shuttle Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.
- C.** Application Process. Applications for Shuttle Driver certification shall be made directly to an affiliated Shuttle Company. The Shuttle Company will regularly provide to the Director Shuttle Driver and Vehicle application lists, pursuant to

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certification requirements, that the driver meets all requirements before the driver may operate as a Shuttle Driver, on a form approved by the Director.

- D.** Shuttle Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Shuttle Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
 2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and
 3. The National Sex Offender Public Registry.
- E.** Shuttle Driver Criminal and Driving History Disqualifications. A driver will not be certified as a Shuttle Driver and cannot provide Shuttle services if any of the following conditions exist:
1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
 3. The applicant is a match in the National Sex Offender Public Registry.
 4. During the 5 year period, based on the conviction date, the applicant has been convicted of any criminal offense involving:
 - a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
 - b. Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
 5. Based on the conviction date during a 3-year period, the applicant had greater than five traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above.

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6. Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
 7. Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.
 8. Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.
 9. The applicant does not have at least 1 year's worth of uninterrupted driving experience with a valid driver's license in a United States jurisdiction, immediately preceding the certification.
 10. The applicant is less than 21 years old.
 11. The applicant is unable to obtain car insurance for any reason.
- F.** All Shuttle Driver criminal and driving histories are subject to review by the Director.
- G.** Shuttle Driver Training. The affiliated company must ensure that all Shuttle Drivers successfully complete all Director-approved trainings and testing within 30 days of Shuttle Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.
- H.** Business License Requirements. All Shuttle Drivers operating as independent contractors affiliated with a Shuttle Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a Shuttle Vehicle. Any Shuttle Drivers operating as independent contractors without a valid City of Portland Business License cannot be certified as a Shuttle Driver and will not be allowed to operate as a Shuttle Driver until such business license is obtained.
- I.** Shuttle Driver Re-certification. The Shuttle Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Shuttle Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Shuttle Driver certification requirements pursuant to Section 16.40.470. Drivers not meeting all such conditions will not be re-certified as a Shuttle Driver and shall not be allowed to provide Shuttle services.
- J.** Suspension or Revocation of Certified Shuttle Drivers. If a Shuttle certification is suspended or revoked by the Director, the affiliated Shuttle Company shall be notified, and the driver shall be removed as soon as notified by the City. Shuttle

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Drivers without current, valid certification by the Director shall not be allowed to operate as a Shuttle Driver.

- K.** Failure to comply with any provision in Section 16.40.470 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.480 Shuttle Driver Conduct Requirements and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Transferring Credentials. Transferring Shuttle Driver or Shuttle Vehicle credentials from one driver or vehicle to another shall be prohibited.

- 1.** Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

- B.** Shuttle Drivers shall carry:

- 1.** A paper copy of company insurance pursuant to ORS 806.011 and a copy of the vehicle registration at all times while operating as a Shuttle Driver. Upon request of the Director or law enforcement officer, Shuttle Drivers shall present proof of a valid Shuttle primary automobile insurance policy and vehicle registration.

- 2.** A paper copy of the driver's City of Portland Business License, when operating as an independent contractor, as required by Chapter 7.02 at all times while operating as a Shuttle Driver.

- 3.** A valid state issued driver's license while operating as a Shuttle Driver.

- 4.** A valid, original, City of Portland driver permit. All licensed drivers must prominently post and display the Shuttle permit in the Shuttle while on duty.

- 5.** All required documents listed above must be available and presented at the time of any inspection, upon request.

- 6.** Failure to comply with this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

- C.** Driver Conduct. No Shuttle Driver shall:

- 1.** Allow another person to use their Shuttle Driver certification.

- 2.** Drive or allow another person to drive a Shuttle Vehicle without a valid driver's license, driver permit, and company certification while the vehicle is being used to provide Shuttle services.

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3. Operate any Shuttle Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon.
 4. Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications.
 5. Use a vehicle in the commission of any crime.
 6. Use or broadcast profane or obscene language offensive to the passenger or other persons while operating a PFHT vehicle.
 7. Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating a Shuttle Vehicle.
 8. Allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke like vapor, inside a Shuttle Vehicle.
 9. Defraud a passenger in any way.
 10. Be discourteous to a passenger.
 11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested.
 12. Drive Shuttle Vehicles on a route or time schedule other than the route and time schedule of the Shuttle Company, as approved by the Director.
 13. Operate any Shuttle Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1).
 14. Refuse Shuttle services to any passenger of proper demeanor whose request for service has been accepted by the Shuttle Company or Shuttle Driver along the fixed route and time schedule of the Shuttle Company, as approved by the Director.
 15. Provide PFHT services without a valid City of Portland permit or certification.
 16. Violate Section 16.20.130.
- D.** Maximum hours of driving. No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.
- E.** Street-Hails, Taxi Stands, and Hotel Zones.

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1. A Shuttle Driver may accept street-hails, including from hotel zones, received along the approved route of the Shuttle Company as approved by the Director.
 2. Other than for drop off along the Shuttle Company's approved route and time schedule, a Shuttle Driver may not park a Shuttle Vehicle in a hotel zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented and available for review by the Director or law enforcement officer.
- F.** Mandatory Compliance. Shuttle Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel or law enforcement officers pursuant to Chapter 16.40.
- G.** Driver Reporting. Every Shuttle Driver shall report any of the following events to the Director and to all affiliated Shuttle Companies within 24 hours of its occurrence:
1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
 2. Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
 3. Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
 4. Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.
- H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.480 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.490 Shuttle Company Accessible Service Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.) Shuttle Companies shall provide reasonable accommodations to passengers with disabilities, including to passengers accompanied by a service animal, passengers with hearing and visual impairments and passengers with mobility devices.

- A.** Accommodations to passengers accompanied by a service animal.
1. Requests for service from a passenger accompanied by a service animal may not be refused.

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- B.** Accommodations to passengers with hearing and visual impairments.
- 1.** Shuttle Companies shall maintain at all times mobile apps or online dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
 - 2.** Shuttle Companies shall maintain dispatch services available to customers pursuant to Subsection 16.40.440 H. in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
- C.** Accommodations to passengers with mobility devices.
- 1.** Shuttle Companies shall reasonably accommodate passengers with canes, walkers, or other mobility devices that can readily fit within a non-wheelchair-accessible Shuttle Vehicle.
 - 2.** Shuttle Companies shall maintain at all times mobile apps or online dispatch services available to customers that accept requests for a wheelchair-accessible vehicle (WAV).
 - 3.** Shuttle Companies are required to provide WAV service within a reasonable time by maintaining a fleet of affiliated wheelchair-accessible Shuttle Vehicles, contracting with a permitted operator of wheelchair-accessible PFHT vehicles, or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes of the established time schedule is unreasonable.
 - 4.** Fare rates for WAVs shall not exceed fare rates for commensurate non-wheelchair-accessible Shuttle Vehicles, be reported to the Director, and shall not be subject to dynamic pricing.
 - 5.** WAV services must comply with Administrative Rule, WAV Service Performance Guidelines as established by the PFHT Advisory Committee and Portland Commission on Disability.
 - 6.** The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund for the purpose of meeting all objectives established in Administrative Rule for Accessible Service.
 - a.** The Accessible Transportation Fee rate shall be established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability for the purpose of funding the Accessible Transportation Fund.

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- b.** The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV Service Performance Guidelines and mitigating the higher costs of providing WAV service compared to commensurate non-WAV service. A detailed report on the status and performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually. Details regarding the Accessible Service Fund are outlined in Administrative Rule.

- D.** Failure to comply with any provision in Section 16.40.490 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.500 Pedicab and Quadricycle Services Permits Required.

The operation of a Pedicab or Quadricycle Company is a privilege and not a right. For Pedicab or Quadricycle services to be provided in the City of Portland, the Pedicab or Quadricycle Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Pedicab Vehicles and Pedicab and Quadricycle Company Drivers have met all certification and operating requirements.

- A.** No permit issued pursuant to this chapter is required of a person who is operating a Pedicab or Quadricycle as an entry in a parade or otherwise permitted special event, where the Pedicab or Quadricycle entry is specifically noted and approved in said special event permit, and where the Pedicab or Quadricycle rides are not being offered on-demand or by reservation to members of the general public. In the case a Pedicab or Quadricycle is being used during a special event, the City shall be provided with the following:

 - 1.** Copy of the event and or parade permit, and
 - 2.** A description defining the role of the Pedicab or Quadricycle during the parade.
 - 3.** Failure to comply with this Subsection A. shall be a Class C violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.
- B.** Pedicab and Quadricycle Company Permit Requirements. No person or entity shall conduct business as a Pedicab or Quadricycle Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection B. shall be a Class A violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Pedicab and Quadricycle Driver Certification Requirements. No person or entity shall conduct business as a Pedicab or Quadricycle Driver in the City of Portland

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without certification by the Director prior to being authorized to provide Pedicab or Quadricycle Services on behalf of an affiliated Pedicab and Quadricycle Company. Drivers not meeting all required conditions will not be certified as Pedicab or Quadricycle Driver and will not be allowed to operate as a Pedicab or Quadricycle Driver. Failure to comply with this Subsection C. shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

- D.** Pedicab and Quadricycle Vehicle Certification Requirements. No vehicle shall be allowed to conduct business as a Pedicab or Quadricycle Vehicle in the City of Portland without certification by the Director prior to being used to provide Pedicab or Quadricycle services by an affiliated Pedicab or Quadricycle Company. Vehicles not meeting all required conditions will not be certified as Pedicab and Quadricycle Vehicle and will not be allowed to operate as a Pedicab Vehicle. Failure to comply with this Subsection D. shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.510 Pedicab and Quadricycle Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Application. An applicant for a Pedicab or Quadricycle Company permit shall annually submit to the Director:
1. A completed application on a form supplied by the Director.
 2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity.
 3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such.
 4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates.
 5. If the applicant Pedicab or Quadricycle Company is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner.
 6. If the applicant Pedicab or Quadricycle Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require.

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7. The applicant Pedicab or Quadricycle Company's zero-tolerance drug and non-discrimination policy.
 8. The applicant Pedicab or Quadricycle Company contact information.
 9. A nonrefundable application fee.
- B.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.
- C.** Insurance. All Pedicab and Quadricycle Company permit holders shall comply with Pedicab and Quadricycle insurance requirements pursuant to Section 16.40.530. All Pedicab and Quadricycle Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- D.** Director's Review Process. After receiving a completed Pedicab or Quadricycle Company application form and upon successful completion of all the requirements pursuant to Section 16.40.510, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- E.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a Pedicab or Quadricycle Company permit.
- F.** Application Denial. The Application shall be denied for any of the following:
1. The Pedicab or Quadricycle Company applicant fails to submit all required information and documentation, including valid proof of insurance.
 2. The Pedicab or Quadricycle Company applicant provides dispatch services or the use of a Pedicab or Quadricycle to anyone other than affiliated Pedicab and Quadricycle Drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director.
 3. The Pedicab or Quadricycle Company applicant leases, permits, or otherwise allows other entities not affiliated with the Pedicab or Quadricycle Company and certified by the Director to operate Pedicab or Quadricycle services.
 4. The application has a material misstatement or omission.
 5. The Pedicab Company application is incomplete.

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- G.** Denial Appeal. If the application is denied, the applicant Pedicab or Quadricycle Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- H.** Providing Pedicab and Quadricycle Services. Pedicab and Quadricycle Services shall be provided only by a permitted Pedicab Company.
- I.** Certification of Pedicab and Quadricycle Drivers. The Pedicab or Quadricycle Company shall regularly provide a list of applicant Pedicab or Quadricycle Drivers affiliated with the permitted Pedicab or Quadricycle Company for Director certification that drivers meet requirements in Sections 16.40.540 and 16.40.560. All Pedicab and Quadricycle Drivers shall be certified and permitted by the Director prior to providing Pedicab or Quadricycle services on behalf of an affiliated Pedicab or Quadricycle Company, and drivers not meeting all required conditions will not be certified as a permitted Pedicab or Quadricycle Driver and will not be allowed to operate as a Pedicab Driver. Such requirements include:
1. Criminal and driver background checks;
 2. A valid driver's license for Quadricycle drivers or a driver's license or government-issued photo identification for Pedicab drivers; and
 3. Pedicab Driver or Quadricycle business license number when operating as an independent contractor.
 4. Successful completion of all Director-approved driver training and testing within 30 days of providing Pedicab and Quadricycle Service, and successful completion of any additional training and testing must be completed within 30 days of release by the Director.
- J.** Pedicab and Quadricycle Driver Re-certification. The Pedicab or Quadricycle Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Pedicab or Quadricycle Driver certification expiration. Applicant drivers shall meet all conditions and be consistent with Pedicab and Quadricycle Driver certification requirements pursuant to Sections 16.40.540 and 16.40.560. Drivers not meeting all such conditions will not be re-certified as a Pedicab or Quadricycle Driver and shall not be allowed to operate as a Pedicab or Quadricycle Driver.
- K.** Certification of Pedicab and Quadricycle Vehicles. The Pedicab or Quadricycle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Pedicab or Quadricycle Company for Director certification that vehicles meet requirements pursuant to Section 16.40.510 Pedicab or Quadricycle Vehicles shall be certified by the Director and affiliated with a permitted Pedicab or Quadricycle Company prior to being used to provide Pedicab or Quadricycle

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services. Vehicles not meeting all required conditions will not be certified as a permitted Pedicab or Quadricycle Vehicle and will not be allowed to operate as a Pedicab or Quadricycle Vehicle. Such requirements include:

1. Vehicle safety and condition, and
 2. Pedicab or Quadricycle Company general liability insurance.
- L.** Term of Certification of Pedicab Vehicles. Certifications for Pedicab Vehicles provided by the Director shall be valid for a term of 1 year from date of certification.
- M.** Pedicab and Quadricycle Vehicle Re-certification. The Pedicab or Quadricycle Company shall provide a list of applicant vehicles for re-certification to the within 1 month prior to the Pedicab or Quadricycle Vehicle certification expiration. Applicant vehicles shall meet all conditions and be consistent with Pedicab or Quadricycle Vehicle certification requirements pursuant to Subsections 16.40.510 D. – E. for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Pedicab or Quadricycle Vehicle and shall not be allowed to operate.
- N.** Denial Appeal. If a Pedicab or Quadricycle Driver or Pedicab or Quadricycle Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- O.** Right to a Permit. The Pedicab or Quadricycle Company's ability to satisfy the criteria for a Pedicab or Quadricycle Company permit does not create a right to a Pedicab or Quadricycle Company permit.
- P.** Transferring Permits. Transferring permits shall be prohibited. The Company must notify the City in the event that all or part of the business ownership and/or assets are transferred to another party within 5 business days.
- Q.** Removal of Pedicab and Quadricycle Drivers and Pedicab and Quadricycle Vehicles from the Affiliated Pedicab or Quadricycle Company. Pedicab and Quadricycle Companies shall provide to the Director notification of affiliated Pedicab and Quadricycle Drivers that have been prohibited from providing Pedicab or Quadricycle services by the affiliated Pedicab or Quadricycle Company and Pedicab or Quadricycle Vehicles that have been removed from the fleet of the affiliated Pedicab or Quadricycle Company as changes occur.
- R.** Operating at the Port of Portland. Pedicab and Quadricycle Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.

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- S. Failure to comply with any provision in Section 16.40.510 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

16.40.520 Pedicab and Quadricycle Services Permit Fees.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A. Permit Fees. Pedicab and Quadricycle Companies shall pay City permit fees and civil penalty fines consistent with Sections 16.40.930 and 16.40.950.
- B. Permit Issuance. No Pedicab or Quadricycle Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

16.40.530 Pedicab and Quadricycle Insurance Requirements.

- A. Coverages and Limits. All Pedicab and Quadricycle Transportation Company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:
 - 1. Commercial Business Insurance. Company permit holders must secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT permit.
 - 2. Worker's Compensation and Employers' Liability Insurance. The company permit holder must secure and maintain a worker's compensation and employer liability policy where required by state law.
- B. Additional Policy Conditions. Policies required under Subsection 16.40.530 must also contain, include, provide for, or comply with the following:
 - 1. The commercial general liability coverage must name the City and its officers, agents, and employees as additional insureds as respects to claims, in the course of the permit holder's work as a PFHT company, covered by such policies;
 - 2. Policy coverages must be primary and non-contributory, and any insurance coverage maintained by the City must be considered excess;
 - 3. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
 - 4. The insurance policy must allow for written notice to the Director 30 days before any policy is canceled;

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5. The insurance policy must allow for 30 days' written notice to the Director before a policy will expire or be reduced in coverage;
 6. All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better; and
 7. The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.
- C.** Permit Holder's Insurance Obligations. All Pedicab and Quadricycle Company permit holders must comply with the following obligations with respect to insurance reporting, updating, and filing:
1. The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
 2. The permit holder must file a certificate of liability with the Director that evidences insurance coverage and terms that are in compliance with the requirements of this section. The certificate of liability must be on a standard ACORD form or its equivalent.
 3. The permit holder must file with the Director a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents, and employees as additional insureds.
- D.** Alternative to Insurance Requirements. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Section 16.40.530 (and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.
- E.** Failure to comply with any provisions in Section 16.40.530 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

16.40.540 Pedicab Operating Responsibilities and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.) A permitted Pedicab and Quadricycle Company shall comply with the following.

- A.** Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted Pedicab and Quadricycle companies shall have at all times a zero-tolerance policy for intoxicants, and adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity,

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age, or any other characteristic protected under applicable local, state or federal law, This policy shall be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.

- B.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in a Pedicab and Quadricycle Company’s user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a Pedicab or Quadricycle Company shall be governed by Oregon tort law in effect at the time of the claim.
- C.** Fare Rate Transparency. All Pedicab and Quadricycle fare rates shall be established by the Pedicab and Quadricycle Companies, reported to the Director, and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.
- D.** Receipts. When providing PFHT services, Pedicab and Quadricycle must display the words “RECEIPTS AVAILABLE UPON REQUEST” in a location visible to all passengers. All Pedicab and Quadricycle passengers shall be provided, upon request, either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of Pedicab or Quadricycle Company, Pedicab or Quadricycle Driver, Pedicab or Quadricycle Company contact information, and the City of Portland’s PFHT complaint phone number. Upon request, paper receipts must be produced on a carbon copy-type receipt book, and each receipt must be identified with an individual unique receipt number. The carbon copy portion of the receipt must be stored at the Pedicab or Quadricycle Company office for at least 12 months. Carbon copy portion of the receipts must be made available for audits upon request.
- E.** Limitation or Prohibition on Dynamic Pricing. The Bureau Director may limit or prohibit dynamic pricing by any Pedicab or Quadricycle Company and Pedicab or Quadricycle Drivers during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040.
- F.** Reporting Requirements. Each Pedicab and Quadricycle Company shall regularly report the following to the Director:

 - 1.** The number and type of crimes against drivers to the extent known;
 - 2.** The arrest or conviction for any criminal offense of any affiliated Pedicab or Quadricycle;
 - 3.** The filing of any lawsuit against or on behalf of the Pedicab or Quadricycle Company related to the operation of the company and its services in the City of Portland;

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4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
 5. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Pedicab or Quadricycle Company.
- G. Pedicab and Quadricycle Company Records Management and Mandatory Compliance.**
1. Pedicab and Quadricycle Companies will be required to keep documentation of all certified Pedicab and Quadricycle Drivers and all Pedicab and Quadricycle Vehicles. Such records shall be kept on file during the term of the Pedicab or Quadricycle Company Permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, Pedicab or Quadricycle Company records shall be provided to the Director and/or law enforcement officers.
 2. Pedicab and Quadricycle Companies shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

16.40.550 Pedicab and Quadricycle Vehicle Certification and Operating Requirements.

- A. Pedicab and Quadricycle Vehicle Certification.** The Pedicab or Quadricycle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Pedicab or Quadricycle Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40. Vehicles shall be certified by the Director and affiliated with a permitted Pedicab or Quadricycle Company prior to being used to provide Pedicab or Quadricycle service. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Pedicab or Quadricycle Vehicle. Pedicab and Quadricycle Vehicles are exempt from vehicle age limit restrictions that may apply to other sections of this chapter.
- B. Term of Certified Pedicab and Vehicle.** Certifications for Pedicab and Quadricycle Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification. The Pedicab or Quadricycle Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.
- C. Application Process.** Applications for Pedicab and Quadricycle Vehicle certification shall be made directly to an affiliated Pedicab or Quadricycle Company. Pedicab and Quadricycle Companies will regularly provide to the Director a Pedicab or Quadricycle Driver a vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle

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shall operate as a Pedicab or Quadricycle Vehicle, on a form approved by the Director.

- D.** Pedicab and Quadricycle Vehicle Safety Requirements. Pedicab and Quadricycle Vehicles shall satisfy the following conditions when operating between dusk and dawn:
1. Make use of working battery-powered lights;
 2. Be equipped with one headlight capable of projecting a beam of light for a distance of at least 500 feet;
 3. Be equipped with two red taillights mounted on the right and left area of the Pedicab or Quadricycle Vehicle's rear;
 4. Not exceed the manufacturer's limits on the amount of weight the Pedicab or Quadricycle Vehicle may safely carry; and
 5. Not pull any kind of cart, trailer, or other enclosed seating contraption behind the vehicle.
- E.** Pedicab and Quadricycle Vehicle Condition. Each Pedicab and Quadricycle Vehicle shall:
1. Be kept in safe condition,
 2. Be kept clean and in good appearance.
- F.** Mandatory Compliance. Pedicab and Quadricycle Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.
- G.** Unless otherwise noted, failure to comply with any provisions in Section 16.40.550 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

16.40.560 Pedicab and Quadricycle Driver Certification and Operating Requirements.
(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Pedicab and Quadricycle Driver Certification. The Pedicab and Quadricycle Company shall regularly provide a list of applicant drivers affiliated with the permitted Pedicab or Quadricycle Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. A valid driver's license is required for Quadricycle Drivers. A valid driver's license or valid government-issued photo identification is required for Pedicab Drivers. Drivers not meeting all required conditions shall not be certified

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and will not be allowed to operate as a Pedicab or Quadricycle Driver. Pedicab and Quadricycle Companies shall provide a current driver list to the Director as changes occur.

- B.** Term of Certified Pedicab and Quadricycle Drivers. Certifications for Pedicab and Quadricycle Drivers provided by a Pedicab or Quadricycle Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated Pedicab or Quadricycle Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.
- C.** Application Process. Applications for Pedicab and Quadricycle Driver certification shall be made directly to an affiliated Pedicab or Quadricycle Company. The Pedicab or Quadricycle Company will regularly provide to the Director Pedicab or Quadricycle Driver and vehicle application lists, pursuant to certification requirements, that the driver meets all requirements before the driver may operate as a Pedicab or Quadricycle Driver on a form approved by the Director.
- D.** Pedicab and Quadricycle Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Pedicab or Quadricycle Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
 2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and
 3. The National Sex Offender Public Registry.
- E.** Pedicab and Quadricycle Driver Criminal and Driving History Disqualifications. A driver will not be certified as a Pedicab or Quadricycle Driver and cannot provide Pedicab or Quadricycle services if any of the following conditions exist:
1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
 3. The applicant is a match in the National Sex Offender Public Registry.

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4. During the 5-year period preceding the submission of the application, based on the conviction date, the applicant has been convicted of any criminal offense involving:
 - a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
 - b. Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
 5. Based on the conviction date, during a 3-year period, the applicant had more than five traffic violations as defined in ORS 801.557; more than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, more than five of any combination of serious traffic violations or motor vehicle accidents as provided above.
 6. Based on the conviction date, during a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
 7. Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.
 8. Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.
 9. When permitted to operate a Quadricycle, the applicant must have a valid driver's license in a United States jurisdiction.
 10. The applicant is less than 18 years old.
- F.** All Pedicab and Quadricycle Driver criminal and driving histories are subject to review by the Director.
- G.** Pedicab and Quadricycle Driver Training. Pedicab Drivers that do not possess a valid driver's license meeting all the requirements of Section 16.40.550 must successfully complete a Director-approved City bicycle safety course. The affiliated company must ensure that all Pedicab and Quadricycle Drivers successfully complete all Director-approved trainings and testing within 30 days of Pedicab and Quadricycle Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.

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- H.** Business License Requirements. All Pedicab and Quadricycle Drivers operating as independent contractors affiliated with a Pedicab or Quadricycle Company shall comply with all provisions of the Business License Law, Chapter 7.02, prior to operating a Pedicab or Quadricycle Vehicle. Any independent contracted Pedicab or Quadricycle Driver without a valid City of Portland business license as required by Chapter 7.02 cannot be certified as a Pedicab or Quadricycle Driver and will not be allowed to operate as a Pedicab or Quadricycle Driver until such business license is obtained.
- I.** Pedicab and Quadricycle Driver Re-certification. The Pedicab and Quadricycle Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Pedicab or Quadricycle Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Pedicab and Quadricycle Driver certification requirements pursuant to Sections 16.40.550. Drivers not meeting all such conditions will not be re-certified as a Pedicab or Quadricycle Driver and shall not be allowed to provide Pedicab or Quadricycle services.
- J.** Suspension or Revocation of Certified Pedicab and Quadricycle Drivers. If a Pedicab or Quadricycle certification is suspended or revoked by the Director, the affiliated Pedicab or Quadricycle Company shall be notified, and the driver shall be removed as soon as notified by the City. Pedicab and Quadricycle Drivers without current, valid certification by the Director shall not be allowed to operate as a Pedicab or Quadricycle Driver.
- K.** Failure to comply with any provision in Section 16.40.560 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

16.40.570 Pedicab and Quadricycle Driver Conduct Requirements and Prohibitions.
(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Transferring Credentials. Transferring Pedicab or Quadricycle Driver or Pedicab or Quadricycle Vehicle credentials from one driver or vehicle to another shall be prohibited.

 - 1.** Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- B.** Pedicab and Quadricycle Drivers shall carry:

 - 1.** A paper copy of the Pedicab or Quadricycle Company insurance pursuant to ORS 806.011 and a valid driver's license (for Quadricycle drivers) or government-issued photo identification or driver's license for Pedicab drivers always while operating a Pedicab or Quadricycle Vehicle. Upon request by the Director or a law enforcement officer, Pedicab or

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Quadricycle Drivers shall present proof of a valid Pedicab or Quadricycle Company insurance policy and driver's license or government-issued photo identification.

2. A paper copy of the driver's City of Portland business license, when operating as an independent contractor, as required by Chapter 7.02, at all times while operating as a Pedicab or Quadricycle Driver.
3. City of Portland Driver Permit. Drivers must carry a valid, original City of Portland driver permit at all times while operating a Pedicab or Quadricycle.
4. All required documents listed above must be available and presented at the time of any inspection, upon request.
5. Failure to comply with any provision in this Subsection B. shall be a Class D violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

C. Driver Conduct. No Pedicab or Quadricycle Driver shall:

1. Allow another person to use their Pedicab or Quadricycle Driver certification.
2. Drive or allow another person to drive a Pedicab or Quadricycle Vehicle without a valid driver's license, government-issued photo identification, permit, and company certification while the vehicle is being used to provide Pedicab or Quadricycle Services.
3. Operate any Pedicab or Quadricycle Vehicle while consuming or while under the influence of intoxicants, or operate the vehicle in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon.
4. Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications.
5. Use a vehicle in the commission of any crime.
6. Use or broadcast profane or obscene language offensive to the passenger or other community members while operating a PFHT vehicle.
7. Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating a Pedicab or Quadricycle Vehicle.

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8. Allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke-like vapor inside a Pedicab or Quadricycle Vehicle.
 9. Defraud a passenger in any way.
 10. Be discourteous to a passenger.
 11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested.
 12. Drive passengers to their destination by any other than the safest and most efficient route, unless requested to do so by the passenger.
 13. Operate any Pedicab or Quadricycle Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1).
 14. Provide PFHT services after driving more than 12 hours in any given 24-hour period.
 15. Provide PFHT services without a valid City of Portland permit or certification.
 16. Violate Section 16.20.130.
 17. Failure to comply with any provision in this Subsection C. shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.
- D. Mandatory Compliance.** Pedicab and Quadricycle Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.
1. Failure to comply with this Subsection D. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- E. Driver Reporting.** Every Pedicab or Quadricycle Driver shall report any of the following events to the Director and to all affiliated Pedicab or Quadricycle Companies within 24 hours of its occurrence:
1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;

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2. Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
3. Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
4. Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.
5. Failure to comply with any provision in Subsection E. is a Class C violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.600 LPT Service Permits Required.

The operation of an LPT Company is a privilege and not a right. For LPT services to be provided in the City of Portland, the LPT Company shall be required to obtain a permit. The Bureau shall certify that all affiliated LPT Company Vehicles and LPT Company Drivers have met all certification and operating requirements.

- A. LPT Company Permit Requirements. No person or entity shall conduct business as an LPT Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection A. is a Class A violation subject to penalties provided in Sections 16.40.930 to 16.40.950.
- B. LPT Driver Certification Requirements. No person or entity shall conduct business as an LPT Driver in the City of Portland without certification by the Director prior to being authorized to provide LPT services on behalf of an affiliated LPT Company. Drivers not meeting all required conditions will not be certified as LPT Driver and will not be allowed to operate as an LPT Driver. Failure to comply with this Subsection B. is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.
- C. LPT Vehicle Certification Requirements. No vehicle shall be allowed to conduct business as an LPT Vehicle in the City of Portland without certification by the Director prior to being used to provide LPT services by an affiliated LPT Company. Vehicles not meeting all required conditions will not be certified as LPT Vehicle and will not be allowed to operate as an LPT Vehicle. Failure to comply with this Subsection C. is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

16.40.610 LPT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A. Application. An applicant for an LPT Company permit shall annually submit to the Director:

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1. A completed application on a form supplied by the Director.
 2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity.
 3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such.
 4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates.
 5. If the applicant LPT Company is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner.
 6. If the applicant LPT Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require.
 7. The applicant LPT Company’s zero-tolerance drug and non-discrimination policy.
 8. The applicant LPT Company’s user terms of service.
 9. The applicant dispatch or passenger reservation contact information.
 10. Contact information of the LPT Company’s agent of service and customer service support.
 11. A nonrefundable application fee.
- B.** All fines and penalties must be paid prior to the City issuing or reissuing an LPT company permit.
- C.** Compliance with Secretary of State’s Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.
- D.** Insurance. All LPT permit holders shall comply with LPT insurance requirements pursuant to Section 16.40.630. All LPT Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

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- E.** Director Review Process. After receiving a completed LPT Company application form and upon successful completion of all the requirements pursuant to Section 16.40.610, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- F.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue an LPT Company permit.
- G.** Application Denial. The Application shall be denied for any of the following:

 - 1. The LPT Company applicant fails to submit all required information and documentation, including valid proof of insurance;
 - 2. The LPT Company applicant leases, permits, or otherwise allows other entities not affiliated with the LPT Company and certified by the Director to operate LPT services;
 - 3. The application has a material misstatement or omission; or
 - 4. The LPT Company application is incomplete.
- H.** Denial Appeal. If the application is denied, the applicant LPT Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- I.** Providing LPT Services. LPT Services shall be provided only by a permitted LPT Company.
- J.** Certification of LPT Drivers. The LPT Company shall regularly provide a list of applicant drivers affiliated with the permitted LPT for Director certification that drivers meet requirements in Section 16.40.670 on a form approved by the Director. Drivers shall be certified and permitted by the Director prior to providing LPT services on behalf of the affiliated LPT Company, and LPT Drivers not meeting all required conditions will not be certified as a permitted LPT Driver and will not be allowed to operate as an LPT Driver. Such requirements include:

 - 1. Criminal and driver background checks;
 - 2. Automobile liability insurance for independent contractors;
 - 3. A valid driver's license; and
 - 4. Successful completion of all Director-approved driver training and testing within 30 days of providing LPT Service, and successful completion of any additional training and testing must be completed within 30 days of release by the Director.

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- K.** LPT Driver Re-certification. The LPT Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the LPT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with LPT Driver certification requirements pursuant to Section 16.40.670. Drivers not meeting all such conditions will not be re-certified as an LPT Driver and shall not be allowed to operate as an LPT Driver.
- L.** Certification of LPT Vehicles. The LPT Company shall regularly provide a list of applicant vehicles affiliated with the permitted LPT Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.650 and 16.40.660 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted LPT Company prior to providing LPT Services. Vehicles not meeting all required conditions will not be certified as a permitted LPT vehicle and will not be allowed to operate as an LPT Vehicle. Such requirements include:
1. Vehicle ASE safety inspection;
 2. Vehicle registration and licensing;
 3. Vehicle properly equipped and in good condition;
 4. LPT Company general and motor vehicle liability insurance; and
 5. Automobile liability insurance, as required by state law.
- M.** Term of Certification of LPT Vehicles. Certifications for LPT Vehicles provided by the Director shall be valid for a term of 1 year from the date of Director certification.
- N.** LPT Vehicle Re-certification. The LPT Company shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the LPT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with LPT Vehicle certification requirements pursuant to Sections 16.40.650 and 16.40.660 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an LPT Vehicle and shall not be allowed to operate as an LPT Vehicle.
- O.** Denial Appeal. If an LPT Driver or LPT Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- P.** Right to a Permit. The LPT Company's ability to satisfy the criteria for an LPT Company permit does not create a right to an LPT Company permit.

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- Q.** Transferring Permits. Transferring permits shall be prohibited. The Company must notify the City in the event that all or part of the business ownership and/or assets are transferred to another party within 5 business days.
- R.** Removal of LPT Drivers and Vehicles from the Affiliated LPT Company. LPT Companies shall provide to the Director notification of affiliated LPT Drivers that have been prohibited from providing LPT services by the affiliated LPT Company and LPT Vehicles that have been removed from the fleet of the affiliated LPT Company as changes occur.
- S.** Operating at the Port of Portland. LPT Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.
- T.** Failure to comply with any provision in Section 16.40.610 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.620 LPT Services Permit Fees.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Permit Fees. LPT Companies shall pay City permit fees and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.
- B.** Permit Issuance. No LPT Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

16.40.630 LPT Company Insurance Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** In order to provide protection to the public, the LPT Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40.
- B.** Providing LPT Services. The LPT vehicle shall be covered by a general commercial liability and primary automobile insurance policy secured by the LPT Company, the LPT Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to an LPT Company receiving an LPT Company permit.
- C.** Additional Named Insured and Notification of Policy Changes. The LPT Company shall provide certificates of insurance naming the City of Portland, its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, workers' compensation, and employers' liability insurance (as required by state law).

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- D.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.
- E.** Commercial Business Insurance. LPT Company permit holders shall secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT permit.
- F.** Automobile Insurance. All LPT Company permit holders shall provide the City with a copy of a valid commercial auto liability policy with the following coverage:

 - 1.** Combined Single Limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a PFHT vehicle.
- G.** Certification of Auto Insurance. LPT Companies shall provide proof of current, valid insurance for Director certification that all affiliated LPT Drivers and Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.
- H.** Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term.
- I.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.
- J.** Continuous and Uninterrupted Coverage. The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
- K.** Insurance Rating. All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.
- L.** Additional Policy Conditions: Policies required under Section 16.40.630 must also contain, include, provide for, or comply with the following:

 - 1.** Independent Contractors/Owner-Operators. If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit

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holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.630 F. – H. The same certificate of liability and additional insured endorsement requirements will apply.

2. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Subsections 16.40.630 F. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage shall be approved by the City Attorney's Office before such alternative insurance may become effective.
 3. The insurance policy must allow for 30 days' written notice to the Director before a policy will expire or be reduced in coverage.
 4. The insurance policy must allow for written notice to the Director 30 days before any policy is cancelled.
- M.** Failure to comply with any provision in Section 16.40.630 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.640 LPT Company Operating Responsibilities and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** LPT Companies shall accept all requests for LPT Service received from any location within the City.
- B.** Drug, Alcohol and Discrimination Policy:
1. Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted Companies shall employ at all times a zero tolerance policy for intoxicants.
 2. Zero Tolerance for Discrimination. All permitted Companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.
- C.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in an LPT Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against an

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LPT Company shall be governed by Oregon tort law in effect at the time of the claim.

- D.** Receipts. All LPT passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of LPT Company, LPT Driver, LPT Company customer service support contact information, and the City of Portland’s PFHT complaint phone number.
- E.** Agent of Service Requirements. LPT Companies will maintain, during all times when the LPT Company permit is valid, a locally based agent of service, with regular hours of business during weekdays.
- F.** Customer Service Support Requirements. LPT Companies will maintain, during all times when the LPT Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.
- G.** Reporting Requirements. Each LPT Company shall regularly report the following to the Director:
 - 1. The number and type of crimes against drivers to the extent known;
 - 2. The arrest or conviction for any criminal offense of any affiliated LPT;
 - 3. The filing of any lawsuit against or on behalf of the LPT Company related to the operation of the company and its services in the City of Portland;
 - 4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
 - 5. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the LPT Company.
- H.** LPT Company Records Management and Mandatory Compliance.
 - 1. LPT Companies will be required to keep documentation of all certified LPT Drivers and LPT Vehicles. Such records shall be kept on file during the term of the LPT Company Permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, LPT Company records shall be provided to the Director and/or law enforcement officers.
 - 2. LPT Companies shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

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- I.** Failure to comply with any provision in Section 16.40.640 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.650 LPT Vehicle Certification Requirements.

- A.** LPT Vehicle Certification. The LPT Company shall regularly provide a list of applicant vehicles affiliated with the permitted LPT Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted LPT Company prior to being used to provide LPT service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as an LPT Vehicle.
- B.** Term of Certified LPT Vehicle. Certifications for LPT Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification or 4 months from the date a seasonal permit is issued pursuant to the Administrative Rule. The LPT Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.
- C.** Application Process. Applications for LPT Vehicle certification shall be made directly to an affiliated LPT Company. The LPT Company will regularly provide to the Director an LPT Driver and Vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as an LPT Vehicle, on a form approved by the Director.
- D.** Vehicle Registration, Licensing, and Insurance. All LPT Vehicles shall maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.
- E.** Vehicle Requirements. No vehicle will be allowed to operate as an LPT Vehicle following 10 years after the vehicle manufactured date, unless the vehicle meets the requirements described in Section 16.40.935, Vehicle Age Exemption, regardless of when the vehicle was purchased or put into service as an LPT Vehicle.
- F.** Vehicle Safety Inspections. Each LPT Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:
 - 1.** Is more than 1-year-old, based on model year;
 - 2.** Has 10,000 miles or more on its odometer; or

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3. Has the “check engine” light illuminated, regardless of model year or mileage.
- G.** LPT Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the LPT Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.
- H.** Vehicle Condition. Each LPT Vehicle shall meet the following requirements:
1. Be properly equipped and in good condition;
 2. Be kept clean and in good appearance;
 3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
 4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland Metro.
 5. Failure to comply with any provision in this Subsection H. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- I.** LPT Vehicle Re-certification. The LPT Company shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the LPT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with LPT Vehicle certification requirements pursuant to Sections 16.40.650 and 16.40.660 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an LPT Vehicle and shall not be allowed to operate as an LPT Vehicle.
- J.** Unless otherwise noted, failure to comply with any provision in Section 16.40.650 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.660 LPT Vehicle Operating Requirements and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** No vehicle shall operate as an LPT Vehicle unless it has been certified by the Director and is affiliated with a permitted LPT Company and properly displays a valid City of Portland permit.

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- B.** Vehicle Registration, Insurance, and Business License. A paper copy of the vehicle's registration and proof of insurance shall be kept in every LPT Vehicle, pursuant to ORS 806.011. A copy of the business license is required for every driver operating as an independent contractor.
1. Failure to comply with any provision in this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Identification of LPT Vehicles. Every LPT Vehicle shall meet the following identification requirements to operate as an LPT Vehicle:
1. Every party bus vehicle and tour bus vehicle must prominently display on both sides of the vehicle the following information:
 - a. The full name of the party bus company or tour bus company;
 - b. The company-assigned party bus vehicle or tour bus vehicle number; and
 - c. The telephone number of that party bus company or tour bus company where services can be requested.
 2. Upon successful completion of the LPT Vehicle permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing the City Seal for each certified LPT Vehicle.
 3. LPT decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated LPT Company permit. Fees for decals that are not issued contemporaneously with an LPT Company permit will be prorated to equal the cost of the number of months remaining until the LPT Company permit expires.
 4. LPT decals must be affixed to the vehicle's front and back window in a manner outlined by the Administrative Rule, Applying Permits and Decals.
 5. LPT decals that are intentionally destroyed or damaged by an LPT Company or prior to renewal and without the City's authorization are not subject to renewal.
 6. Voided LPT Vehicle decals are not renewable in the year following their voidance. Once an LPT Vehicle decal is voided, an LPT Company may not renew that decal and instead must complete the initial application process if the LPT Company seeks a decal for that LPT Vehicle.

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7. LPT Vehicle decals issued by the Director shall not be leased, sold, transferred, or assigned in any manner.
 8. LPT Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and an actionable offense in a court of competent jurisdiction.
- D.** Vehicle Operating Conditions. In determining whether an LPT Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair and appearance which includes the following:
1. All LPT Vehicle equipment and devices shall be properly equipped and maintained in good working order;
 2. At all times, LPT Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions;
 3. The LPT Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light, and reflectors;
 4. LPT Vehicles shall be free of dirt, grease, grime, glue, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body;
 5. The LPT Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting and may be equipped with studded tires only during time periods allowed by Oregon Law.
 6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, and Chapters 801 through 823.
- E.** Mandatory Compliance. LPT Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

- F. Unless otherwise noted, failure to comply with any provision in Section 16.40.660 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.670 LPT Driver Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A. **LPT Driver Certification.** The LPT Company shall regularly provide a list of applicant drivers affiliated with the permitted LPT Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified/permitted by the director prior to operating an LPT Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as an LPT Driver. LPT companies shall provide a current list to the Director as changes occur.
- B. **Term of Certified LPT Driver.** Certifications for LPT Drivers provided by an LPT Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated LPT Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.
- C. **Application Process.** Applications for LPT Driver certification shall be made directly to an affiliated LPT Company. The LPT Company will regularly provide to the Director LPT Driver and Vehicle application lists, pursuant to certification requirements, that the driver meets all requirements before the driver may operate as an LPT Driver, on a form approved by the Director.
- D. **LPT Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated LPT Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
 - 1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
 - 2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and
 - 3. The National Sex Offender Public Registry.
- E. **LPT Driver Criminal and Driving History Disqualifications.** A driver will not be certified as an LPT Driver and cannot provide LPT Services if any of the following conditions exist:

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1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
 3. The applicant is a match in the National Sex Offender Public Registry.
 4. During the 5-year period, based on the conviction date, the applicant has been convicted of any criminal offense involving:
 - a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
 - b. Any traffic crime, including but not limited to driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
 5. Based on the conviction date, during a 3-year period, the applicant had greater than five traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above.
 6. Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
 7. Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.
 8. Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.
 9. The applicant must have at least 1 year's worth of uninterrupted driving experience with a valid driver's license in a United States jurisdiction.
 10. The applicant is less than 21 years old.
 11. The applicant is unable to obtain car insurance for any reason.
- F. All LPT Driver Criminal and Driving Histories are subject to review by the Director.

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- G.** LPT Driver Training. The affiliated company must ensure that all LPT Drivers successfully complete all Director-approved trainings and testing within 30 days of LPT Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.
- H.** Business License Requirements. All LPT Drivers operating as independent contractors affiliated with an LPT Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating an LPT Vehicle. Any LPT Driver operating as independent contractors without a valid City of Portland Business License cannot be certified as an LPT Driver and will not be allowed to operate as an LPT Driver until such Business License is obtained.
- I.** LPT Driver Re-certification. The LPT Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the LPT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with LPT Driver certification requirements pursuant to Section 16.40.670. Drivers not meeting all such conditions will not be re-certified as an LPT Driver and shall not be allowed to provide LPT Services.
- J.** Suspension or Revocation of Certified LPT Drivers. If an LPT Driver certification is suspended or revoked by the Director, the affiliated LPT Company shall be notified, and the driver shall be removed as soon as notified by the City. LPT Drivers without current, valid certification by the Director shall not be allowed to operate as an LPT Driver.
- K.** Failure to comply with any provision in Section 16.40.670 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.680 LPT Driver Conduct Requirements and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Transferring Credentials. Transferring LPT Driver or LPT Vehicle credentials from one driver or vehicle to another shall be prohibited.
 - 1.** Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- B.** LPT Drivers shall carry:
 - 1.** A paper copy of LPT insurance pursuant to ORS 806.011 and a copy of the vehicle registration at all times while operating as an LPT Driver. Upon request of the Director or law enforcement officer, LPT Drivers shall present proof of a valid LPT primary automobile insurance policy and vehicle registration.

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2. A paper copy of the driver's City of Portland business license, when operating as an independent contractor as required by Chapter 7.02 at all times while operating as an LPT Driver.
 3. A valid state issued driver's license while operating as an LPT Driver.
 4. A valid, original City of Portland driver permit while operating an LPT vehicle.
 5. All required documents listed above must be available and presented at the time of any inspection, upon request.
 6. Failure to comply with this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- C. Driver Conduct. No LPT Driver shall:
1. Allow another person to use their LPT Driver certification.
 2. Drive or allow another person to drive an LPT Vehicle without a valid driver's license, driver permit, and company certification while the vehicle is being used to provide LPT Services.
 3. Operate any LPT Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon.
 4. Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications.
 5. Use a vehicle in the commission of any crime.
 6. Use or broadcast profane or obscene language offensive to the passenger or other persons while operating a PFHT vehicle.
 7. Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating an LPT Vehicle.
 8. Allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke-like vapor inside an LPT Vehicle.
 9. Defraud a passenger in any way.
 10. Be discourteous to a passenger.

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11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested.
 12. Operate any LPT Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1).
 13. Refuse LPT services to any passenger of proper demeanor whose request for service has been accepted by the LPT Company or LPT Driver.
 14. Provide PFHT services without a valid City of Portland permit or certification.
 15. Violate Section 16.20.130.
- D.** Maximum hours of driving. No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.
- E.** Street-Hails, Taxi Stands, and Hotel Zones.
1. All requests for service shall be received and accepted through the LPT company's reservation or dispatch services.
 2. An LPT Driver may not accept street-hails received within the City of Portland, except as approved by the Port of Portland at the Portland International Airport.
 3. An LPT Driver may not utilize taxi stands for drop-off or pick-up.
 4. An LPT Driver may not park an LPT Vehicle in a hotel zone more than 15 minutes before pick up of the request for service. The dispatch call/request for service must be documented and available for review by the Director or law enforcement officer.
- F.** Mandatory Compliance. LPT Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.
- G.** Driver Reporting. Every LPT Driver shall report any of the following events to the Director and to all affiliated LPT Companies within 24 hours of its occurrence:
1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
 2. Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;

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3. Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
 4. Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.
- H. Unless otherwise noted, failure to comply with any provision in Section 16.40.680 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.700 NEMT Services Permits Required.

The operation of an NEMT Company is a privilege and not a right. For NEMT services to be provided in the City of Portland, the NEMT Company shall be required to obtain a permit. The Bureau shall certify that all affiliated NEMT Company Vehicles and NEMT Company Drivers have met all certification and operating requirements.

- A. NEMT Company Permit Requirements. No person or entity shall conduct business as an NEMT Company, as defined in OAR 410-136-3000, in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection A. shall be a Class A violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.
- B. NEMT Driver Certification Requirements. No person or entity shall conduct business as an NEMT Driver in the City of Portland without certification by the Director prior to being authorized to provide NEMT services on behalf of an affiliated NEMT Company. Drivers not meeting all required conditions will not be certified as NEMT Driver and will not be allowed to operate as an NEMT Driver. Failure to comply with this Subsection B. shall be a Class B violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.
- C. NEMT Vehicle Certification Requirements. No vehicle shall be allowed to conduct business as an NEMT Vehicle in the City of Portland without certification by the Director prior to being used to provide NEMT services by an affiliated NEMT Company. Vehicles not meeting all required conditions will not be certified as NEMT Vehicle and will not be allowed to operate as an NEMT Vehicle. Failure to comply with this Subsection C. shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.710 NEMT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A. Application. An applicant for an NEMT Company permit shall annually submit to the Director:

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1. A completed application on a form supplied by the Director;
 2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
 3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
 5. If the applicant NEMT Company is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner;
 6. If the applicant NEMT Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 7. The applicant NEMT Company’s zero-tolerance drug and non-discrimination policy;
 8. The applicant NEMT Company’s user terms of service;
 9. Contact information of the NEMT Company’s agent of service and customer service support; and
 10. A non-refundable application fee.
- B.** All fines and penalties must be paid prior to issuing or reissuing an NEMT Company permit.
- C.** Compliance with Secretary of State’s Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.
- D.** Insurance. All NEMT Company permit holders shall comply with NEMT insurance requirements pursuant to Section 16.40.730. All NEMT Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- E.** Director Review Process. After receiving a completed NEMT Company application form and upon successful completion of all the requirements pursuant to Section

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16.40.710, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

- F.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue an NEMT Company permit.
- G.** Application Denial. The Application shall be denied for any of the following:
 - 1.** The NEMT Company applicant fails to submit all required information and documentation, including valid proof of insurance;
 - 2.** When providing service within the City of Portland, the NEMT Company applicant provides dispatch services to anyone other than affiliated NEMT Drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;
 - 3.** When providing service within the City of Portland, the NEMT Company applicant leases, permits, or otherwise allows other entities not affiliated with the NEMT Company and certified by the Director to operate NEMT services;
 - 4.** When providing services within the City of Portland, the NEMT Company applicant affiliates with and provides dispatch services to drivers operating vehicles without NEMT Vehicle certification by the Director.
 - 5.** The application has a material misstatement or omission; and
 - 6.** The NEMT Company application is incomplete.
- H.** Denial Appeal. If the application is denied, the applicant NEMT Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- I.** Providing NEMT Services. NEMT services, as defined in OAR 410-136-3000, shall be provided only by a permitted NEMT Company.
- J.** Certification of NEMT Drivers. The NEMT Company shall regularly provide a list of applicant drivers affiliated with the permitted NEMT for Director certification that drivers meet requirements in Section 16.40.770, on a form approved by the Director. Drivers shall be certified and permitted by the Director prior to providing NEMT Services on behalf of the affiliated NEMT Company. NEMT Drivers not meeting all required conditions will not be certified as a permitted NEMT Driver and will not be allowed to operate as an NEMT Driver. Such requirements include the following:

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1. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated NEMT Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
 - a. A Social Security trace including all aliases for the past 10 years;
 - b. County, state, and national criminal record searches for all aliases for the past 10 years. The primary source search must be performed in a multi- state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
 - c. A National Sex Offender Registry search; and
 - d. All motor vehicle records associated with the applicant driver for the past 5 years available pursuant to records laws of each state.
 2. A valid driver's license.
 3. An NEMT Driver business license number when operating as an independent contractor.
 4. Successful completion of all Director-approved driver training and testing within 30 days of providing NEMT Service, and successful completion of any additional training and testing must be completed within 30 days of release by the Director.
 5. Meets all requirements outlined in the Oregon Administrative Rule Section 410-141-3440 for NEMT Drivers.
- K.** Term of Certified NEMT Driver. Certifications for NEMT Drivers provided by an NEMT Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated NEMT Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.
- L.** NEMT Driver Re-certification. The NEMT Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the NEMT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with NEMT Driver certification requirements pursuant to Section 16.40.770. Drivers not meeting all such conditions will not be re-certified as an NEMT Driver and shall not be allowed to operate as an NEMT Driver.

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- M.** Certification of NEMT Vehicles. The NEMT Company shall regularly provide a list of applicant vehicles affiliated with the permitted NEMT Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.750 and 16.40.760 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted NEMT Company prior to providing NEMT services. Vehicles not meeting all required conditions will not be certified as a permitted NEMT vehicle and will not be allowed to operate as an NEMT Vehicle. Such requirements include:
1. Vehicle ASE safety inspection;
 2. Vehicle registration and licensing;
 3. Vehicle properly equipped and in good condition; and
 4. NEMT Company general liability and automobile liability insurance.
- N.** Term of Certification of NEMT Vehicles. Certifications for NEMT Vehicles provided by the Director shall be valid for a term of 1 year from date of Director certification.
- O.** NEMT Vehicle Re-certification. The NEMT Company shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the NEMT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with NEMT Vehicle certification requirements pursuant to Sections 16.40.750 and 16.40.760 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an NEMT Vehicle and shall not be allowed to operate as an NEMT Vehicle.
- P.** Denial Appeal. If an NEMT Driver or NEMT Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver or vehicle owner may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- Q.** Right to a Permit. The NEMT Company's ability to satisfy the criteria for an NEMT Company permit does not create a right to an NEMT Company permit.
- R.** Transferring Permits. Transferring permits shall be prohibited. The Company must immediately alert the City in the event all or part of the business ownership and/or assets are transferred to another party.
- S.** Removal of NEMT Drivers and Vehicles from the Affiliated NEMT Company. NEMT Companies shall provide to the Director regular notification of affiliated NEMT Drivers that have been prohibited from providing NEMT Services by the affiliated NEMT Company and NEMT Vehicles that have been removed from the fleet of the affiliated NEMT Company.

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- T.** Operating at the Port of Portland. NEMT Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.
- U.** Failure to comply with any provisions in Section 16.40.710 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950

16.40.720 NEMT Services Permit Fees and Civil Penalty Fines.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Permit Fees. NEMT Companies shall pay City permit fees and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.
- B.** Permit Issuance. No NEMT Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

16.40.730 NEMT Company Insurance Requirements.

- A.** In order to provide protection to the public, the NEMT Company shall provide levels of insurance in accordance with all requirements of Chapter 16.40.
- B.** Providing NEMT Services. The NEMT Vehicle shall be covered by a general commercial liability and primary automobile insurance policy provided by the NEMT Company. Evidence of insurance requirements shall be received and approved by the City prior to an NEMT Company receiving an NEMT Company permit.
- C.** Additional Insured and Notification of Policy Changes. The NEMT Company shall provide certificates of insurance naming the City of Portland, its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, workers' compensation, and employers' liability insurance (as required by state law).
- D.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.
- E.** Commercial Business Insurance. NEMT Company permit holders shall secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT permit.

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- F.** Automobile Insurance. All NEMT Company permit holders shall provide the City with a copy of a valid commercial auto liability policy with the following coverage:

 - 1.** Combined single limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a PFHT vehicle.

- G.** Certification of Auto Insurance. NEMT Companies shall provide proof of current, valid insurance for Director certification that all affiliated NEMT Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

- H.** Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;

- I.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this section is subject to the review and approval by the City Attorney's Office.

- J.** Continuous and Uninterrupted Coverage. The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.

- K.** Insurance Rating. All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.

- L.** Additional Policy Conditions: Policies required under Sections 16.40.730 and/or 16.40.130 must also contain, include, provide for, or comply with the following:

 - 1.** Independent Contractors/Owner-Operators. If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.730 D. – H. The same certificate of liability and additional insured endorsement requirements will apply.

 - 2.** Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Subsections 16.40.730 D. – H., and only if the public safety and well-being is not endangered thereby. The adequacy

of proposed alternative insurance coverage shall be approved by the City Attorney's Office before such alternative insurance may become effective.

- M.** Failure to comply with any provision in Section 16.40.730 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

16.40.740 NEMT Company Operating Responsibilities and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** A permitted NEMT Company shall comply with all requirements and standards as defined in OAR 410-136-3000 or otherwise required by state or federal law.
- B.** Drug, Alcohol and Discrimination Policy:
 - 1.** Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted companies shall employ at all times a zero tolerance policy for intoxicants.
 - 2.** Zero Tolerance for Discrimination. All permitted companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.
- C.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in an NEMT Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against an NEMT Company shall be governed by Oregon tort law in effect at the time of the claim.
- D.** Fare Rate Transparency. In the event NEMT fare rates are billed directly to the passenger, fare rates shall be made available in a clear and transparent way to the passenger prior to the passenger accepting a ride. Fare rates for wheelchair-accessible vehicle (WAV) service shall be comparable with fare rates for non-WAV service. Changes to fare rates shall be submitted by the permitted NEMT Company and approved by the Director prior to implementation.
- E.** Receipts. In the event NEMT fare rates are billed directly to the passenger, all NEMT passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of NEMT Company, NEMT Driver, NEMT Company customer service support contact information, and the City of Portland's PFHT complaint phone number.

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- F.** Limitation or Prohibition on Dynamic Pricing. Dynamic pricing is prohibited at all times for NEMT service.
- G.** Agent of Service Requirements. NEMT Companies will maintain, during all times when the NEMT Company Permit is valid, a locally based agent of service, with regular hours of business during weekdays.
- H.** Customer Service Support Requirements. NEMT Companies will maintain, during all times when the NEMT Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.
- I.** Reporting Requirements. Each NEMT Company shall regularly report the following to the Director:

 - 1. The number and type of crimes against drivers to the extent known;
 - 2. The arrest or conviction for any criminal offense of any affiliated NEMT Driver;
 - 3. The filing of any lawsuit against or on behalf of the NEMT Company related to the operation of the company and its services in the City of Portland;
 - 4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
 - 5. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the NEMT Company.
- J.** NEMT Company Records Management and Mandatory Compliance.

 - 1. NEMT Companies will be required to keep documentation of all certified NEMT Drivers and NEMT Vehicles, as well as detailed records of all trips. Such records shall be kept on file during the term of the NEMT Company permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, NEMT Company records shall be provided to the Director and/or law enforcement officers.
 - 2. NEMT Companies shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.
- K.** Failure to comply with any provisions in Section 16.40.740 is Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950

16.40.750 NEMT Vehicle Certification Requirements.

- A.** NEMT Vehicle Certification. The NEMT Company shall regularly provide a list of applicant vehicles affiliated with the permitted NEMT Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted NEMT Company prior to being used to provide NEMT service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as an NEMT Vehicle.
- B.** Term of Certified NEMT Vehicle. Certifications for NEMT Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification. The NEMT Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.
- C.** Application Process. Applications for NEMT Vehicle certification shall be made directly to an affiliated NEMT Company. The NEMT Company will regularly provide to the Director an NEMT Driver and Vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as an NEMT Vehicle, on a form approved by the Director.
- D.** Vehicle Registration, Licensing, and Insurance. All NEMT Vehicles shall maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.
- E.** Vehicle Age Requirements. No vehicle will be allowed to operate as an NEMT Vehicle following 10 years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as an NEMT Vehicle, However, WAV vehicles that meet the requirements described in Section 16.40.935 may apply for a Vehicle Age Exemption.
- F.** Vehicle Safety Inspections. Each NEMT Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

 - 1.** Is more than 1-year-old, based on model year;
 - 2.** Has 10,000 miles or more on its odometer; or
 - 3.** Has the “check engine” light illuminated, regardless of model year or mileage.

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- G.** NEMT Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the NEMT Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.
- H.** Vehicle Condition. Each NEMT Vehicle shall meet the following requirements:
1. Be properly equipped and in good condition;
 2. Be kept clean and in good appearance;
 3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
 4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland Metro.
 5. Failure to comply with any provision in this Subsection H. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- I.** NEMT Vehicle Re-certification. The NEMT Company shall provide a list of applicant vehicles for re-certification to the Director 1 month prior to the NEMT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with NEMT Vehicle certification requirements pursuant to Sections 16.40.150 and 16.40.160 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an NEMT Vehicle and shall not be allowed to operate as an NEMT Vehicle.
- J.** Unless otherwise noted, failure to comply with any provision in Section 16.40.570 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.760 NEMT Vehicle Operating Requirements and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** No vehicle shall operate as an NEMT Vehicle unless it has been certified by the Director and is affiliated with a permitted NEMT Company and properly displays a valid City of Portland permit.
- B.** Vehicle Registration, Insurance, and Business License. A paper copy of the vehicle’s registration and proof of insurance shall be kept in every NEMT Vehicle, pursuant to ORS 806.011. In addition, the City requires proof of an NEMT Driver’s

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business license, when operating as an independent contractor, as required by Chapter 7.02, and shall be kept in every NEMT Vehicle.

1. Failure to comply this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

C. Identification of NEMT Vehicles. Every NEMT Vehicle shall meet the following identification requirements to operate as an NEMT Vehicle:

1. Using numbers and lettering no less than 3 inches in height, every NEMT Vehicle must prominently display on both sides of the vehicle the following information:
 - a. The full name of the NEMT Company;
 - b. The company-assigned NEMT Vehicle number;
 - c. The telephone number of the NEMT Company where services can be requested; and
2. Upon successful completion of the NEMT Vehicle permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing the City Seal for each certified NEMT Vehicle.
3. NEMT decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated NEMT Company permit. Fees for decals that are not issued contemporaneously with an NEMT Company permit will be prorated to equal the cost of the number of months remaining until the NEMT Company permit expires.
4. NEMT decals must be affixed to the vehicle's front and back window in a manner outlined by the Administrative Rule, Applying Permits and Decals.
5. NEMT decals that are intentionally destroyed or damaged by an NEMT Company or NEMT Driver prior to renewal and without the City's authorization are not subject to renewal.
6. Voided NEMT Vehicle decals are not renewable in the year following their voidance. Once an NEMT Vehicle decal is voided, an NEMT Company may not renew that decal and instead must complete the initial application process if the NEMT Company seeks a decal for that NEMT Vehicle.
7. NEMT Vehicle decals issued by the Director shall not be leased, sold, transferred, or assigned in any manner.

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8. NEMT Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and is an actionable offense in a court of competent jurisdiction.
- D.** Vehicle Operating Conditions. In determining whether an NEMT Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair, and appearance which includes the following:
1. All NEMT Vehicle equipment and devices shall be properly equipped and maintained in good working order.
 2. At all times, NEMT Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions.
 3. The NEMT Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, and reflectors.
 4. NEMT Vehicles shall be free of dirt, grease, grime, glue, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body.
 5. The NEMT Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting and may be equipped with studded tires only when allowed by Oregon Law.
 6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.
- E.** Mandatory Compliance. NEMT Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.
- F.** Unless otherwise noted, failure to comply with any provision in Section 16.40.760 is Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

16.40.770 NEMT Driver Certification Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** NEMT Driver Certification. When adding drivers, the NEMT Company shall immediately provide a list of applicant drivers affiliated with the permitted NEMT Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified and permitted by the Director and affiliated with a permitted NEMT Company prior to operating an NEMT Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as an NEMT Driver. NEMT Companies shall regularly provide a list of all un-affiliated NEMT Drivers and NEMT Vehicles when changes are made.
- B.** Term of Certified NEMT Driver. Certifications for NEMT Drivers provided by an NEMT Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated NEMT Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.
- C.** Application Process. Applications for NEMT Driver certification shall be made directly to an affiliated NEMT Company. The NEMT Company will immediately provide to the Director NEMT Driver and Vehicle application lists, pursuant to certification requirements, that the driver meets all requirements before the driver may operate as an NEMT Driver on a form approved by the Director.
- D.** NEMT Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be completed annually on behalf of the affiliated NEMT Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

 - 1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
 - 2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state, and;
 - 3. The National Sex Offender Public Registry.
- E.** NEMT Driver Criminal and Driving History Disqualifications. A driver will not be certified as an NEMT Driver and cannot provide NEMT Services if any of the following conditions exist:

 - 1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.

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2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
 3. The applicant is a match in the National Sex Offender Public Registry.
 4. During the 5-year period, based on the conviction date, the applicant has been convicted of any criminal offense involving:
 - a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
 - b. Any traffic crime, including but not limited to driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
 5. Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.
 6. Based on the conviction date, within a 3-year period, the applicant had greater than five traffic violations as defined in ORS 801.557; more than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or more than five of any combination of serious traffic violations or motor vehicle accidents as provided above.
 7. Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
 8. Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.
 9. The applicant does not have at least 1 year's worth of uninterrupted driving experience with a valid driver's license in a United States jurisdiction, immediately preceding the certification.
 10. The applicant is less than 21 years old.
 11. The applicant is unable to obtain car insurance for any reason.
- F.** All NEMT Driver criminal and driving histories are subject to review by the Director.

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- G.** NEMT Driver Training. The affiliated company must ensure that all NEMT Drivers successfully complete all Director-approved trainings and testing within 30 days of NEMT Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.
- H.** Business License Requirements. All NEMT Drivers operating as independent contractors affiliated with an NEMT Company shall comply with all provisions of the Business License Law, Chapter 7.02, prior to operating an NEMT Vehicle. Any NEMT Driver operating as an independent contractor without a valid City of Portland Business License cannot be certified as an NEMT Driver and will not be allowed to operate as an NEMT Driver until such business license is obtained.
- I.** NEMT Driver Re-certification. The NEMT Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the NEMT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with NEMT Driver certification requirements pursuant to Section 16.40.770. Drivers not meeting all such conditions will not be re-certified as an NEMT Driver and shall not be allowed to provide NEMT services.
- J.** Suspension or Revocation of Certified NEMT Drivers. If an NEMT certification is suspended or revoked by the Director, the affiliated NEMT Company shall be notified, and the driver shall be removed immediately. NEMT Drivers and NEMT Vehicles without current, valid certification by the Director shall not be allowed to operate as an NEMT Driver or NEMT Vehicle.
- K.** Failure to comply with any provision in Section 16.40.770 is Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

16.40.780 NEMT Driver Conduct, Requirements and Prohibitions.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Transferring Credentials. Transferring NEMT Driver or NEMT Vehicle credentials from one driver or vehicle to another shall be prohibited.
- B.** NEMT Drivers shall carry:

 - 1.** A paper copy of NEMT Company insurance pursuant to ORS 806.011 and a copy of the vehicle registration at all times while operating as an NEMT Driver.
 - 2.** A paper copy of the driver's City of Portland business license, when operating as an independent contractor, as required by Chapter 7.02, for a City-issued driver permit, at all times while operating as an NEMT Driver. Upon request of the Director or law enforcement officer, NEMT Drivers

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shall present proof of a valid NEMT primary automobile insurance policy and vehicle registration.

3. A valid state-issued driver's license while operating as an NEMT Driver.
4. A valid, original, City of Portland driver permit. All licensed drivers must prominently post and display the NEMT permit in the NEMT Vehicle while on duty.
5. All required documents listed above must be available and presented at the time of any inspection, upon request.
6. Failure to comply with this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

C. Driver Conduct. No NEMT Driver shall:

1. Allow another person to use their NEMT Driver certification.
2. Drive or allow another person to drive an NEMT Vehicle without a valid driver's license, City of Portland driver permit, and company certification while the vehicle is being used to provide NEMT services.
3. Operate any NEMT Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon.
4. Operate any NEMT Vehicle if impaired by any legally prescribed or over-the-counter drugs or medications.
5. Use a vehicle in the commission of any crime.
6. Use or broadcast profane or obscene language offensive to the passenger or other community members while operating an NEMT Vehicle.
7. Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating an NEMT Vehicle;
8. Allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke-like vapor inside an NEMT Vehicle.
9. Defraud a passenger in any way.
10. Be discourteous to a passenger.

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11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested.
 12. Drive passengers to their destination by any other than the safest and most efficient route, unless requested to do so by the passenger.
 13. Operate any NEMT Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
 14. Refuse to transport to a requested destination within the City of Portland any passenger of proper demeanor whose request for service has been accepted by NEMT dispatch or NEMT Driver.
 15. Provide NEMT services without a valid City of Portland permit or certification.
 16. Violate Section 16.20.130.
- D.** Maximum Hours of Driving. No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.
- E.** Street-Hails, Taxi Stands, and Hotel Zones.
1. An NEMT Driver shall not accept street-hails.
 2. Other than for drop off, an NEMT Driver may not park an NEMT Vehicle in a hotel zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented and available for review by the Director or law enforcement officer.
- F.** Mandatory Compliance. NEMT Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.
- G.** Driver Reporting. Every NEMT Driver shall report any of the following events to the Director and to all affiliated NEMT Companies within 24 hours of its occurrence:
1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
 2. Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;

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3. Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
 4. Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.
- H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.780 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.800 Horse-Drawn Carriage Company Permits Required – Application Process and Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Permit Required. No person or entity may operate a for-hire Horse-Drawn Carriage Company without a valid, current Horse-Drawn Carriage Company permit issued by the City under Chapter 16.40.
- B.** Each Horse-Drawn Carriage Company permit application must satisfy the requirements of Section 16.40.600, LPT Company Permits Required.
- C.** Applicants must provide the physical location (address) of each stable or other facility used to house the carriage horses. Each facility must be available for inspection during normal hours of operation by the Director or designee.
- D.** Applicants for a Horse-Drawn Carriage Company permit must obtain certification for each carriage horse to be used in the operation of the permitted carriages. Application requirements for carriage horse certification are:
 1. A description of the horse's name, age, breed, and gender;
 2. A photograph and physical description of the horse, including color, markings, or other identifying marks, such as brands or tattoos or any other identifiers, such as microchips;
 3. Certification of examination (health certificate) by an equine veterinarian within 30 days prior to the application for a permit that demonstrates the horse is able to perform the work described (in the Horse-Drawn Carriage Company application) without undue stress or effort; and
 4. Additional veterinary certification requirements as provided in the Administrative Rule.
- E.** Insurance Certificate. All Horse-Drawn Carriage applicants must provide the Bureau with an insurance certificate of liability and an additional insured

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endorsement indicating that the requirements of Section 16.40.830 have been satisfied.

- F.** Applicants must provide to the Director a description of the types, dates, and time range, length, and location of Horse-Drawn Carriage rides offered.
- G.** Applicants must provide to the Director a schedule of rates and charges. An updated schedule must be provided to the Director when the rates are changed during the course of the permit.
- H.** Horse-Drawn Carriage Company City permit fees are outlined in the Administrative Rule.

16.40.810 Horse-Drawn Carriage Driver Permits Required – Application Process and Requirements.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A.** Permit Required. No person may operate a Horse-Drawn Carriage without a valid, current Horse-Drawn Carriage Driver’s permit issued under Chapter 16.40, except that no permit issued pursuant to this chapter is required of a person who is operating a Horse-Drawn Carriage as an entry in a parade or otherwise permitted special event, where the Horse-Drawn Carriage entry is specifically noted and approved in said special event permit, and where the Horse-Drawn Carriage rides are not being offered on-demand or by reservation to members of the general public. In the case a Horse-Drawn Carriage is being used during a special event, the City shall be provided with the following:
 - 1.** Copy of the event permit, and
 - 2.** A description defining the role of the Horse-drawn Carriage during the event.
- B.** Application. An applicant for a Horse-Drawn Carriage Company permit shall submit to the Director:
 - 1.** A completed application on a form supplied by the Director;
 - 2.** Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
 - 3.** Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 - 4.** Certification of a Horse-Drawn Carriage Driver training program approved by the Director;

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5. Confirmation that the driver will be employed for a Horse-Drawn Carriage company with current, valid Horse-Drawn Carriage Company and vehicle permits.
 6. If necessary, any information requested by the Director that reasonably relates to the application or is a clarification of information provided.
- C.** Fees Required. The applicant for a Horse-Drawn Carriage driver's permit must submit an initial permit fee per the Administrative Rule.
- D.** Penalties. Horse-Drawn Carriage Companies shall pay civil penalty fines consistent with Section 16.40.880.
- E.** Permit Issuance. No Horse-Drawn Carriage Company permit shall be issued until all City permit fees and civil penalty fines have been paid and received by the City.
- F.** Carriage Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Horse-Drawn Carriage Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
 2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and
 3. The National Sex Offender Public Registry.
- G.** Horse-Drawn Carriage Driver Criminal and Driving History Disqualifications. A driver will not be certified as a Horse-Drawn Carriage Driver and cannot provide Horse-Drawn Carriage services if any of the following conditions exist:
1. The applicant has a felony conviction of any kind within 10 years from the conviction date.
 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
 3. The applicant is a match in the National Sex Offender Public Registry.
 4. During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:

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- a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
 - b. Any traffic crime including but not limited to driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
 5. Based on the conviction date during a 3-year period the applicant had greater than five traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above.
 6. Based on the conviction date during a 3-year period the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
 7. Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
 8. Based on the conviction date, during a 3-year period the applicant's PFHT driving privileges were revoked by the Director.
 9. The applicant is less than 18 years old.
 10. All Carriage Driver criminal and driving histories are subject to review by the Director.
- H.** Driver Safety and Customer Service Training Requirements. The applicant must provide documentation of successful completion of Director-approved Horse-Drawn Carriage Driver training prior to issuance of a Horse-Drawn Carriage Driver's permit.
- I.** Driver Knowledge and Skills Testing Requirements. The applicant must successfully complete each of the following tests as administered by the Bureau or its designee before a permit can be issued:
1. Basic carriage horse care, and
 2. Relevant City Code provisions and Administrative Rules.

16.40.820 Horse-Drawn Carriage Permit and Plate Required — Application Process and Requirements.

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- A.** Permit and Decal or Plate Required for Horse-Drawn Carriages. No Horse-Drawn Carriage may be used as a PFHT vehicle without a valid and current permit and a valid and current, unobstructed plate issued by the City under Chapter 16.40. Applicants for a carriage vehicle permit and carriage plate must be the owner of the carriage. Carriage permits will only be issued to an owner who has obtained a Horse-Drawn Carriage Company permit.
- B.** Application Form. The applicant for a Horse-Drawn Carriage permit must complete a “Horse-Drawn Carriage Application” on the form required by the Director, which includes, but is not limited to, the following required information:

 - 1. Carriage make, model, and manufacturer;
 - 2. Seating capacity and weight limits;
 - 3. A photograph of each carriage to be registered; and
 - 4. If necessary, any information that reasonably relates to the application or is a clarification of information provided to the Director.
- C.** Safety Inspection. The Director has the authority to require that a Horse-Drawn Carriage operator demonstrate by inspection that all safety standards are met prior to a permit plate or decal being issued.
- D.** Horse-Drawn Carriage Condition. No Horse-Drawn Carriage will be issued a plate or decal if the Director determines that the carriage is not safe and in good repair, with all required equipment in sound operating condition.
- E.** Each Horse-Drawn Carriage shall be made available for inspection at the request of the Director or designee.
- F.** Fees. Horse-Drawn Carriage Companies must pay renewal fees per the Administrative Rule.

16.40.830 Horse-Drawn Carriage Insurance Requirements.

- A.** Coverage and Limits: All Horse-Drawn Carriage Company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:

 - 1. Commercial Business Insurance. Company permit holders must secure and maintain a commercial general liability policy reflecting limits of no less than \$1,000,000 per occurrence and \$2,000,000 aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder’s work under a PFHT permit.

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2. Worker's Compensation and Employers' Liability Insurance. The company permit holder must secure and maintain a workers' compensation and employers' liability policy where required by state law.
- B.** Permit Holder's Insurance Obligations. All Horse-Drawn Carriage Company permit holders must comply with the following obligations with respect to insurance reporting, updating, and filing:
1. The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
 2. The permit holder must file a certificate of liability with the Director that evidences insurance coverage and terms that are in compliance with the requirements of this section. The certificate of liability must be on a standard ACORD form or its equivalent.
 3. The permit holder must file with the Director a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents, and employees as additional insureds.
- C.** Alternative to Insurance Requirements. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Section 16.40.830, and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

16.40.840 Horse-Drawn Carriage Temperature, Time, and Place Restrictions.

- A.** No Horse-Drawn Carriage may operate between the hours of 6 a.m. and 10 a.m. or between the hours of 3 p.m. and 6 p.m. except on Saturdays, Sundays, and City holidays, unless an exemption from this restriction is granted by the Director.
- B.** No Horse-Drawn Carriage may operate when the outdoor temperature is greater than 90 degrees Fahrenheit.
- C.** No Horse-Drawn Carriage may operate when the outdoor temperature/humidity exceeds the Carriage Operators of North America (CONA) standards.
- D.** No Horse-Drawn Carriage may operate in the presence of weather conditions that make Horse-Drawn Carriage travel unsafe.
- E.** Should any condition or combination of conditions in Subsections 16.40.840 B. – D. occur, the Horse-Drawn Carriage Driver will remove the horse from the street to a safe location, provide appropriate rest and shade or shelter, and will return the

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horse to its stable or usual boarding facility by the least-strenuous and shortest safe route possible.

- F. No Horse-Drawn Carriage may operate on a street that does not have a posted speed limit of 35 mph or less.
- G. No Horse-Drawn Carriage may operate along a street with MAX or street car tracks. Upon written request, permission may be granted by the Director, to allow brief access or crossing of streets with MAX or streetcar tracks in order to provide access to particular locations. The Director may provide a list of excepted circumstances and locations in the Administrative Rule.
- H. The Director or designee who observes a Horse-Drawn Carriage operating in adverse weather or other dangerous conditions creating a threat to the health and safety of the horse, passengers, or to the general public, may order the ride discontinued and the horse returned to its boarding facility by the least-strenuous and shortest safe route possible.

16.40.850 Operation of Horse-Drawn Carriages: Requirements and Prohibitions.

- A. The company and carriage permit holder is responsible to ensure that all drivers operating have a current and valid City Horse-Drawn Carriage Driver permit, and that all drivers operate in compliance with the requirements of this chapter. Penalties may be issued to both company and driver for violations of operating requirements.
- B. Each Horse-Drawn Carriage Driver must carry their Horse-Drawn Carriage Driver permit when operating a Horse-Drawn Carriage and present the permit for inspection when requested by the Director or designee.
- C. Each Horse-Drawn Carriage and Horse-Drawn Carriage operator shall comply with all other requirements of state, federal, and local laws.
- D. No Horse-Drawn Carriage Driver shall permit other persons to operate the carriage under their control at any time under any circumstances.
- E. No driver shall operate a Horse-Drawn Carriage at a weight or capacity in excess of the manufacturer's recommendation for that carriage.
- F. No driver shall operate a Horse-Drawn Carriage when the combined weight of the carriage and passengers exceeds the weight of the horse.
- G. No driver shall consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating a Horse-Drawn Carriage.

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- H.** No driver shall allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke-like vapor while operating a Horse-Drawn Carriage.
- I.** Horse-Drawn Carriages and equipment must be available for inspection immediately upon request by the Director or designee.
- J.** A copy of the health certificate for the working carriage horse shall be in the custody of the company owner at all times. The driver will keep a copy of this certificate in any operating carriage, and make said certificate immediately available for inspection upon request by the Director or designee.
- K.** No Horse-Drawn Carriage Driver shall leave a horse untethered or unattended except when confined to a stable or other safe enclosure.
- L.** Each driver operating a Horse-Drawn Carriage shall maintain the horse at a speed no faster than a walk or slow trot.
- M.** Waste catchers must be in place and functioning properly at all times. It shall be the responsibility of the Horse-Drawn Carriage operator to clean up any spillage.
- N.** The operator of a Horse-Drawn Carriage must comply with the orders of the Director, or any police officer, parking enforcement officer, or animal control officer regarding the operation of the carriage. Failure to comply with these directions is subject to a penalty and/or suspension of the driver's permit and/or the Horse-Drawn Carriage Vehicle and Company permits.

16.40.860 Care of Carriage Horses.

- A.** Horse-Drawn Carriage rides must not be initiated nor continued when the ambient temperature is greater than 90 degrees Fahrenheit, or when the combination of temperature and humidity exceeds current Carriage Operators of North America (CONA) standards.
- B.** When the temperature exceeds 90 degrees Fahrenheit, or the combination of temperature and humidity exceeds current CONA standards, the carriage driver will end the ride and return the horse to the home boarding facility or pasture by the least-strenuous and shortest safe route possible, providing rest and shelter as required.
- C.** When the temperature is between 84 and 90 degrees Fahrenheit, no carriage ride will be initiated if the local weather forecast predicts temperatures to rise over 90 degrees Fahrenheit during the time for which the ride is scheduled, or within the time allowed for the trip back to the boarding facility.

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- D.** When conducting Horse-Drawn Carriage rides when the temperature is between 78 and 90 degrees Fahrenheit, the driver will monitor respiratory rate, heart rate, and temperature of the horse every hour. Horses exceeding the following resting parameters should immediately undergo cooling measures, then be brought to the stable for rest, and not worked for the remainder of that day:
- 1.** Respiratory rate > 36 breaths per minute after 1 minute;
 - 2.** Temperature > 103 degrees; and
 - 3.** Heart rate > 52 beats per minute after a 1-minute recovery time.
- E.** Horses must be provided with a blanket for dryness and warmth when appropriate.
- F.** Owners, operators, and drivers of a Horse-Drawn Carriage will monitor the condition of each horse and will not allow a horse to work when there are signs of exhaustion, dehydration, sickness, disease, injury, or severe stress.
- G.** No stallions, no mares with unweaned foals, and no pregnant mares at gestation greater than 9 months shall be used as carriage horses.
- H.** The towing weight of the Horse-Drawn Carriage may not exceed the weight of the horse.
- I.** Tie ropes used around the neck or attaching to the halter shall be carried on all Horse- Drawn Carriages. No horse shall be tied using the bridle, bit, or reins.
- J.** No animal shall work pulling a Horse-Drawn Carriage for more than 5 hours in a 24-hour period, nor more than 5 days in any given week.
- K.** Each horse will be given at least a 10-minute rest period at the end of each hour of work. The horse must be provided ready access to clean drinking water during each break, and must be allowed at reasonable intervals to consume food and water during the workday.
- L.** Stables or other boarding facilities must be sanitary. Stables and stalls must be in good repair, well-ventilated, and free of hazards and debris.
- M.** Horses must be turned out for at least 1 hour per day. Adequate turn-out facilities include dry paddocks, runs, or pastures of dimensions equal to or greater than 12 feet by 24 feet.

16.40.870 Horse-Drawn Carriage Regulations.

Unless the context clearly requires otherwise or unless the regulations and requirements are more stringent than those found in Sections 16.40.820 through 16.40.860, horse-drawn

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carriage drivers, companies, and vehicles are subject to the regulations and requirements found in this chapter.

16.40.880 Horse-Drawn Carriage Penalties.

- A. For violation of the regulations and requirements in Sections 16.40.800 through 16.40.860, the penalties are \$250 for the first occurrence, \$500 for the second occurrence, and \$1,000 and permit suspension for subsequent occurrences.
- B. Three or more violations within 1 year are grounds for permanent revocation of Horse-Drawn Carriage Driver, Vehicle, and Company permits.

16.40.900 Compliance with Federal, State, and Local Laws.

Any PFHT company, driver, or vehicle that is not in compliance with all federal, state, or local laws relating to “for-hire transportation” services is likewise not in compliance with Chapter 16.40.

16.40.910 Permit Fees and Civil Penalty Fines.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A. All permitted PFHT operators shall pay City permit fees and civil penalties consistent with Sections 16.40.910, 16.40.930, and 16.40.950.
- B. All permitted PFHT operators shall provide payment to the City pursuant to Section 16.40.910. The Director shall suspend or revoke PFHT permits if permit fees are not paid in full in accordance to Section 16.40.910.
- C. Permit fee rates shall be established annually by the Director presented to the PFHT Advisory Committee and defined in Administrative Rules TRN 3.40 pursuant to Section 16.40.970.
- D. TNC permit fee rates shall be established annually by the Director in accordance with the following:
 - 1. Permit fee rates shall be established to fund all program costs required to adequately administer the PFHT program pursuant to Sections 16.40.100–190 and 16.40.200 – 290 and to verify compliance with all relevant requirements pursuant to Chapter 16.40; and
 - 2. Permit fee rates shall be proportioned according to the expected annual number of trips fulfilled by permitted TNCs, as determined by the Director and informed by available trip data provided pursuant to Subsections 16.40.140 K. and 16.40.240 K.

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- E.** Permitted TNCs shall add to the total fare of each completed trip charged to passengers the permit fee, as established by the Director and pursuant to this section and in accordance with the following:

 - 1.** The permit fee rate added to total fare of each completed trip charged to passengers by the TNC shall be clearly identified as the “CITY OF PORTLAND SURCHARGE” on receipts provided to passengers pursuant to Sections 16.40.140 and 16.40.240.
- F.** The Director shall provide permit fee invoices to permitted TNCs quarterly pursuant to Section 16.40.910. The Director shall issue invoices on or about the 25th day of the month following the end of the quarter. Invoices are based upon trip data provided by TNCs. The invoice payments are due within 30 days of the invoice date. Payments will be considered delinquent if not received within 30 days of invoice date. The first quarter of a new year begins on January 1. The Director shall suspend or revoke TNC permits if permit fees are not paid in full in accordance with Section 16.40.910.
- G.** Permit fee rates applicable to all approved PFHT operators, with the exception of TNCs, shall be established annually by the Director to fund all program costs required to adequately administer the PFHT program and to verify compliance with all relevant requirements pursuant to Chapter 16.40 and as defined in the Administrative Rules.
- H.** The Director shall provide notice of permit fee payment requirements to permitted PFHT operators, with the exception of TNCs, pursuant to Section 16.40.910. The Director shall suspend or revoke PFHT permits if permit fees are not paid in full in accordance with Section 16.40.910.

16.40.920 Paid Passenger Referrals and Willful Deception Prohibited.

- A.** All PFHT drivers are prohibited from providing payment to hotel staff, dispatchers, or any other person for referral of a passenger or passengers. The penalties for violation of Subsection 16.40.920 A. are Class A violations.
- B.** It is prohibited for any person to solicit or accept payment for referral of a passenger to a motor vehicle for hire, or for any person or business, firm, association, or corporation to act in concert with or on behalf of another person or persons to solicit or accept payments for the referral of passengers to a motor vehicle for hire. This prohibition does not include payment for legitimate advertising placement, such as placement of flyers or posters, or legitimate commissions provided by tour companies that do not operate on demand. Advertising or commission payments exempted herein must be documented, and said documentation must be provided to the Director when requested. The penalties for violation of Subsection 16.40.920 B. are Class A violations.

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- C.** It is prohibited for any person to solicit or accept gifts and/or gratuities or anything of value from any holder of a City of Portland company, vehicle, or driver permit, except as authorized in this chapter, in return for any dispatch call, assignment, vehicle, or shift. The penalties for violation of Subsection 16.40.920 C. are Class A violations.
- D.** If a Limousine, Executive Town Car, Taxi Cab, Shuttle, or other for-hire vehicle is in a marked hotel zone, it is a rebuttable presumption that it is parked there to provide PFHT services pursuant to Subsections 16.40.180 E., 16.40.280 E., 16.40.380 F., 16.40.480 F., 16.40.680 F., and 16.40.740 E. Taxis, Shuttles, Executive Town Cars, and Limousines parked in a hotel zone must provide properly documented logbook entry when requested by the Director. The penalties for violation of Subsection 16.40.920 D. are Class B violations.
- E.** For-hire vehicles, other than Taxi Vehicles, shall not park in taxi zones and may not park in hotel zones without a reservation or request for service. The penalties for violation of Subsection 16.40.920 E. are Class B violations.
- F.** Taxi Vehicles may not park in a hotel zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatched call/request for service must be documented and available for review by any authorized enforcement officer inspecting logs in the field. The penalties for violation of Subsection 16.40.920 F. are Class B violations.

16.40.925 Fare Calculation and Payment Methods.

(Added by Ordinance No. 188972, effective June 29, 2018.)

- A.** Drivers must use a company-approved device at all times to calculate fares and process payments.
- B.** A company-approved device must be:

 - 1.** Payment Card Industry (PCI) compliant
 - 2.** A centralized system or application that can electronically calculate fares, process payments, and produce a receipt.
 - 3.** All funds received by the device must be deposited into a centralized account approved by the permitted company.
- C.** If the primary company-approved device is inoperable, drivers may use a secondary company-approved device, if available and meets the requirements of above Subsections A. and B. If no such system exists, the driver must cease providing PFHT services until the company-approved device is operable.

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16.40.930 Civil Penalties and Penalty Table.

- A.** Any civil penalty assessed must be paid in full within the time ordered and under the terms and conditions specified. If the payment is not made or the required conditions are not met, the penalty will become a suspension, which will take effect immediately upon the deadline given for payment of the civil penalty. The suspension will remain in effect until the penalty is paid in full and/or the conditions required are met. No new certifications, permits, or renewals will be issued until all penalties are paid.
- B.** Unless a specific civil penalty amount is prescribed by any section of this chapter, penalties for specific code and administrative violations are found in the Civil Penalty Table in Section 16.40.930. Any violation of a Code Section that is not found in the Civil Penalty Table and which is not specifically prescribed by a Code Section, but which places an obligation or requirement on a driver or company, will result in an unclassified penalty described in the Civil Penalty Table.
- C.** The following table outlines the penalties that will be assessed for a violation of the specific Code Sections or Subsections listed:

Violation	1st Offense	2nd Offense	3rd Offense	Subsequent Offenses
Class A	\$1,250	\$2,500	\$5,000	Suspension/Revocation of Certification
Class B	\$1,000	\$1,500	\$2,500	Suspension/Revocation of Certification
Class C	\$500	\$750	\$1,000	Suspension/Revocation of Certification
Class D	\$250	\$500	\$750	Suspension/Revocation of Certification
Unclassified	\$250	\$500	\$750	Suspension/Revocation of Certification

- D.** In addition to the civil penalty and the suspension and revocation provisions in Section 16.40.940, any second offense is grounds for suspension of the permit, and any third or subsequent offense is grounds for revocation of the permit.
- E.** Offenses are measured by a period of 36 months. Offenses for the same violation that occurs more than 36 months apart from each other are not considered “subsequent” offenses for purposes of them being the “second,” “third,” etc. offense.

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- F. Nothing in this section prohibits the Bureau from suspending or revoking any driver, permit, certification, decal, or taxiplate after a third offense for the same violation.

16.40.935 Vehicle Age Exemption.

Vehicle Age Limit Exemption. A 2-year Vehicle Age Limit Exemption (VAE) can be issued to category vehicles outlined in Administrative Rule. Vehicles currently more than 10 years of age are not excluded. The VAE was established for vehicles in which the registered owners have made a significant investment to purchase, maintain, refurbish, customize, or restore a vehicle.

- A. All vehicles must conform with all the requirements outlined in Administrative Rules.
- B. All vehicles are subject to all vehicle requirements of Chapter 16.40.

16.40.940 Permit Suspension, Revocation and Cancellation.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A. Suspension. Any permit, certification, decal, or taxiplate issued under Chapter 16.40 may be suspended by the Director if the Director finds reasonable grounds to believe that any of the following apply:
 - 1. A temporary suspension is necessary to protect the public safety;
 - 2. The permittee's insurance is not current;
 - 3. The permittee has failed to fully pay a civil penalty when due and the permittee did not file a timely appeal; or
 - 4. At any time, the permittee fails or no longer meets or complies with any section of this chapter.
- B. Revocation. Any permit, certification, decal, or taxiplate issued under Chapter 16.40 may be revoked by the Director if the Director finds reasonable grounds to believe that any of the following apply:
 - 1. The revocation is necessary to protect the public safety;
 - 2. The permittee did not comply with the terms and conditions of a temporary suspension;
 - 3. The permittee is found operating as a for-hire company or driver while on suspension;

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4. Permittee has fraudulently altered the calibration of the driver's taximeter or computer/application based metered system;
 5. The permittee has provided either the City, an insurance agent, or an insurance carrier with materially false information regarding vehicle insurance; or
 6. The permittee has incurred a total of five penalties and/or suspensions during any consecutive 12-month period.
- C.** Simultaneous Revocation. In the event that a PFHT company permit is revoked, all vehicle decals, certifications, and/or taxiplates assigned to that company are simultaneously revoked and void.
- D.** Notice Requirements for Revocations and Suspensions. If the Director has reasonable grounds to move against a permit based on any factor found in Subsections 16.40.940 A. or B., the Director will send a "Notice of Proposed Suspension" or a "Notice of Proposed Revocation" to the permittee by both regular mail and certified mail (return receipt requested). The City may send a courtesy copy to the permittee by email at an email address the permittee has placed on file with the City. The written notice must include the following:
1. The Director's findings concerning the alleged violation;
 2. Notice that alleged violator has 10 business days from the date of the letter in which to file a written response to the Director if the permittee denies that any violation has occurred;
 3. The terms, conditions, and timeframe of the proposed suspension, if applicable; and
 4. The permittee's appeal rights, including a statement informing the driver of the Director's position regarding a stay of the decision pending appeal.
- E.** Actual Notice Presumed. Actual notice of the proposed suspension or revocation is presumed after 5 days of mailing the notices described in Subsections 16.40.940 D.
- F.** Effective Date of Suspensions and Revocations. Suspensions and revocations automatically take effect 10 business days after the date of the City's notice as provided in Subsections 16.40.940 D. and E., except that they are effective immediately if the Director finds reasonable grounds to believe that:
1. A permittee is not covered by liability insurance as required by Sections 16.40.130 or 16.40.230, 16.40.330, 16.40.430, 16.40.630, 16.40.530, or 16.40.830; or

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2. Continued operation by the permittee would cause, or is likely to cause, an unreasonable risk of harm to public health or safety.
 3. A permittee has refused to submit to a required compliance audit.
- G.** Suspension Length. If the suspension resulted from failing to meet code requirements, failure to pay a civil penalty, or due to an ongoing code violation, the suspension continues until the penalty is paid or the violation is corrected. The permittee must not operate until they have satisfied the City or certifying authority's requirements that all penalties are paid and the violation has been corrected.
- H.** Right to a Stay. The City will apply Subsection 16.40.950 G. to determine if the City will stay a suspension or revocation pending appeal.
- I.** Renewal Not Allowed After Revocation or During Suspensions. Permits, decals, and taxiplates that have been revoked during their term are not renewable. Permits, certifications, decals, and taxiplates that are in suspended status at the time of renewal are not renewable unless the suspension is for a specific number of days. Drivers and companies whose permits, decals, or taxiplates were not renewable due to a prior revocation or suspension are required to successfully complete the initial application process to obtain another permit, decal, or taxiplate.
- J.** Cancellation. The permit or certification approval authority created under this Chapter extends only to approving permits in conformance with all requirements of this Chapter.
 1. Certification authorities shall not issue a permit upon an application or facts that demonstrate failure to comply with any requirement of this Chapter.
 2. The City may cancel any permit issued, approved, or renewed in conflict with the provisions of this Chapter. To cancel a permit, the City will follow these procedures:
 - a. If the Director has reasonable grounds to cancel a permit, the Director will send a "Notice of Cancellation" to the permittee by both regular mail, and certified mail (return receipt requested). The City may send a courtesy copy to the permittee by email at an email address the permittee has placed on file with the city.
 3. Effect of cancellation. Cancellation of a permit voids the permit immediately. In all other respects a cancelled permit is deemed to have never existed. No person whose permit has been cancelled may conduct business until a valid permit or certification has been issued.

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4. Actual notice presumed. Actual notice of the cancellation is presumed five days after the latest date on which the City mailed a notice described in Subsection 16.40.940 J.2.a.

16.40.950 Criminal Penalties and General Appeals.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

- A. It is unlawful to tamper with a taximeter, TNC application, or to conduct any fraudulent scheme with the intent to overcharge charge any person a fare greater than that allowed by a PFHT company.
- B. Any violation of Subsection 16.40.950 A. is punishable upon conviction by a fine of not more than \$1,000 or imprisonment for not more than 6 months or both.
- C. In addition to the civil penalties listed in Section 16.40.930, any violation of Subsections 16.40.110 A. – C., 16.40.200 A. – C., 16.40.300 A. – C., 16.40.400 A. – C., 16.40.500 A. – C., 16.40.600 A. – C., 16.40.700 A. – C., and 16.40.800 A. is punishable, upon conviction, by imprisonment for not more than 6 months.
- D. Vehicles operated for-hire in violation of Sections 16.40.160, 16.40.260, 16.40.360, 16.40.460, and 16.40.660 are subject to vehicle towing and impoundment.
- E. Civil Penalties Appeals. Any person or entity assessed a civil penalty may appeal that decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- F. Permit/Decal/Taxiplate Denials, Cancellations, Suspensions, and Revocations — Appeals and Exception.
 1. Any person or entity whose permit, certification, decal, or taxiplate application is denied, or whose permit, decal, or taxiplate is suspended or revoked, may appeal that decision to the Code Hearings Officer under the provisions of Chapter 22.10.
 2. If the suspension is due to a failure to timely pay a civil penalty when due, then the underlying reasons for the civil penalty may not be appealed to the Code Hearings Officer. In that situation, the person or entity may appeal only to the Code Hearings Officer to determine if the Bureau properly followed the notice requirements found in Section 16.40.940.
- G. Stays. If a timely appeal is made pursuant to this Section and does not meet the requirements in Subsection 16.40.940 F., the action appealed may be stayed pending the outcome of the appeal. This includes any civil penalty payment, suspension, or revocation.

16.40.960 PFHT Advisory Committee.

(Amended by Ordinance No. 188972, effective June 29, 2018.)

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- A.** The PFHT Board of Review shall hereby be dissolved, and any Board Order, Board Rule, or Board Regulation in effect prior to the passage of this ordinance has no legal effect and is hereby repealed.
- B.** There hereby is created a PFHT Advisory Committee, hereinafter referred to as “the Committee.”
- C.** Purpose. The PFHT Advisory Committee is a citizen advisory body, representing those with interests in PFHT in the City of Portland by:
1. Providing expertise and feedback to the public, Director, and City Council on Portland’s PFHT market, PFHT regulations, and policies, taking into consideration the full range of City goals and objectives.
 2. Providing recommendations for regulatory, code, and administrative rule changes affecting the PFHT operators and PFHT services, including service to people with disabilities.
 3. Monitoring the application and enforcement of regulations for their effectiveness in achieving the City’s goals.
 4. Recommending customer service, permitting, process, and compliance improvements to the Director and/or City Council.
 5. Providing input to ensure the budget of the City’s PFHT program is adequate to meet service goals and compliance with all requirements pursuant to Chapter 16.40.
- D.** Membership. The PFHT Advisory Committee shall consist of 19 diverse members with expertise, knowledge, and interest of PFHT in the City of Portland. Prospective members may apply to the Director on a form approved by the Director, and members shall be nominated by the Bureau Commissioner-in-Charge and approved by Council. The members shall be selected to provide representation of those persons concerned about PFHT service, PFHT operators, and PFHT drivers in the City of Portland. Members shall be appointed so that the Committee consists of one representative from each the following:
1. PBOT (non-voting member);
 2. The tourism industry;
 3. The Portland Commission of Disabilities;
 4. An at-large community member with a disability;
 5. The riding public;

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6. The Port of Portland;
 7. TriMet;
 8. A Taxi Company;
 9. A Taxi Driver;
 10. A TNC;
 11. A TNC Driver;
 12. An LPT Company;
 13. An LPT Driver;
 14. A Shuttle Company;
 15. A Shuttle Driver;
 16. A Limousine or Party Bus Company;
 17. A Tour Bus Company;
 18. A Pedicab Company; and
 19. An NEMT Company.
- E.** Appointments and Terms. Appointment to the PFHT Advisory Committee shall be for a 3-year term. If a position is vacated during a term, it shall be filled for the unexpired term by an appointee selected by the Commissioner-in-Charge. Members of the PFHT Advisory Committee shall serve no two or more complete 3-year terms.
- F.** Meetings, Officers, and Subcommittees.
1. The PFHT Advisory Committee shall meet at least five times each calendar year and otherwise as necessary to conduct its business. Meetings shall be conducted in accordance with adopted rules of procedure. A quorum shall be necessary of voting members to make decisions that represent the position of the PFHT Advisory Committee and to conduct any other Committee responsibilities.
 2. The officers of the Committee shall consist of a chairperson and a vice-chairperson. The chairperson shall be responsible for conducting the

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meetings of the committee. The vice-chairperson shall act as chair when the chairperson is not available.

3. The PFHT Advisory Committee may divide its members into subcommittees that are authorized to act on behalf of the committee for an assigned purpose. Subcommittee actions require the affirmative vote of at least three members.
- G. Attendance. Members of the PFHT 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.
- H. PBOT shall provide staff and appropriate assistance for the Board.
- I. All members of the Committee shall serve without pay, except that they may receive their regular salary during the time spent on matters of the Committee.

16.40.970 Director and Committee Authority and Process.

- A. The Director may adopt and implement administrative rules, procedures, forms, and written policies for administering the provisions of Chapter 16.40 under the authority granted under Section 16.40.010.
- B. The Committee may vote to adopt written recommendations to the Director and/or Bureau Commissioner-in-Charge pertaining to any provisions to Chapter 16.40 and all matters pertaining to PFHT.
- C. Before a recommendation is adopted, the Committee chairperson must first provide notice of the proposed recommendation to the public in a manner reasonably calculated to accomplish such notice (assistance shall be provided by Bureau staff). 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.
- D. In addition to the general notice required in Subsection 16.40.970 C., the Committee chairperson must also announce the proposed recommendation at a regularly scheduled Committee meeting (the “Announcement Meeting”) prior to the meeting in which public testimony will take place (the “Testimony Meeting”). At the Announcement Meeting, the Committee chairperson will provide a copy of the proposed recommendation to anyone in attendance that so requests, and the Committee chairperson will announce the date and time of the Testimony Meeting. The Testimony Meeting must take place no less than 14 days or more than 75 days from the Announcement Meeting.

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- E.** At the Testimony Meeting, the Director and the Committee will receive oral and written testimony concerning the proposed rule by any Committee member. Upon completion of the public testimony, the Committee may then vote to either:
- 1.** Adopt the proposed recommendation as originally proposed;
 - 2.** Adopt a slightly modified version of the originally proposed recommendation;
 - 3.** Move that a substantially modified version of the originally proposed recommendation be considered at a later Committee Meeting and with additional public testimony; or
 - 4.** Withdraw the proposed recommendation altogether and allow no further vote on it.
- F.** If no Committee member seconds a Committee member's motion under Subsections 16.40.970 E.1. – F.3. above, then the proposed recommendation does not take effect. Any Committee member may make the motion to adopt a proposed recommendation.
- G.** If a Committee member seconds the motion to adopt the proposed recommendation under Subsections 16.40.970 E.1. or E.2., the Committee will then consider and discuss the proposed recommendation, taking into account any public testimony received. Upon completion of the Committee's discussion, the Committee chairperson will then call for a vote on the proposed recommendation. If a majority of the Committee votes to adopt the recommendation, it is thereby adopted.
- H.** If Committee member seconds a motion under Subsection 16.40.970 E.3., then additional public review must be conducted, but no additional public notice is required if an announcement is made at the Testimony Meeting of a future hearing for a date, time, and place certain at which the substantially modified rule will be discussed. After the additional testimony is received at the future hearing date, the proposed recommendation will be subject to the discussion, testimony, and voting procedures found in Subsections 16.40.970 E. – G.
- I.** Recommendations for Rule Adoption and Code Revisions. At the recommendation of the PFHT Advisory Committee, the Director may adopt administrative rules pursuant to Section 16.40.970 and may provide to the Bureau Commissioner-in-Charge a recommendation to revise any sections here within Chapter 16.40.
- J.** Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director will be filed in the Bureau's office and posted on the Bureau's website. Copies of all current rules will be made available to the public upon request.

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- K.** Notwithstanding Subsections 16.40.970 I. and J., the Director may adopt an interim rule without prior public notice or Committee action upon a finding that a failure to act promptly will likely result in prejudice to the public interest or the interest of the affected parties. If the Director adopts a rule under this Subsection, the Director must state the specific reasons for such prejudice. Any interim rule adopted pursuant to this Subsection is effective for a period of no longer than 120 days.
- L.** Administrative rules adopted pursuant to Section 16.40.970 have the same force and effect as any other provision of Chapter 16.40. To the extent that any administrative rule conflicts with the provisions of Chapter 16.40, Chapter 16.40 will control and prevail.
- M.** Before a rule is adopted, the Director must first provide notice of the proposed rule to the public in a manner reasonably calculated to accomplish such notice. 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.
- N.** In addition to the general notice required in Subsection 16.40.970 N., the Director must also announce the proposed rule at a regularly scheduled Committee meeting (the “Announcement Meeting”) prior to the meeting in which public testimony will take place (the “Testimony Meeting”). At the Announcement Meeting, the Director will provide a copy of the proposed rule to anyone in attendance that so requests, and the Director will announce the date and time of the Testimony Meeting. The Testimony Meeting must take place no less than 14 days or more than 75 days from the Announcement Meeting.
- O.** At the Testimony Meeting, the Director and the Committee may will receive oral and written testimony concerning the proposed rule. Upon completion of the public testimony, the Director may then choose, at the Director’s sole discretion, to either:
1. Move to adopt the proposed rule as originally proposed;
 2. Move to adopt a slightly modified version of the originally propose rule;
 3. Move that a substantially modified version of the originally proposed rule be considered at a later Committee Meeting and with additional public testimony; or
 4. Withdraw the proposed rule altogether and allow no further vote on it.
- P.** Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director shall be filed in the Bureau’s office and posted on the Bureau’s website. Copies of all current rules will be made available to the public upon request.

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- Q.** Revisions to Chapter 16.40 may be presented to Council for consideration by the Transportation Commissioner-in-Charge.

16.40.980 Currently Permitted Companies, Vehicles, and Drivers Grandfathered — Renewal Process.

- A.** All companies that are currently permitted, and all valid, current decals, taxiplates, and certifications issued by the City on the effective date in this Chapter do not need to reapply for new permits, decals, taxiplates, or certifications or provide additional proof of valid insurance but must otherwise adhere to all the requirements as found in this Chapter.
- B.** To achieve the goal of staggered renewal dates, the Director may, by administrative rule, require that the initial permit term of some permittees be for less than the 12-month term required pursuant to Chapter 16.40. The fees associated with any permit terms that are less than the 12-month requirement will be prorated as necessary to reflect the shorter permit duration.
- C.** The effective date of any requirement in this Chapter applicable to the operation of a non-motorized PFHT vehicle or provision of non-motorized PFHT and Non-Emergency Medical Transportation (NEMT) Companies/Specially Attended Transportation (SAT) Companies, NEMT/SAT Vehicles, NEMT/SAT Services, and NEMT/SAT Drivers is suspended until such time that alternate provisions in Chapter 16.40 pertaining to non-motorized and NEMT/SAT companies, drivers, or vehicles are adopted by City Council.
- D.** The Director may, by administrative rule, suspend any requirement in this Chapter for a period of 180 days that will likely result in prejudice to the public interest or the interest of the affected parties.

16.40.995 Severability.

If a court of law finds any provision of this Chapter invalid or unenforceable as to any person, business, or circumstance, then that provision is considered severed from this Chapter. The severed provision has no effect on the remainder of the Chapter or its application to other persons, businesses, and circumstances.

CHAPTER 16.48 - TAXICAB REGULATIONS

(Chapter added by Ordinance No. 139316;
Replaced by Ordinance No. 147243; Repealed by
Ordinance No. 165189; Reinstated by Ordinance
No. 165522, and repealed by Ordinance No.
165947, effective October 28, 1992.)

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CHAPTER 16.50 - MASS TRANSIT

Sections:

- 16.50.001 Purpose.
- 16.50.100 Designation of Transit Lanes.
- 16.50.110 Designation of the Transit Mall and Auxiliary Vehicular Lanes.
- 16.50.200 Prohibited Use of Transit Lanes, Transit Mall and Auxiliary Vehicular Lanes.
- 16.50.300 Vehicles Allowed In Transit Lanes, Auxiliary Vehicular Lanes and on the Transit Mall.
- 16.50.400 Vehicles Allowed in Non Transit Mall Transit Lanes During Certain Hours.
- 16.50.410 Vehicles Allowed on the Transit Mall and Auxiliary Vehicular Lanes by Permit.
- 16.50.500 Regulation and Permit Procedure.

16.50.001 Purpose.

(Amended by Ordinance No. 182921, effective June 17, 2009.) This section describes how mass transit lanes, the Transit Mall and Auxiliary Vehicular Lanes are designated, the regulations that apply, and which vehicles may use them.

16.50.100 Designation of Transit Lanes.

(Amended by Ordinance No. 182921, effective June 17, 2009.) Designation of transit lanes, excluding the Transit Mall and Auxiliary Vehicular Lanes separately designated herein will be made by the City Traffic Engineer upon advice of the City Engineer and the Tri-County Metropolitan Transportation District of Oregon (TriMet). Designation will be shown by official signs or markings. Signs or markings will distinguish whether the transit lane may be used by:

- A. Bus only;
- B. Light rail vehicle only;
- C. Trolley or streetcar vehicle; or
- D. Carpool vehicle only; or some combination of the above.

16.50.110 Designation of the Transit Mall and Auxiliary Vehicular Lanes.

(Added by Ordinance No. 182921, effective June 17, 2009.) The Transit Mall is hereby designated to be that portion of 5th Avenue and 6th Avenue between NW Irving Street and SW Jackson Street including NW Irving Street between NW 5th Avenue and NW 6th Avenue, and SW Morrison and Yamhill Streets between SW 4th Avenue and SW Broadway specifically designated with official signs or marking for the use of transit vehicles. The automobile lanes on 5th Avenue, 6th Avenue, NW Irving Street, SW Morrison Street and SW Yamhill Street adjacent the Transit Mall are hereby designated as Auxiliary Vehicular Lanes for purposes of this Section.

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16.50.200 Prohibited Use of Transit Lanes, Transit Mall and Auxiliary Vehicular Lanes.
(Amended by Ordinance No. 182921, effective June 17, 2009.)

- A. Except as otherwise provided for in this Section, no vehicle may enter upon, park on, or use an officially designated transit lane, or the Transit Mall.
- B. Restrictions on transit lane use will vary depending on whether the lane is designated for light rail, motor bus, trolley, or carpool use.
- C. Except as otherwise provided for in this Section, no vehicle may stop or park on Auxiliary Vehicular Lanes except vehicles acting in compliance with law, or at the direction of a police officer or a control device or Multnomah County prisoner transfer vehicles actively transferring people.
- D. Except vehicles may cross the Transit mall to ingress or egress the following driveways provided that the vehicles shall obey all applicable traffic control devices:
 - 1. The driveway located on the west side of SW 5th Avenue immediately south of SW Jefferson Street.
 - 2. The first two driveways located on the west side of SW 5th Avenue immediately north of SW College Street.
 - 3. The driveway located on the west side of SW 5th Avenue immediately south of SW Harrison Street.

16.50.300 Vehicles Allowed In Transit Lanes, Auxiliary Vehicular Lanes and on the Transit Mall.

(Amended by Ordinance Nos. 182921 and 183979, effective August 13, 2010.) The following vehicles may enter upon, stop or park in a transit lane or the Transit Mall:

- A. A vehicle owned or operated by the Tri-County Metropolitan Transportation District of Oregon.
- B. A vehicle so allowed by the terms of a maintenance contract with the City of Portland or TriMet or City Transportation maintenance crews engaged in maintenance.
- C. A police, fire, ambulance, or outpatient vehicle, if performing emergency services.
- D. A vehicle and equipment engaged in emergency response:
 - 1. Towing;
 - 2. Snow removal; or

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3. Street, sewer, utility, bus or fire alarm repair.

E. Street Car.

16.50.400 Vehicles Allowed in Non Transit Mall Transit Lanes During Certain Hours.
(Amended by Ordinance Nos. 173627, 182389 and 182921, effective June 17, 2009.)

A. A vehicle may enter upon and park in a transit lane if the lane is closed by a street closure permit from the City Engineer per Title 17 and if the vehicle is specifically authorized to do so by the street closure permit.

B. A vehicle with a travel lane parking permit (16.20.550) or an angle loading permit (16.20.540) may park in a transit lane if authorized to do so by the permit.

C. A public utility or construction vehicle engaged in work on or adjacent to a transit lane may enter upon, park, and use transit lanes designated for bus-only use except during the following hours: 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, after giving notification as required by regulations governing the Special Traffic Control District (17.23.050).

D. A public utility or construction vehicle engaged in work on or adjacent to a transit lane may enter upon, park, and use transit lanes designated for bus-only use between the hours of 7 a.m. to 9 a.m. and/or 4 p.m. to 6 p.m., Monday through Friday, when specifically allowed during this time by a permit from the City Traffic Engineer. The City Traffic Engineer will notify Tri-Met and the City Engineer before issuing such a permit.

E. A vehicle requiring direct access to properties facing a transit lane for ingress/egress or special loading may enter upon and use (but not park in) the transit lane(s) between 7 p.m. and 6 a.m. A permit from the City Traffic Engineer is required for this access between 6 a.m. and 7 p.m.

F. A taxicab, for hire vehicle, delivery vehicle, maintenance vehicle, or garbage truck may enter certain transit lanes during times established by the Bureau of Transportation's Administrative Rules.

16.50.410 Vehicles Allowed on the Transit Mall and Auxiliary Vehicular Lanes by Permit.

(Added by Ordinance No. 182921; Amended by Ordinance No. 183979, effective August 13, 2010.)

A. A public utility or construction vehicle engaged on or adjacent to the Transit Mall may enter upon, park and use the Transit Mall and/or the Auxiliary Vehicular Lanes if the Transit Mall and/or Auxiliary Vehicular Lanes are closed by permit from the City Engineer per Title 17, or TriMet access permit, and the vehicle is specifically authorized to do so by the permit.

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- B.** Except in the case of emergency and as otherwise provided for herein, the City Engineer shall not issue permits for the use of Auxiliary Vehicular Lanes between the hours of 6:00 AM and 7:00 PM Monday through Friday. The City Engineer may issue permits for Saturday and/or Sunday, but permits shall not be short term closures as required for operational safety of the service provider and shall not interrupt TriMet service.

 - 1.** “Emergency” shall mean any unscheduled repair of existing facilities which must be accomplished immediately to protect the life, health and well being of the public, or to protect public or private property. Under this definition, “emergency” work shall encompass only immediately required repairs and shall not include extensive replacement or upgrading of the facility.
- C.** The City Engineer may issue permits for the use of Auxiliary Vehicular Lane on SW 6th Avenue between SW Taylor and SW Morrison Streets to accommodate events permitted and authorized by Pioneer Courthouse Square, Inc. as may be deemed appropriate in the judgment of the City Engineer.
- D.** All permits shall include a traffic control plan approved by the City Engineer and Tri-County Metropolitan Transportation District of Oregon (TriMet).

16.50.500 Regulation and Permit Procedure.

- A.** The Traffic Engineer must notify the Tri-County Metropolitan Transportation District of Oregon of any rule, regulation or permit proposed to be issued under this chapter. The rule, regulation or permit will become effective on a date agreed upon by both parties. In the event of disagreement between Tri-Met and the Traffic Engineer, the City Council will determine whether the rule be adopted or the permit issued based upon the amount of interference to mass transit operations.
- B.** No limitation or prohibition of use herein applies to vehicles on a street intersecting or crossing a transit lane unless it is specifically designated as a transit lane.

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CHAPTER 16.60 - MOTOR VEHICLE FUELS

(Chapter added by Ordinance No. 180313, effective
August 11, 2006.)

Sections:

- 16.60.010 Definitions.
- 16.60.020 Biofuel Requirements.
- 16.60.025 Additional Regulation in the 122nd Avenue Subdistrict.
- 16.60.030 Exemptions.
- 16.60.040 Enforcement and Notice of Violation.
- 16.60.050 Penalties.
- 16.60.060 Disclosure.
- 16.60.070 Additional Regulations.

16.60.010 Definitions.

(Amended by Ordinance No. 180671, effective January 12, 2007.) As used in this Chapter, the following terms shall be defined as provided in this section:

- A.** “B5 Fuel” means a fuel mixture consisting of 5% Biodiesel and 95% Diesel Fuel.
- B.** “B10 Fuel” means a fuel mixture consisting of 10% Biodiesel and 90% Diesel Fuel.
- C.** “B20 Fuel” means a fuel mixture consisting of 20% Biodiesel and 80% Diesel Fuel.
- D.** “Biodiesel blend stock” means 100% biodiesel fuel utilized for the purpose of blending with diesel fuel.
- E.** “Biodiesel fuel” means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet the registration requirements for fuels and fuel additives established by the federal Environmental Protection Agency and standards established by the American Society of Testing and Materials (ASTM).
- F.** “Biofuel” means any fuel that is derived from plant or animal matter that meets the registration requirements for fuels and fuel additives established by the federal Environmental Protection Agency and standards established by the American Society of Testing and Materials (ASTM) as determined by the Director of the Bureau of Development Services under Section 16.60.020.D. For the purposes of this Chapter, Biofuel shall include Biodiesel and Ethanol.
- G.** “Diesel” means petroleum based liquid that is suitable for use as a fuel in diesel powered vehicles.
- H.** “E10” means a fuel mixture of 10% ethanol and 90% gasoline.

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- I. “Ethanol” means ethyl alcohol, a flammable liquid used or sold for the purpose of blending or mixing with gasoline.
- J. “Feedstock” means the plant or animal matter from which a biofuel is derived.
- K. “Fuel” means all gasoline or diesel sold within the City of Portland for the purpose of operating motor vehicles on public roadways.
- L. “Fuel distributor” means a person that causes the transportation or storage of fuel at any point between a refinery or importer’s facility and any retail outlet or wholesale purchaser-consumer within the City of Portland.
- M. “Gasoline” means any fuel sold for use in spark ignition engines.
- N. “Motor Vehicle” means every inanimate vehicle which is self-propelled. For the purposes of this Chapter, the definition of motor vehicle shall not include aircraft, watercraft, or locomotives.
- O. “Nonretail dealer” means any person who owns, operates, controls or supervises an establishment at which motor vehicles fuel is dispensed through a car or key-activated fuel dispensing device to nonretail customers.
- P. “Reseller” means a person who purchases fuel and resells or transfers it to a retailer or wholesale purchaser-consumer within the City of Portland.
- Q. “Retail outlet” means any establishment within the City of Portland at which fuel is sold or offered for sale to the ultimate consumer for use in motor vehicles.
- R. “Retailer” means any person who owns, leases, operates, controls or supervises a retail outlet within the City of Portland.
- S. “Wholesale purchaser-consumer” means any organization within the City of Portland that is an ultimate consumer of fuel, and which purchases or obtains diesel or gasoline from a fuel distributor or reseller for use in motor vehicles, and receives delivery of that product into a storage tank or directly into a vehicle’s tank.

16.60.020 Biofuel Requirements.

(Amended by Ordinance No. 180671, effective January 12, 2007.)

- A.
 - 1. On and after July 1, 2007, all diesel fuel sold by fuel distributors or resellers to fuel retailers, nonretail dealers or wholesale purchaser-consumers within the City of Portland shall contain a minimum blend of 5% Biodiesel (B5 fuel).

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2. On and after August 15, 2007, all diesel fuel sold by fuel retailers, dispensed by nonretail dealers or purchased by wholesale purchaser-consumers within the City of Portland shall contain a minimum blend of 5% Biodiesel (B5 fuel).

B.

1. On and after July 1, 2010, all diesel fuel sold by fuel distributors or resellers to fuel retailers, nonretail dealers or wholesale purchaser-consumers within the City of Portland shall contain a minimum blend of 10% Biodiesel (B10 fuel).
2. On and after July 1, 2010, all diesel fuel sold by fuel retailers, dispensed by nonretailer dealers or purchased by wholesale purchaser-consumers within the City of Portland shall contain a minimum blend of 10% Biodiesel (B10 fuel).

C.

1. On and after September 16, 2007, all gasoline sold by fuel distributors or resellers to fuel retailers, nonretail dealers or wholesale purchaser-consumers within City of Portland shall contain a minimum blend of 10% ethanol (E10 fuel). This requirement shall remain in effect on a year round basis.
2. On and after November 1, 2007, all gasoline sold by fuel retailers, dispensed by nonretailer dealers or purchased by wholesale purchaser-consumers within City of Portland shall contain a minimum blend of 10% ethanol (E10 fuel). This requirement shall remain in effect on a year round basis.

- D.** The Director of the Bureau of Development Services shall establish, and revise as necessary, standards for biofuels sold in the City of Portland. The Director shall consult specifications established for biofuels by the American Society for Testing and Materials, the Oregon Department of Agriculture or similar specifications, in forming its standards.

- E.** Biodiesel produced from a feedstock of palm oil may not be used to satisfy the requirements of this Chapter.

- F.** The Bureau of Development Services shall study and monitor biodiesel production, use and sales in Oregon and in the City of Portland. When the production of biodiesel from Oregon grown feedstock and used cooking oil reaches a level of at least two million five hundred thousand gallons on an annualized basis for at least three months, the Bureau of Development Services shall notify all fuel distributors, resellers, retailers, nonretail dealers and wholesale-purchaser consumers that:

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1. The production of biodiesel from Oregon grown feedstock and used cooking oil has reached the level described above; and
 2. That three months from the date of the notice, all biodiesel used for the purposes of satisfying the requirements of this Chapter shall contain a minimum of 50% (by volume) of biodiesel produced from used cooking oil and/or feedstock from the Genera Brassica, Camelina, Helianthus or Carthamus.
- G.** Fuel retailers shall be required to conspicuously place signage denoting the type of biofuel mixture available for sale by the fuel retailer in accordance with the labeling guidelines or rules established by the Oregon Department of Agriculture. For example, B5 fuel shall be labeled “B5 Biodiesel Blend.”

16.60.025 Additional Regulation in the 122nd Avenue Subdistrict.

(Added by Ordinance No. 180372; amended by Ordinance 180671, effective January 12, 2007.) Effective July 1, 2007, in the 122nd Avenue subdistrict of the East Corridor plan district, all fuel vendors established under the provisions of Subsection 33.521.300. F. of Title 33, Planning and Zoning, must sell a minimum blend of 20% Biodiesel (B20 fuel) at one or more pumps.

16.60.030 Exemptions.

(Amended by Ordinance No. 180671, effective January 12, 2007.)

- A.** Any retailer who offers a biodiesel blend of 20% (B20 fuel) or greater shall be exempt from the requirements of Section 16.60.020 (A) and (B), and may also provide for sale, on the same site or a contiguous site, diesel fuel which does not contain biodiesel.
- B.** The Director of the Bureau of Development Services may temporarily suspend or modify the minimum biofuel content requirements of this Chapter based on a determination that such requirements are temporarily infeasible due to economic or technical circumstances. The Director’s determination shall be made by filing a report with the City Council.
- C.** The requirements of this Chapter do not apply to fuel used for the operation of railroad locomotives, watercraft or aircraft.
- D.** Nothing in this Chapter is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using up to eighty-five percent ethanol fuel blends.

16.60.040 Enforcement and Notice of Violation.

(Amended by Ordinance No. 180671, effective January 12, 2007.)

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- A.** The Director of the Bureau of Development Services, or designee, upon determining that a violation of this code or regulations duly adopted pursuant to this Chapter has occurred, shall issue a written notice of the violation by certified mail to the fuel distributor, reseller or retailer identifying the violation and applicable penalty.
- B.** The fuel distributor, reseller or retailer shall, upon receipt of a notice of violation, correct the violation and pay to the City the stated penalty or appeal the finding of a violation to the Code Hearings Officer within 10 days of receipt of the notice.
- C.** A determination issued pursuant to Section 16.60.040.A may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of City Code.

16.60.050 Penalties.

Violations of this Chapter may be punishable by fines as follows:

- A.** A fine of up to \$5,000 for the first violation;
- B.** A fine of up to \$10,000 for each subsequent violation.

16.60.060 Disclosure.

(Amended by Ordinance No. 180671, effective January 12, 2007.) For all sales of biofuels blended products by fuel distributors or resellers for the purposes of meeting this Chapter, the distributor or reseller must provide a bill of lading or shipping manifest disclosing biofuel content, stating volume percentage, gallons of biofuel per gallon base stock, or an “Bxx” or “Exx” designation where “xx” denotes the volume percent biofuel included in the blended product, and the feedstock from which the biofuel was derived.

16.60.070 Additional Regulations.

(Amended by Ordinance No. 180671, effective January 12, 2007.)

- A.** The Bureau of Development Services is authorized to promulgate administrative rules and take other actions reasonable and necessary to enforce this Chapter.

CHAPTER 16.65 - FUNERAL PROCESSIONS

(Chapter added by Ordinance No. 176022, effective
November 16, 2001.)

Section:

16.65.010 Funeral Processions.

16.65.010 Funeral Processions.

As used in this Section, funeral procession means four or more motor vehicles accompanying the body of a deceased person in the daytime, when each of such vehicles has its headlights lighted.

- A.** Pedestrians and the operators of all vehicles, except emergency vehicles, must yield the right-of-way to each vehicle which is a part of a funeral procession. Whenever the lead vehicle in the funeral procession lawfully enters an intersection, the remainder of the vehicles in such a procession may continue to follow such lead vehicle through the intersection notwithstanding any traffic control device or right-of-way provisions prescribed by statute or ordinance, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the streets or highway.
- B.** No person may operate any vehicle as part of a funeral procession without having the headlights of such vehicle lighted.
- C.** No operator of a vehicle may drive between vehicles in a funeral procession which are properly identified while the procession is in motion, except when directed to do so by a police officer.

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**CHAPTER 16.70 - MISCELLANEOUS
REGULATIONS**

Sections:

- 16.70.001 Purpose.
- 16.70.200 Pedestrians.
- 16.70.210 Must Use Crosswalks.
- 16.70.220 Must Cross at Right Angles.
- 16.70.230 To Obey Directions of School Traffic Patrol and Crossing Guard.
- 16.70.240 Bridge Railings.
- 16.70.300 Bicycles.
- 16.70.310 Persons Riding Bicycles to Obey Traffic Regulations.
- 16.70.320 Operating Rules.
- 16.70.330 Impounding Bicycles.
- 16.70.340 Renting Bicycles.
- 16.70.400 Other Transportation.
- 16.70.410 Roller Skates and Skateboards.
- 16.70.430 Train Switching Prohibited in Certain Areas
- 16.70.450 Off Street Parking Required for Trucks.
- 16.70.500 Traffic Regulations.
- 16.70.510 Trespassing - Leaving Pamphlet on Vehicle.
- 16.70.520 Hitching Onto Vehicle.
- 16.70.530 Central City Plan District Closed to Driving Lessons.
- 16.70.550 Vendor Traffic Regulations.
- 16.70.560 Traffic Regulations in Parks.
- 16.70.570 Inoperative Electric Traffic Control Signals.
- 16.70.600 Over Dimensional Vehicles.
- 16.70.610 General Prohibitions.
- 16.70.620 Exemptions.
- 16.70.630 Permits.
- 16.70.640 Limits of Authority to Issue Variance Permit.
- 16.70.650 Requirements, Conditions and Procedures for Issuance of Variance Permit;
Duration; Cancellation.
- 16.70.660 Permit Must Be Carried and Displayed.
- 16.70.670 Movement of Building or Other Structure Excluded.
- 16.70.680 Liability for Damage to Streets or Other Public Property.
- 16.70.690 Designation of Streets for Vehicles of Excess Weight or Size.
- 16.70.700 Traffic Congestion Thoroughfares.
- 16.70.710 Purpose.
- 16.70.720 Posting Signs.
- 16.70.730 Signs.
- 16.70.740 Acts Prohibited.
- 16.70.750 Penalty.
- 16.70.760 Subsequent Violation.

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- 16.70.770 Notice of Towing For Subsequent Violations.
- 16.70.800 Visibility.
- 16.70.810 Street Obstructions and Dangerous Conditions.
- 16.70.900 Reckless Driving.

16.70.001 Purpose.

This Section provides traffic regulations in addition to those of the Oregon Revised Statutes that apply in the City of Portland.

16.70.200 Pedestrians.

16.70.210 Must Use Crosswalks.

No pedestrian may cross a street other than within a crosswalk if within 150 feet of a crosswalk.

16.70.220 Must Cross at Right Angles.

A pedestrian must cross a street at right angles unless crossing within a crosswalk.

16.70.230 To Obey Directions of School Traffic Patrol and Crossing Guard.

At intersections where a member of the school traffic patrol or crossing guard is stationed for the safety of school children, all pedestrians must obey the directions of such school traffic patrol member or crossing guard. It is unlawful for any pedestrian to cross at any intersection where such patrol member or crossing guard is stationed contrary to the direction of such school traffic patrol member or crossing guard.

16.70.240 Bridge Railings.

No pedestrians may sit, stand on, or lean their torso over a Willamette River bridge railing unless engaged in bridge maintenance work or otherwise authorized by an appropriate government agency.

16.70.300 Bicycles.

16.70.310 Persons Riding Bicycles to Obey Traffic Regulations.

Every person riding a bicycle upon a roadway is subject to state law and the provisions of this Title applicable to the driver of a vehicle, except state law and those provisions of this Title which by their very nature can have no application.

16.70.320 Operating Rules.

(Amended by Ordinance No. 165594, effective July 8, 1992.) No person may:

- A. Leave a bicycle so that it obstructs vehicle or pedestrian traffic on a roadway, sidewalk, driveway, handicap access ramp, building entrance, or so that it prevents operation of a parking meter or newspaper rack;
- B. Leave a bicycle secured to a fire hydrant or to a police or fire call box;

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- C. Leave a bicycle on private property without consent of the owner or legal tenant. Consent is implied on private commercial property;
- D. Leave a bicycle on a street or other public property for more than 72 hours; or
- E. Ride a bicycle on a sidewalk, unless avoiding a traffic hazard in the immediate area, within the area bounded by and including SW Jefferson, Front Avenue, NW Hoyt and 13th Avenue, except:
 - 1. On sidewalks designated as bike lanes or paths;
 - 2. On the ramps or approaches to any Willamette River Bridge; or
 - 3. In the area bounded by the west property line of SW Ninth Avenue, the east property line of SW Park Avenue, the north property line of SW Jefferson and the south property line of SW Salmon Street.
 - 4. For police or special officers operating a bicycle in the course and scope of their duties; or
 - 5. For employees of the Association for Portland Progress and companies providing security services operating a bicycle in the course and scope of their duties. These employees must have in possession an identification card issued by the Chief of Police certifying the rider has completed a training course in the use of a bicycle for security patrol.

16.70.330 Impounding Bicycles.

- A. A bicycle left on a street or other public property for more than 72 hours may be impounded.
- B. A bicycle may be immediately impounded if:
 - 1. It is parked in violation of this code and obstructs or impedes pedestrian or vehicular traffic; or
 - 2. It is an immediate threat to the public welfare.
- C. The impounding agency must make reasonable efforts to notify the owner of the impoundment and a description of how and by what date the bicycle must be claimed.
- D. A fee may be charged to the owner of an impounded bicycle. No impoundment fee will be charged to the owner of a stolen bicycle that has been impounded.

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- E.** An impounded bicycle that remains unclaimed after 30 days may be disposed of in accordance with city procedures for disposal of abandoned or lost personal property.

16.70.340 Renting Bicycles.

No person may rent a bicycle to another person unless the bicycle is equipped as required by state law.

16.70.400 Other Transportation.

16.70.410 Roller Skates and Skateboards.

(Replaced by Ordinance No. 185596, effective September 5, 2012.)

- A.** No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any sidewalk within the area bounded by and including SW Jefferson, Naito Parkway, NW Hoyt and 13th Avenue. The middle and bisecting sidewalks in the Park Blocks are considered sidewalks for the purposes of this Subsection.
- B.** No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, roadway or sidewalk on
 - 1.** SW 5th or 6th Avenues between SW Lincoln and Burnside; and on
 - 2.** NW 5th or 6th Avenues between Burnside and Union Station.
- C.** No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, roadway or sidewalk between the hours of 10 p.m. and 7 a.m. on
 - 1.** SW Fairview Boulevard between SW Knights Boulevard and SW Kingston Avenue;
 - 2.** SW Kingston Avenue between SW Tichner Drive and the Washington Park entrance;
 - 3.** SW Tichner Drive between SW Kingston Avenue and SW Marconi Avenue;
 - 4.** SW Marconi Avenue;
 - 5.** SW Park Place between SW Marconi Avenue and SW Wright Avenue;
 - 6.** SW Lafayette Place;

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7. SW Hampshire Street between SW Lafayette Place and SW Champlain Drive;
 8. SW Champlain Drive between SW Hampshire Street and SW Rutland Terrace;
 9. SW Rutland Terrace; and
 10. West Burnside Street from Skyline Boulevard to SW Vista Avenue.
- D.** No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, roadway or sidewalk while attached in any manner to any motor vehicle on the roadway. In addition, a person shall not knowingly drive a motor vehicle that is towing a person riding same.
- E.** All persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power must while on a public street, traveling at less than the speed limit of the roadway shall yield to vehicles approaching from the rear by moving to the right curb or shoulder of the street.
- F.** During limited visibility conditions and between the hours of sunset and sunrise, all persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power must be equipped with and use lighting equipment that shows a white light visible from a distance of at least 500 feet to the front of the device.
- G.** During limited visibility conditions and between the hours of sunset and sunrise, all persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power must be equipped with and use lighting equipment that has a red reflector or lighting device or material of such size or characteristic and so mounted, carried or worn as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.
- H.** The penalty for failing to follow the rules of Subsections A. - G. shall be a minimum fine of \$115.
- I.** All persons under 16 years of age shall wear protective headgear when using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, sidewalk, or bridge. The penalty for failure to wear protective headgear as required in this subsection shall be a maximum fine of \$25.
- J.** Except for those provisions by their very nature can have no application, this subsection adopts the Oregon Motor Vehicle Code's rules of the road for vehicle

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drivers to regulate the use of roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon a public highway in the City. Riders of such devices are subject to the provisions applicable to, and have the same rights and duties provided any driver of a vehicle by the Oregon Vehicle Code concerning operating on highways except when otherwise specifically provided in this Code.

1. The penalty for failing to follow the rules of the road incorporated by Subsection J. shall be a fine of \$250.
 - a. First time offenders of this Code are eligible to participate in Share the Road or similar program in lieu of the fine.

K. This Section does not apply to bicycles as defined by Section 16.90.025 of this Code.

16.70.430 Train Switching Prohibited in Certain Areas.

- A.** On railroad tracks located in NW 12th Avenue between West Burnside and NW Hoyt Streets, and on railroad tracks located on NW Flanders Street, between NW 12th Avenue and NW Front Avenue, it is unlawful for any person to direct, cause, or permit switching movements of freight cars between the hours of 6 a.m. and 7 p.m.
- B.** No person may direct, cause, or permit any railroad equipment to be left or parked on the main line tracks of these streets.

16.70.450 Off-Street Parking Required for Trucks.

A person owning or controlling any truck or truck trailer must provide at his or her own expense complete off-street parking facilities for the storage of all such equipment.

16.70.500 Traffic Regulations.

16.70.510 Trespassing - Leaving Pamphlet On Vehicle.

(Amended by Ordinance No. 165987, November 12, 1992.)

- A.** It is unlawful for any person to ride or trespass upon or within any motor vehicle without the consent of the owner or operator thereof.
- B.** It is unlawful for any person to post, stick, or place upon or within any motor vehicle any card, notice, handbill, leaflet, pamphlet, survey, or similar matter without the consent of the owner or operator.
- C.** The provisions of this Section do not apply to any card, notice, handbill, leaflet, pamphlet, survey, or similar matter placed upon or within such motor vehicle by

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authority of law, by an authorized officer of the City, County, or State or by a designee of the City Traffic Engineer.

16.70.520 Hitching Onto Vehicle.

- A. It is unlawful for any person riding upon any vehicle, sled, or other conveyance to hitch or hold on to any part of another vehicle or conveyance for the purpose of being propelled or drawn along any street or highway within the City.
- B. Nothing contained in this Section is deemed to prohibit the coupling of one or more motor vehicles or motor vehicle and trailer in the manner approved by ORS 818.

16.70.530 Central City Plan District Closed to Driving Lessons.

It is unlawful for any person to give or receive lessons or instructions in driving or operating any vehicle upon any street, except interstate freeways, in the Central City Plan District except for access directly to and from an institution or business located in the Central City Plan District. This Section does not apply to an applicant for a motor vehicle operator's license when accompanied by an examiner from the office of the Department of Motor Vehicles of Oregon.

16.70.550 Vendor Traffic Regulations.

(Amended by Ordinance Nos. 165594, 166575, and 176585, effective July 5, 2002.)

- A. It is unlawful for any:
 - 1. Vehicle, cart, or temporary stand used to conduct business to be left unattended for 30 or more minutes or parked or stored over night on any public grounds, street, or highway. See also: 14A.50.030, 14A.50.040, 14A.50.050, 16.20.150 D., 16.60.100 F., 17.25, 17.26.
 - 2. Vendor to conduct business in a roadway adjacent to or directly across from residential property for a period longer than 10 minutes within any block face. Such vendor must vacate said block face for a period of 2 hours upon expiration of the 10-minute limit.
- B. Whenever, in the judgement of the Bureau of Police, traffic is or will be congested in and around an area being used by a vendor, the Bureau of Police is hereby given authority to cause said vendors to move and remain out of the congested area.

16.70.560 Traffic Regulations in Parks.

(Amended by Ordinance Nos. 165594 and 187564, effective January 27, 2016.)

- A. Except as otherwise provided in this Section, the provisions of this Title regulating street traffic and parking apply to driving or parking a vehicle in a City park or golf course.

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- B.** With approval of the Commissioner In Charge, the Director of Portland Parks & Recreation may restrict or prohibit traffic or types of traffic and parking in City parks as defined in Title 20. Signs giving notice of any restriction or prohibition imposed under this Subsection shall be posted and maintained by the Director of Portland Parks & Recreation in a conspicuous manner and place to inform the public. It is unlawful for any person to violate any restriction or prohibition imposed under this Subsection after notice thereof has been posted.
- C.** The Bureau of Police or the Director of Portland Parks & Recreation or the Director's designee has authority to enforce the provisions of this Section and is authorized to order that a vehicle parked in violation of such restrictions or prohibitions be towed in the manner provided in this Title.
- D.** The provisions of this Section do not apply to City authorized vehicles used in park or golf course service.

16.70.570 Inoperative Electric Traffic Control Signals.

An intersection with inoperative electric traffic control signals shall be treated as an uncontrolled intersection, unless other official traffic control devices have been erected at the intersection. This Section does not apply to freeway ramp metering signals operated by the Oregon Department of Transportation.

16.70.600 Over Dimensional Vehicles.

16.70.610 General Prohibitions.

- A.** It is unlawful for any person or owner to drive, move, or to cause or permit to be driven or moved on any street in the City any vehicle or combination of vehicles that:
 - 1.** Exceeds the weight or size limitations set forth in the Oregon Revised Statutes (ORS), Chapter 818;
 - 2.** Is not constructed or equipped as required by ORS 818;
 - 3.** Is dragging upon or over the surface of a street any log, pole, piling, or other thing;
 - 4.** Does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the street;
 - 5.** Is so constructed or loaded so as to allow its contents to drop, sift, leak, or otherwise escape therefrom; or
 - 6.** Violates any other provisions of this Title.

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- B.** Operation of any vehicle or combination of vehicles in violation of the provisions of this Chapter is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed pursuant to ORS 818.

16.70.620 Exemptions.

- A.** The provisions of this Chapter governing size and weight do not apply to:
 - 1.** Any vehicle, combination of vehicles, article, machine, or other equipment in use by the Federal Government, the State of Oregon, or any county or city while in the immediate vicinity of and involved with the construction, maintenance, or repair of public highways;
 - 2.** Any vehicle in use by a mass transit district for the purposes authorized under ORS 267.010 to ORS 267.390, provided the size or weight of the vehicle is approved by the City for that route; or
 - 3.** Any vehicle, combination of vehicles, article, machine, or other equipment operated under a permit issued by the Traffic Engineer and in compliance with the conditions and restrictions thereof.
- B.** None of the size limits described in ORS 818, except the maximum limit of allowable extension beyond the last axle of a combination of vehicles, apply to agricultural equipment hauled, towed, or moved upon any street if the movement is incidental to the farming operations of the owner of the agricultural equipment.

16.70.630 Permits.

Under authority granted in Section 16.10.200, the Traffic Engineer may grant written permits for the operation over City streets, or sections thereof, of any vehicle or combination of vehicles, including any load thereon, having:

- A.** A gross weight;
- B.** A length;
- C.** A width;
- D.** A height; or
- E.** A maximum number of vehicles in combination; in excess of that authorized in ORS 818 or administratively imposed weight or size limits designated in accordance to 16.70.690.

16.70.640 Limits of Authority to Issue Variance Permit.

A permit may not be issued for any vehicle or load that can readily or reasonably be dismantled or disassembled to reduce weight or width. This does not apply to any vehicle, combination of vehicles, load, article, property, machine, or thing that is:

- A. Used in the immediate vicinity of construction, maintenance, or repair of public highways; and
- B. Of a length in excess of that permitted in ORS 818.

16.70.650 Requirements, Conditions and Procedures for Issuance of Variance Permit; Duration; Cancellation.

(Amended by Ordinance Nos. 176361 and 181217, effective September 14, 2007.)

- A. In issuing a permit, the Traffic Engineer may:
 - 1. Grant a permit that is valid for a single trip, a number of trips or an amount of time not to exceed one year.
 - 2. Establish seasonal or other time limitations on a permit.
 - 3. Require the applicant to furnish public liability or automobile insurance and property damage insurance as follows:
 - a. General Liability insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage; or
 - b. Automobile Liability insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage, including coverage for owned, hired or nonowned vehicles, as applicable; and
 - c. The City of Portland, and its agents, officers, and employees are Additional Insured, but only with respect to operations occurring within the scope of the permit.
 - d. There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without 30-days written notice from the Contractor or its insurer(s) to the City.
 - e. As evidence of the insurance coverage required, the applicant shall furnish acceptable insurance certificates to the City prior to issuance of any permit. The certificate will specify that the City is additional insured and will include the 30-day cancellation clause. Insuring companies or entities are subject to City acceptance. The applicant

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shall be financially responsible for all pertinent deductibles, self-insured retentions and/or self-insurance.

4. Require the applicant to furnish indemnity insurance or an indemnity bond in an amount fixed by the Traffic Engineer to:
 - a. Reimburse the City of Portland for any damage to the highways or streets that may be caused under the permit; and
 - b. Indemnify the members, officers, employees, and agents of the City of Portland from any claim that might arise from the granting of the permit and from the use of the highways under the permit.
 5. Require a demonstration by the applicant to establish that any vehicle, combination of vehicles, load, article, property, machine, or thing in operation under a permit would:
 - a. Stay on the right side of the center line of the traveled way at all times; and
 - b. Allow sufficient room in the opposing traffic lane for the safe movement of other vehicles.
- B.** A permit must be in writing and must specify:
1. All highways or streets over which the permit is valid;
 2. Any vehicle, combination of vehicles, load, article, property, machine, or thing allowed under the permit; and
 3. Maximum dimensions and maximum weights allowed under the permit.
- C.** Under this section, the Traffic Engineer may not issue a permit that is valid for longer than 1 year.
- D.** An application for a permit issued under this section must specify:
1. The vehicle, combination of vehicles, load, article, property, machine, or thing for which the permit is requested;
 2. The particular highways and streets for which the permit is sought; and
 3. Whether the permit is sought for a single trip, a number of trips or continuous operation.
- E.** This Section does not authorize:

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1. Any vehicle, combination of vehicles, load, article, property, machine, or thing for which the permit is issued to be operated or moved contrary to any provisions of the vehicle code, except as specified in a permit; or
 2. Any movement or operation of a vehicle, combination of vehicles, load, article, property, machine, or thing until a permit is issued.
 3. Any vehicle, combination of vehicles, load, article, property, machine, or thing which is eligible for a permit under the State of Oregon Continuous Operation Variance Permit program as described in OAR 734.074.0010.
- F.** The City Traffic Engineer may be present during the movement. The presence of the City Traffic Engineer and any directions or suggestion made by him/her is not to be considered supervision of the movement and does not relieve the permit holder or the permit holder's insurers or sureties from liability for any damage done by the movement. If there are any of the permit's terms or conditions with which the movement does not comply, the City Traffic Engineer who is present at the movement may order it to be stopped.
- G.** Any permit may be canceled at any time by the City Traffic Engineer upon satisfactory proof that:
1. The permit holder has violated any of the terms of the permit;
 2. The permit was obtained through misrepresentation in the application therefor; or
 3. The public interest requires cancellation.

16.70.660 Permit Must Be Carried and Displayed.

- A.** The driver of any vehicle or combination of vehicles for which a variance permit has been issued commits the offense of failure to carry and display a variance permit if the driver does not:
1. Have the variance permit in immediate possession at all times when driving the vehicle or combination of vehicles upon a public highway or street; and
 2. Display the variance permit upon demand of any police officer, department or county weighmaster, judicial officer, or the City Traffic Engineer.
- B.** Later producing a variance permit issued prior to and valid at the time of an offense by authority of this section is not a defense for a charge under this Section.

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16.70.670 Movement of Building or Other Structure Excluded.

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.

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:

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- A. Any publicly owned vehicle of any city, county, public district, state, or federal agency;
- 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:

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- 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:
 - 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.

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CHAPTER 16.90 - DEFINITIONS

Sections:

16.90.001	Generally.
16.90.005	Abandoned Vehicle.
16.90.010	Accessory Recreational Vehicle.
16.90.015	Alley.
16.90.020	Angle Loading.
16.90.025	Bicycle.
16.90.030	Bicycle Boulevard.
16.90.032	Bicycle Lane.
16.90.034	Bikeway, Shoulder.
16.90.036	Bikeway, Extra Width Curb Lane.
16.90.038	Bikeway, Off-Street Path.
16.90.040	Bikeway, Signed Connection.
16.90.045	Block Face.
16.90.055	Carpool Vehicle.
16.90.060	Central City Plan District.
16.90.065	City Recognized Holidays.
16.90.070	Compact Car.
16.90.075	Conduct Business.
16.90.080	Construction Zone.
16.90.085	Crosswalk.
16.90.090	Curb.
16.90.095	Curb Line.
16.90.097	Disabled Person Permit/Placard.
16.90.100	Driver.
16.90.105	Driveway.
16.90.110	Drop box.
16.90.115	Emergency Vehicles.
16.90.120	Fire Station.
16.90.125	Fog Line or Edge Line.
16.90.130	Gross Vehicle Weight Rating.
16.90.135	Guest.
16.90.140	Handicap Access Ramp.
16.90.145	Hotel.
16.90.150	Improper Use.
16.90.155	Intersection.
16.90.160	Light Rail Transit System.
16.90.165	Light Rail Vehicle.
16.90.170	Load/Unload.
16.90.175	Local Authorities.
16.90.180	Long-Term Parking Meter.
16.90.185	Mobile Construction Trailer.

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16.90.190	Motor Bus.
16.90.195	Motor Home.
16.90.200	Motor Vehicle.
16.90.205	Municipal Terminal.
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16.90.260	Permanently Exhibit.
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16.90.270	Planting Strip.
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16.90.285	Rail Vehicles.
16.90.290	Recreational Vehicle.
16.90.295	Regulated Parking Zone.
16.90.300	Repair (a vehicle).
16.90.302	Right-of-Way.
16.90.305	Roadway.
16.90.310	School Bus.
16.90.315	Service (a vehicle).
16.90.320	Short-Term Parking Meter.
16.90.325	Shoulder.
16.90.330	Sidewalk.
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16.90.350	Street or Highway.
16.90.351	Storage Container.
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16.90.375	Traffic Control Device.
16.90.380	Traffic Control Signal.
16.90.385	Traffic Hazard.
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- 16.90.392 Transit Mall and Auxiliary Vehicular Lanes.
- 16.90.395 Tri-Met Bus.
- 16.90.400 Trolley or Streetcar.
- 16.90.405 Truck.
- 16.90.410 Truck Trailer.
- 16.90.415 Uncontrolled Intersection.
- 16.90.420 Utility Trailer.
- 16.90.421 Valid Receipt.
- 16.90.425 Vehicle.
- 16.90.430 Vehicle Alarm System.
- 16.90.435 Vendor.
- 16.90.440 Way.
- 16.90.445 Wheelchair User Disabled Permit/Placard.

16.90.001 Generally.

The following words and phrases when used in this Title shall, for the purpose of this Title, have the meanings respectively ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning. Definitions of words and phrases in the Oregon Revised Statutes may be applied unless defined differently in this Title or in those instances where the context clearly indicates a different meaning.

16.90.005 Abandoned Vehicle.

(Amended by Ordinance No. 179141, effective March 23, 2005.) A vehicle that remains in violation for more than 24 hours and one or more of the following conditions exist:

- A. The vehicle does not have a lawfully affixed, unexpired registration plate, or fails to display current registration.
- B. The vehicle appears to be inoperative or disabled.
- C. The vehicle appears to be wrecked, partially dismantled or junked.

16.90.010 Accessory Recreational Vehicle.

See Recreational Vehicle.

16.90.015 Alley.

(Amended by Ordinance No. 177028, effective December 14, 2002.) A facility primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular movement.

16.90.020 Angle Loading.

When a vehicle is parked at an angle to traffic flow for the purpose of loading/unloading and extends into the public right-of-way anywhere outside of a legal parking area.

16.90.025 Bicycle.

A type of vehicle that:

- A. Is designed to be operated on the ground on wheels;
- B. Has a seat or saddle for use of the rider;
- C. Is designed to travel with not more than three wheels in contact with the ground;
- D. Is propelled exclusively by human power; and
- E. Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter.

16.90.030 Bicycle Boulevard.

(Replaced by Ordinance No. 177028, effective December 14, 2002.) A roadway with low vehicle traffic volumes where the movement of bicycles is given priority.

16.90.032 Bicycle Lane.

(Added by Ordinance No. 177028, effective December 14, 2002.) The part of the street designated by official signs or markings for the movement of persons riding bicycles except as otherwise specifically provided by law.

16.90.034 Bikeway, Shoulder.

(Added by Ordinance No. 177028, effective December 14, 2002.) A street upon which the paved shoulder, separated by a four-inch stripe and no bicycle lane markings, is used for the movement of persons riding bicycles. Auto parking is also allowed on shoulders marked in this manner.

16.90.035 Bicycle Path.

(Repealed by Ordinance No. 177028, effective December 14, 2002.)

16.90.036 Bikeway, Extra Width Curb Lane.

(Added by Ordinance No. 177028, effective December 14, 2002.) A wider than normal curbside travel lane provided to give extra room for the movement of persons riding bicycles where there is insufficient space for a bicycle lane or shoulder bikeway.

16.90.038 Bikeway, Off-Street Path.

(Added by Ordinance No. 177028, effective December 14, 2002.) An off-street path for the movement of persons riding bicycles that is physically separated from motorized vehicular traffic by an open space or barrier and either within a street right-of-way, but not in the roadway, or within an independent right-of-way or dedicated easement.

16.90.040 Bikeway, Signed Connection.

(Replaced by Ordinance No 177028, effective December 14, 2002.) A bikeway upon which signing is placed to direct bicyclists to a destination or another bikeway.

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16.90.045 Block Face.

The area between the line separating a public right-of-way from private property and the center line of a street or highway, and between the midpoint of two intersections.

16.90.050 Bureau of Transportation System Management.

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

16.90.055 Carpool Vehicle.

- A.** Any vehicle that is designed by its manufacturer to seat three or more people and is utilized to transport on a regular basis, three or more people including the driver, from a point of origin to a destination.
- B.** For the purpose of this Title of the City Code, carpool vehicle specifically means any vehicle described in A. above, which displays a carpool permit issued by the Tri-County Metropolitan Transportation District of Oregon.

16.90.060 Central City Plan District.

The Central City Plan District is defined in Title 33 of this code. For purposes of this Title, however, regulations that apply to the Central City Plan District apply to the whole street (up to the property line or extension of a property line to the corner of a property line across an intersection) of the streets whose center lines serve as boundaries to the Central City Plan District.

16.90.065 City Recognized Holidays.

City recognized holidays are:

- A.** New Year's Day;
- B.** Martin Luther King Jr.'s Birthday;
- C.** President's Day;
- D.** Memorial Day;
- E.** Fourth of July;
- F.** Labor Day;
- G.** Veteran's Day;
- H.** Thanksgiving Day; and
- I.** Christmas Day.

A day begins at 12:00:00 a.m. and ends at 11:59:59 p.m.

16.90.070 Compact Car.

Any vehicle which will fit within the space lines of a space designated for compact cars by official signs or markings.

16.90.075 Conduct Business.

The act of selling or attempting to sell services, or edible or nonedible items for immediate delivery.

16.90.080 Construction Zone.

The space adjacent to the curb and in immediate proximity to the premises where construction, alteration, remodeling, repairing, or similar work is in progress, and designated by official parking meter or sign hoods, signs, or markings.

16.90.085 Crosswalk.

Any portion of a roadway at an inter-section or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway that conform in design to the standards established for crosswalks under ORS 810.200. Whenever marked cross-walks have been indicated, such cross-walks and no other shall be deemed lawful across such roadway at that intersection. Where no marked crosswalk exists, a crosswalk is that portion of the roadway described in the following:

- A.** Where sidewalks, shoulders or a combination thereof exists, a crosswalk is the portion of a roadway at an intersection, not more than 20 feet in width as measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line, that is included within:
 - 1.** The connections of the lateral lines of the sidewalks, shoulders, or a combination thereof on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway; or
 - 2.** The prolongation of the lateral lines of a sidewalk, shoulder, or both, to the sidewalk or shoulder on the opposite side of the street, if the prolongation would meet such sidewalk or shoulder.
- B.** If there is neither sidewalk nor shoulder, a crosswalk is the portion of the roadway at an intersection, measuring not less than 6 feet in width, that would be included within the prolongation of the lateral lines of the sidewalk, shoulder or both on the opposite side of the street or highway if there were a sidewalk.

16.90.090 Curb.

Any raised margin defining the space in the street devoted to vehicular traffic.

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16.90.095 Curb Line.

The curb line separates a street or highway into the area dedicated to vehicle traffic (roadway) and the area dedicated to pedestrian and nonmotor vehicle traffic (planting strip, sidewalk, etc.).

16.90.097 Disabled Person Permit/Placard.

(Added by Ordinance No. 186575, effective July 1, 2014.) Any official State-issued disabled person registration plate, placard, permit or decal, including: Regular, Program, Family, Motorcycle, Golf Cart or any other placard not issued specifically for “Wheelchair Only”.

16.90.100 Driver.

The rider, driver, or leader of any animal or vehicle that is not self-propelled and the operator of any vehicle that is self-propelled.

16.90.105 Driveway.

A. A road or access, whether improved or unimproved, extending from a public right-of-way onto private or public lands or structures for the purpose of gaining vehicular access to such areas and reasonably designated at the property line so as to be an obvious opening for access. For purposes of enforcement, a driveway:

1. Extends from one curb return to the other;
2. If winged, includes the wings; or
3. If the street is unimproved, the driveway area falls between the projections of the edges of an improved driveway or the most established tire ruts of an unimproved driveway.

B. Such road or access will be enforced as a driveway unless closed by a structure or permanent closure device.

16.90.110 Drop Box.

A container in which trash or any other refuse material is temporarily stored or collected. For the purposes of Title 16, a drop box will be considered a vehicle in terms of parking provisions and restrictions.

16.90.115 Emergency Vehicles.

(Amended by Ordinance No. 180917, effective May 26, 2007.) Vehicles of Portland Fire & Rescue, police vehicles, emergency vehicles of municipal departments, and ambulances while being used for emergency purposes and displaying lights as required by the Oregon Revised Statutes.

16.90.120 Fire Station.

Any building used for the purpose of housing fire apparatus of the City.

16.90.125 Fog Line or Edge Line.

The official 4-inch wide marking that defines the lateral lines of a roadway.

16.90.130 Gross Vehicle Weight Rating.

The value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle or the registration weight, whichever is greater.

16.90.135 Guest.

As used in a regulated parking zone sign, means a patron or visitor to the adjacent hotel.

16.90.140 Handicap Access Ramp.

An inclination, ramp-like structure, or any other such device designed to serve and provide ease of access from the sidewalk to the roadway or from the street to adjacent property for individuals using a mobility aid. If winged, it includes the winged area of the structure.

16.90.145 Hotel.

Any structure intended or designed for transient occupancy and which offers more than 25 percent of its rooms for dwelling, lodging or sleeping purposes for less than a 30 day period.

16.90.150 Improper Use.

Improper use occurs when a permit holder violates the provisions described on the permit application.

16.90.155 Intersection.

The area of a roadway created when two or more public roadways join together at any angle, as described in one of the following:

- A. If the roadways have curbs, the intersection is the area embraced within the prolongation or connection of the lateral curb lines.
- B. If the roadways do not have curbs, the intersection is the area embraced within the prolongation or connection of the lateral boundary lines of the roadways.
- C. The junction of an alley with a roadway does not constitute an intersection.
- D. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersection highway is a separate intersection. In the event the intersection highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways is a separate intersection.

16.90.160 Light Rail Transit System.

A commuter transit mode consisting of steel-wheeled rail vehicles, powered electrically through overhead lines, operating predominately on exclusive right-of-way that need not be grade separated.

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16.90.165 Light Rail Vehicle.

A component car in a light rail transit system.

16.90.170 Load/Unload.

To load or unload a vehicle means to be actively engaged in removing merchandise from or putting merchandise in a vehicle.

16.90.175 Local Authorities.

Every county, municipality, and other local board or body having authority to adopt local police regulations under the constitution and laws of this State.

16.90.180 Long-Term Parking Meter.

A parking meter with a designated time limit of more than 4 hours.

16.90.185 Mobile Construction Trailer.

A trailer that is used temporarily in conjunction with a construction site for office and other related purposes.

16.90.190 Motor Bus.

Every motor vehicle designed or used for carrying passengers and their personal baggage for compensation. The term “motor bus” does not mean or include taxicabs designed or constructed to accommodate and transport not more than five passengers, exclusive of the driver, and fitted with taximeters or using or having some other device, method, or system to indicate and determine the passenger fare paid for distance traveled.

16.90.195 Motor Home.

See Recreational Vehicle.

16.90.200 Motor Vehicle.

Every inanimate vehicle which is self-propelled.

16.90.205 Municipal Terminal.

Any property owned or operated by the Port of Portland for the provision of port services.

16.90.210 Official.

By authority of or recognized by law or code.

16.90.215 Official Vehicle.

Any government vehicle so identified by public registration plates.

16.90.220 Official/Reserved Zone.

(Amended by Ordinance No. 179141, effective March 23, 2005.) Any space adjacent to the curb or edge of the roadway, or on City of Portland owned or operated property, which is exclusively reserved for those vehicles which have been assigned the use of such space through official permits or other means of designation.

16.90.225 Operator.

Any person who is in actual physical control of a vehicle.

16.90.230 Parade.

Any group of persons and/or vehicles moving on a street or streets of the City under permit as herein provided in accordance with a plan or common purpose for a celebration, display, exhibition, show, or advertisement, whether for public, semi-public, or private purposes, but does not include funeral processions or advertising vehicles operating under the provisions of Title 7.

16.90.235 Park, Parking, or Parked.

The stopping or standing of any vehicle upon any street or highway within the City, whether such vehicle is occupied or not. It does not mean stopping or halting temporarily for less than 30 seconds to load/unload passengers, or in obedience to traffic regulations, signs, signals, or officers.

16.90.240 Parking Lane.

The area between the curb and not more than 8 feet from the curb or curb line or as shown by official street markings. The parking lane is generally intended for vehicle parking. Parking regulations may apply to the parking lane area according to the provisions of Title 16 of the Portland City Code.

16.90.245 Parking Meter.

(Amended by Ordinance Nos. 176394 and 179141, effective March 23, 2005.) A device placed at or near the curb adjacent to the street area, or on City of Portland owned or operated property authorized by the City and designed to register the duration of the parking time and the limit thereof, upon payment by a U.S. coin or a payment card. Parking meter includes a pay station.

16.90.247 Payment Card.

(Added by Ordinance No. 176394, effective April 17, 2002.) A valid credit, debit or stored value card.

16.90.249 Space Reservation Device.

(Added by Ordinance No. 176394; amended by 179141, effective March 23, 2005.) A hood that is secured over a parking meter or a marker that is placed near the curb of the parking space, which contains administrative information on permit holder and regulations.

16.90.250 Pedestrian.

(Amended by Ordinance No. 177028, effective December 14, 2002.) A person afoot; a person operating a pushcart; a person riding on or pulling a coaster wagon, sled, scooter, tricycle, bicycle with wheels less than 14 inches in diameter, or a similar non-motorized vehicle; or on roller skates, skateboard, wheelchair, or a baby in a carriage.

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16.90.255 Pedestrian Way.

(Amended by Ordinance No. 177028, effective December 14, 2002.) A facility intended for pedestrian movement.

16.90.260 Permanently Exhibit.

To display affixed to a vehicle so that the sign may not be removed from the vehicle without mechanical tools.

16.90.265 Person.

A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

16.90.270 Planting Strip.

The area between the curb or edge of the roadway and an improved sidewalk.

16.90.275 Private Road.

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

16.90.280 Public Right-of-Way.

(Repealed by Ordinance No. 177028, effective December 14, 2002.)

16.90.285 Rail Vehicles.

Any steel-wheeled vehicle(s) propelled on fixed steel rails, including, but not limited to: trolleys; light rail vehicles; and diesel-powered trains.

16.90.290 Recreational Vehicle.

A vehicle which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

- A. Motor Home. A motor vehicle designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck.
- B. Accessory Recreational Vehicle. A nonmotor vehicle designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is not on the back of a pick-up or truck. Accessory recreational vehicle also includes vehicles designed for off-road use such as off-road vehicles, dune buggies, and recreational boats.

16.90.295 Regulated Parking Zone.

(Amended by Ordinance No. 179141, effective March 23, 2005.) A space adjacent to a curb or curb line, designated by official signs or markings, where special regulations for

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parking or stopping a vehicle apply in addition to the general parking regulations that apply to all parking areas in the public right-of-way, or on City of Portland owned or operated property.

16.90.300 Repair (a vehicle).

To perform work on the motor, mechanical, or body parts of a vehicle.

16.90.302 Right-of-Way.

(Added by Ordinance No. 177028, effective December 14, 2002.)

- A. The area between property lines of a street, easement, tract or other area dedicated to the movement of vehicles, pedestrians and/or goods.
- B. A public right-of-way is dedicated or deeded to the public for public use and under the control of a public agency.
- C. A private right-of-way is in private ownership, for use by the owner and those having express or implied permission from the owner, but not by others.

16.90.305 Roadway.

(Amended by Ordinance No. 177028, effective December 14, 2002.) The portion of a street or highway improved for vehicle movement, including any parking lane. On an improved street, the area between the curbs or edge lines of a street.

16.90.310 School Bus.

A motor bus owned or operated by authority of any lawfully recognized school district.

16.90.315 Service (a vehicle).

To perform routine maintenance such as replacing fluids or charging batteries. It does not include repairs to motor or body parts.

16.90.320 Short-Term Parking Meter.

A parking meter with a designated time limit of 4 hours or less.

16.90.325 Shoulder.

The portion of a public street or highway without curbs, whether paved or unpaved, contiguous to the roadway that is primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

16.90.330 Sidewalk.

The portion of the street between the curb or lateral lines of the roadway and the adjacent property lines, intended for use by pedestrians. An improved sidewalk is a pedestrian walkway with permanent surfacing in the sidewalk area of a street or highway.

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16.90.335 Skateboard.

A board of any material, natural or synthetic, with wheels affixed to the underside, designed to be ridden by a person.

16.90.340 Sled.

Vehicles that do not move exclusively on revolving wheels in contact with the surface of the road or on fixed rails.

16.90.345 Stop, Stopping, or Stopped.

Any halting, even momentarily, of a vehicle, whether occupied or not, except to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

16.90.350 Street or Highway.

(Amended by Ordinance No. 177028, effective December 14, 2002.) The entire width of a right-of-way when any portion thereof is intended for motor vehicle movement or motor vehicle access to abutting property.

16.90.351 Storage Container.

(Added by Ordinance No. 179141, effective March 23, 2005.) A Storage Container in which any material is temporarily stored or collected. For the purposes of Title 16, a storage container will be considered a vehicle in terms of parking provisions and restrictions.

16.90.355 Taxicab.

Any motor vehicle which carries passengers for hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof, and which is duly licensed by the City of Portland as a taxicab.

16.90.360 Tire.

The band of material used on the circumference of a wheel, on the outer face of a track or on a runner of a sled, which forms the tread that comes in contact with the surface of the road, or, if no band is used, then it means the tread or runner of a sled.

16.90.365 Traffic.

(Amended by Ordinance No. 177028, effective December 14, 2002.) Pedestrians, ridden or herded animals, and vehicles, either singly or together, while using any street or highway for purposes of movement or parking.

16.90.370 Traffic Congestion Thoroughfare.

Any portion of a street or highway within the City affected by traffic congestion caused in whole or in part by the repeated driving of the same motor vehicles along or across that portion of the thoroughfare.

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16.90.375 Traffic Control Device.

- A. All signs, signals, markings, and devices consistent with this Title placed or operated by direction of the City Traffic Engineer for the purpose of guiding, directing, warning, or regulating traffic or parking.
- B. Any device that remotely controls by electrical, electronic, sound, or light signal the operation of any device identified in subsection (A) of this definition.

16.90.380 Traffic Control Signal.

Any device, whether manually, electrically, or mechanically operated, by which traffic is directed. An electric traffic control signal is considered inoperative when none of the signal control indications are illuminated.

16.90.385 Traffic Hazard.

(Amended by Ordinance No. 179141, effective March 23, 2005.) Any object, including vehicles, that impede the safe movement of vehicles in the public right-of-way or, on City of Portland owned or operated property.

16.90.390 Traffic Lane.

(Amended by Ordinance No. 177028, effective December 14, 2002.) An area of a street or highway, designated by official signs or markings, as dedicated to the movement of one vehicle at a time.

16.90.392 Transit Mall and Auxiliary Vehicular Lanes.

(Added by Ordinance No. 182921, effective June 17, 2009.) The Transit Mall and Auxiliary Vehicular Lanes shall be designated in Section 16.50.110. An emergency is defined in Subsection 17.23.020 E.

16.90.395 Tri-Met Bus.

A motor bus owned or operated by the Tri-Metropolitan Transit District of Oregon.

16.90.400 Trolley or Streetcar.

(Amended by Ordinance No. 175564, effective May 9, 2001.) An electric or diesel powered, steel wheeled rail vehicle, operating on steel rails, used to transport passengers.

16.90.405 Truck.

(Amended by Ordinance No. 179141, effective March 23, 2005.) Every motor vehicle designed, used or maintained primarily for the transportation of property, goods or providing a service, tow truck with passenger plates, step vans, vehicle length or width or height greater than original manufacturer's vehicle dimensions, and meeting the description as defined by DMV registration as a truck, van or pickup.

16.90.410 Truck Trailer.

A vehicle which is not a recreational vehicle or utility trailer, is more than 16 feet in length, and is designed to be pulled by a motor vehicle.

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16.90.415 Uncontrolled Intersection.

Any intersection with no official traffic control device to designate vehicular right-of-way.

16.90.420 Utility Trailer.

A vehicle which is used to carry property, refuse, or special equipment, is 16 feet or less in length and is designed to be pulled by a motor vehicle. Boat trailers are included as utility trailers no matter what their length.

16.90.421 Valid Receipt.

(Added by Ordinance No. 179141, effective March 23, 2005.) A parking meter receipt dispensed from a City of Portland Parking Meter device indicating the valid date, time purchased, expiration time, watermark, or any other identifications showing validity of receipt. The receipt issued is valid only in the designated meter district where purchased.

16.90.425 Vehicle.

(Amended by Ordinance No. 177028, effective December 14, 2002.) Every device in, upon, or by which any person or property is or may be transported or drawn upon any street or highway. Bicycle is more specifically defined in Section 16.90.025.

16.90.430 Vehicle Alarm System.

Any device, equipment, assembly, or system designed, arranged, or intended to sound an alarm horn, siren, klaxon, or other sound emitting device to signal an entry or attempted entry into, or tampering with, a vehicle.

16.90.435 Vendor.

Any person who conducts business in the public right-of-way or any other public property.

16.90.440 Way.

(Added by Ordinance No. 177028, effective December 14, 2002.) A facility for the movement of pedestrians, vehicles or goods, the specific user or users being determined by modifying words, such as road, bicycle, pedestrian, etc. Path and lane are synonyms for way, and likewise may be given a more specific meaning through use of a specified user or specific definition. See: Roadway, Pedestrian Way, Traffic Lane, Bicycle Path, et. al.

16.90.445 Wheelchair User Disabled Permit/Placard.

(Added by Ordinance No. 186575, effective July 1, 2014.) Any official State-issued disabled person registration plate, placard, permit or decal specifically for the use of a wheelchair or similar low-powered, motorized or mechanically propelled vehicle designed specifically for use by a person with a physical disability.

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situations which occur prior to dedication of the right of way, the permittee acknowledges and assumes all risk of loss which may arise in the event the City or any other public agency subsequently requires changes in or additions to plans or refuses to approve all or any part of permittee's improvements.

17.24.014 Permits to Construct and Maintain Structures in the Street Area.
(Amended by Ordinance Nos. 187403 and 188850, effective April 6, 2018.)

- A. Except as otherwise provided in this Code, permits to construct, install and/or maintain privately-owned structures in dedicated street area may be issued by the Director of the Bureau of Transportation only to the owner of the property abutting the half of the street area in which the structure is proposed to be built. Such permits shall be revocable at any time as provided in Section 17.24.016. The burdens and benefits of any such permit shall run with the property abutting the half of the street area in which the structure is proposed to be built and all such permits shall be recorded against the title of the benefitting property except as otherwise specified below. All cost of such recordings shall be borne by the permittee. Upon sale or other disposition of the property, the permit shall automatically transfer to any new property owner, unless the permit specifically states that it is nontransferable.
- B. Permits may be issued to parties other than the owner of the abutting property only under the following circumstances:
 - 1. the Director of the Bureau of Transportation has determined that the permittee is an organization with public responsibilities and is of sufficient permanence to carry insurance, liability and maintenance responsibilities for the full life of the permit; or
 - 2. the permittee is the owner of a benefited property against which the permit is recorded, and the underlying property owner of the right of way has agreed to issuance of the permit; or
 - 3. as otherwise provided for in Section 17.24.010, Chapter 17.25, Chapter 17.26 and Chapter 17.56.
- C. The benefits and burdens of permits issued to parties other than the owner of the abutting property shall run with the party or property specified in the permit, other portions of this code notwithstanding.

17.24.015 Obligation of Property Owner for Structures in the Street Area.

The owner of any real property shall be responsible for maintaining any structures in the half of the street area abutting the owner's property, whether such structures are under City permit or not, except that the abutting owner shall not be responsible for the maintenance of structures which have been installed by other than the abutting owner under a permit or other authority granted by the City of Portland.

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The abutting property owner shall be liable to any person who is injured or otherwise suffers damage by reason of the property owner's failure to keep any structure located in the half of the street area immediately abutting his or her property in safe condition and good repair. Furthermore, said abutting property owner shall be liable to the City of Portland, its officers, agents and employees, for any judgment or expense incurred or paid by the City its officers, agents or employees, by reason of the existence of any such structure in the street area.

17.24.016 Permit Revocation.

(Amended by Ordinance No. 188692, effective January 1, 2018.) Permits for structures in City streets, for public improvements, work in, or use of the street area may be revoked by the Director of the Bureau of Transportation at any time and for any reason the Director of the Bureau of Transportation deems to be in the interest of the City, and no grant of any permit, expenditure or money in reliance thereon, or lapse of time shall give the permittee any right to the continued existence of a structure or to any damages or claims against the City arising out of revocation.

Upon revocation the permittee, or any successor permittee, shall at permittee's own cost remove such structure or equipment associated with work or use of street area within 90 days after written notice to the permittee by the City of such revocation, unless the Director of the Bureau of Transportation specifies a shorter period, and shall return the street area to the condition of the street area immediately surrounding it, to the satisfaction of the Director of the Bureau of Transportation. If the permittee does not remove the structure or equipment and/or return the street area to a condition satisfactory to the, Director of the Bureau of Transportation, the Director of the Bureau of Transportation may do so, and the permittee shall be personally liable to the City for any and all costs of dismantling the structure or equipment and reconstructing the street area. The costs of removal and reconstruction shall be assessed to the permittee and/or will become a lien upon the abutting property until paid by the permittee. The City may sell or otherwise dispose of structures, equipment or parts thereof removed from the public right of way under authority of this Section, and the owner of same shall not be entitled to any compensation for said items from the City.

17.24.017 Temporary Street Closure.

(Amended by Ordinance Nos. 185212 and 188850, effective April 6, 2018.) The Director of the Bureau of Transportation may close or by permit allow to be closed temporarily any street or portion thereof for the following reasons:

- A. To facilitate construction, demolition or installation of facilities on public or private property.
- B. To restrict vehicular use of an unimproved street for the protection of the public or to eliminate a neighborhood nuisance.
- C. To provide for block parties.
- D. To provide for community events.

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Such closures shall include the requirements of the City Traffic Engineer and provide for appropriate insurance as required by the Director of the Bureau of Transportation, protecting the public and the City.

17.24.020 Fees and Charges.

The Director of the Bureau of Transportation and/or City Council may establish fees and charges. All fees, charges, civil penalties, and fines established by authority of this Title will be listed in the Portland Policy Documents, as amended annually by Council effective with the fiscal year budget.

If a larger fee is required elsewhere in this Title for any class of permit, the larger fee shall apply, otherwise the fees and charges listed in the Portland Policy Documents shall be paid unless the Transportation Director or Council has granted a specific permit for a different fee. All fees, charges, civil penalties, and fines established by authority of this Title will be listed in the Portland Policy Documents, as amended annually by Council effective with the fiscal year budget. All fees for recording permits and other documents with the County Recorder shall be paid by the property owner or permittee.

17.24.025 Fees for Public Improvement Permits.

(Amended by Ordinance Nos. 187486 and 188850, effective April 6, 2018.)

- A. Engineering and superintendence services in connection with public improvement projects shall be charged in accordance with Portland Policy Document TRN 3.450 – Transportation Fee Schedule. Director of the Bureau of Transportation shall review actual yearly program costs of engineering and superintendence to ensure that only usual and ordinary costs are included and adjust the rates accordingly.

17.24.026 Fees for Review of Land Use Applications.

The Bureau of Transportation shall establish fees which recover the Bureau of Transportation's costs of participating in pre-application conferences and reviewing applications for land use approvals which are required by either Title 33 or Title 34 of the Code of the City of Portland.

- A. Policy
 - 1. Fees are not intended to exceed the Bureau of Transportation's average cost of processing the type of review requested or average cost of participating in pre-application conferences.
 - 2. Fees shall include direct costs and overhead charges.
 - 3. Fee schedules shall be updated annually and made available in the Portland Policy Documents.
- B. Required Fees

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1. Each request for a pre-application conference shall be accompanied by the applicable fee.
 2. All land use review applications requested must be accompanied by the applicable fee.
- C.** Concurrent Applications. When more than one review is requested on the same project, the fee for each review will be charged.
- D.** Appeal Fees. The process and charges for appeals shall be as set forth in Subsection 33.750.030 C. Appeal Fees.
- E.** Fee Waivers. The Bureau of Transportation will waive its pre-application and review fees in those cases where the Planning Director has granted a fee waiver under the provisions of Section 33.750.050.
- F.** Refunds. The Bureau of Transportation will refund fees under the following circumstances:
1. Unnecessary Fee. When a fee is accepted by staff for a land use review that is later found to not be required, a full refund will be made.
 2. Errors. When an error is made in calculating the fee, the overpayment will be refunded.
 3. Full Refunds.
 - a. If upon receipt of the application by the Bureau of Transportation, it is evident that no transportation review is required, the Transportation review fee will be refunded. The determination of whether a Transportation review is required is at the sole discretion of the Director of the Bureau of Transportation.
 - b. If the applicant meets the Bureau of Planning's requirements under Subsection 33.750.060 D. for a 50 percent refund and the Bureau of Transportation has not begun its review, the Transportation review will be refunded. Determination of whether to grant the refund is at the sole discretion of the Director of the Bureau of Transportation.
 4. No Refunds.
 - a. Appeal fees are not refundable except as set forth in Subsections 33.750.050 B. and 33.750.060 C.2.
 - b. Pre-application conference fees are non-refundable except as set forth in Subsection F. 1. and 2.

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- c. No refunds shall be given once a review has begun.

17.24.030 Application for a Public Improvement Permit to construct a Street or Transportation Facility.

- A. All persons or agencies wishing to construct street or transportation facilities as a public improvement shall make application to the Director of the Bureau of Transportation for a permit. The application for permit shall contain such information as the Director of the Bureau of Transportation may designate, and shall specify the nature of the proposed improvement, the name of the street or streets to be improved or in which the improvement is to be located, the location of any off street improvements and the completion date therefor.
- B. A public improvement permit for a street or transportation facility within a land division may be issued prior to recording of the final plat only after the following:
 - 1. the improvement plans have been approved by the City Engineer,
 - 2. the final plat, is approvable as determined by the Bureau of Development Services,
 - 3. any necessary site permits have been obtained from the Bureau of Development Services,
 - 4. any necessary easements outside the land division have been obtained,
 - 5. the permittee has provided the following:
 - a. Acknowledgment that the construction is on private property which is to become easement for public improvements or public right of way and to come under public control upon plat and easement recording with the county.
 - b. Authorization for City personnel to enter upon the particular private property for the purpose of testing, inspection and surveying if required, during the course of construction of the public improvements.
 - c. Acknowledgment that City inspection personnel may reject or require correction of work not in accordance with the approved plans and standard specifications, which would prevent future acceptance of the improvements.
 - d. Acknowledgment that all public utilities to be located in public right of way must be installed prior to final acceptance of the public street improvements, or as directed by the Director of the Bureau of Transportation.

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- e. Acknowledgment that the plat and easements must be recorded with the County prior to final acceptance of the public improvements.
 - f. Agreement that the permittee will hold the City of Portland harmless against any liability which may occur during construction prior to dedication of the right of way or recording of the easement, and further agreement that the permittee assumes all risk of loss which may arise in the event the City or any other public agency subsequently requires changes in or additions to plans or refuses to approve all or any part of permittee's improvements.
 - g. Agreement that the permittee shall, at the permittee's own expense, maintain the public improvements for a period of 24 months following issuance of a certificate of completion by the City Engineer, as assurance against defective workmanship or materials employed in such improvement.
 - h. Acknowledgment that the issuance of this permit in no way waives any requirements by the City or any other public agency which may be associated with the development of the land division.
6. Any other conditions established by the Director of the Bureau of Transportation and or the City Engineer have been met.

17.24.035 Deposit Required.

Concurrent with making the permit application the party desiring the permit shall deposit a sum equal to one half of the estimated cost of engineering and superintendence as determined by the Director of the Bureau of Transportation except that when a consultant does the design and survey the deposit shall be 20 percent of the estimated cost of engineering and superintendence. This deposit shall be determined by using the appropriate schedule of services found in Section 17.24.070. All deposits must be made prior to any design work being done by the consultant. In the event that no permit is issued for the proposed improvement within 1 year from the time design and plans are reviewed and completed, the City shall retain the amount of the deposit as compensation for the preparation of design and plans or efforts of review. In the event a permit is issued for the proposed improvement within 1 year from the time such design and plans are completed, the amount of the required deposit shall be applied to the cost of the permit fee for such improvements.

17.24.040 Refusal of a Public Improvement Permit.

- A. A permit application for a public improvement shall be refused when the street grade has not been established, if street grade is applicable directly or indirectly to the proposed improvement, while a proposal to change the grade is pending before the Council, or after plans have been filed with the Council to improve the street.

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- B.** The Director of the Bureau of Transportation may refuse a permit if in his/her judgment the proposed use or improvement:
1. Is not suitable in the circumstances,
 2. Will not be uniform with existing or proposed street improvements in the immediate vicinity, or
 3. Includes movement of earth from one portion of street to another.
- C.** The City Engineer delegates to the Chief Engineer of the Bureau of Environmental Services authority to refuse a permit or establish permit conditions for modification or repair of any nonconforming sewer or drainage systems within existing or proposed right-of-way.
- D.** The Director of the Bureau of Transportation may refuse to issue a permit hereunder unless the application is modified as the Director of the Bureau of Transportation may deem necessary. The Director of the Bureau of Transportation may require the addition of curbs if a sidewalk improvement is proposed. The Director of the Bureau of Transportation may require the addition of curbs or sidewalks or both if the proposed improvement is a street improvement. If the Director of the Bureau of Transportation finds that water main extensions are likely to be needed within 5 years after the completion of a street improvement, the Director of the Bureau of Transportation shall refuse issuance of a street improvement permit unless the water main extensions are provided before the completion of a proposed street improvement. If an application is made for a street improvement and the Director of the Bureau of Transportation finds that public service installations will be needed below the surface of the street or that sanitary or storm drainage is necessary or that underground facilities are needed for future street light installations, the Director of the Bureau of Transportation may refuse the application unless such installations are included within the proposal or are arranged to be completed prior to the completion of the proposed street improvement.

17.24.050 Contents of Permit.

(Amended by Ordinance No. 188850, effective April 6, 2018.)

- A.** Any permit issued for the construction of a public improvement or use of the street area may contain such conditions as the Director of the Bureau of Transportation finds appropriate in the public interest. The permit shall specify the kind of work and or use allowed by the permit. The date by which the work is to be completed or if the permit is for use of the street area the date the use shall cease if applicable.
- B.** The contents of the permit shall include but are not limited to the following items:

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1. A requirement for proof of insurance in a form acceptable to the City Attorney. Insurance requirements for use permits will be as specified in TRN-10.21 and per TRN-10.06 Portland in the Streets Administrative Rule.
2. A requirement that the permittee shall be responsible for a 24-month quality assurance period following issuance of a certificate of completion.
3. If the permit is for a local improvement a requirement for assurance of performance shall be required. If the permit is for a use of the street area the Director of the Bureau of Transportation may require an assurance of performance if he or she determines it is needed to protect the public interest.
4. If the permit is for a local improvement a schedule setting forth when the permitted activity may begin and the date by which the work will be completed.
5. A requirement that all stated fees and charges or estimated fees and charges have been paid and that the applicant will pay the balance of fees and charges above the estimated cost prior to issuance of a certificate of completion.

17.24.055 Assurance of Performance.

- A. Assurance of Performance shall be for a sum approved by the Director of the Bureau of Transportation as sufficient to cover 100 percent of the cost of design, superintendence, and construction of improvements authorized under permit. Such assurance may, at the discretion of the Director of the Bureau of Transportation, be in the form of separate assurances covering individual stages of a staged development or covering the installation of various individual improvements rather than a single assurance of performance covering 100 percent of the cost of all improvements to the entire land division. Deposits for engineering and superintendence as required by Title 17 or by Title 5 are in addition to the filing of such assurances of performance.
- B. Assurance of performance for public improvements may be in one of the following forms as approved by the City Attorney:
 1. Surety bond executed by a company authorized to transact business in the State of Oregon.
 2. Irrevocable letter of credit.
 3. Set-aside account
 4. Cash deposit.

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5. City Council passage of a LID Formation Ordinance for a local improvement district.
 6. Other forms as approved by the City Attorney.
- C. If an applicant for permit fails to carry out the provisions of the application for permit, or the permittee fails to carry out the provisions of the permit, and the City has unreimbursed expenses resulting from such failure, the City shall call on the assurance of performance for reimbursement. If the amount of the assurance of performance exceeds the expenses incurred by the City, it shall release the remainder. If the amount of the assurance for performance is less than the expenses incurred by the City, the applicant or permittee shall be liable to the City for the difference. Assurance of performance covering stages or portions of a total development may be released as such stage or portion is completed to the satisfaction of the Director of the Bureau of Transportation. Twenty percent of all funds deposited as assurance of performance will be retained through the maintenance or quality assurance period; other forms of assurance of performance shall contain written provisions for a similar guarantee through the maintenance period.

17.24.060 Permit Conditions.

(Amended by Ordinance Nos. 185397 and 188850, effective April 6, 2018.) All work done in streets or other public places shall be done in the location approved by the Director of the Bureau of Transportation and in accordance with plans and specifications prepared or approved by the City Engineer. The permit may include conditions, and the conditions shall be binding upon the permittee (see Section 17.24.050). All work done shall be subject to the rejection or correction requirements of the City Engineer and subject to the final approval of the City Engineer. Any person or entity performing work in the street area shall:

- A. Begin the work promptly and diligently pursue the work until the work is completed;
- B. Upon completion of the work, make a written report to the Director of the Bureau of Transportation detailing the manner in which the work was executed, the location of the work and facilities, and other information regarding the work performed as the Director of the Bureau of Transportation may request. The report shall be certified as accurately depicting the horizontal and vertical location, size and type of material of all facilities constructed. The plans need not include details of the nature of the facilities. These plans shall be submitted to the City within sixty (60) days after completion of construction. The Director of the Bureau of Transportation may establish the format of such reports.
- C. When there are two or more curbs on the same side of the street centerline, lay all pipes, mains, sewers, conduits, lines, when the same are to run lengthwise in any street, at a distance at least 3-1/2 feet from the curb closest to the street centerline

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measuring toward the center of the street and at least 2 feet from the curb closest to the street centerline measuring to the outer edge of the street. All connections to the pipes, mains, sewers, conduits, and lines laying lengthwise in the street or to any lot shall be installed perpendicular to the curb. In cases where compliance with these regulations would cause unnecessary digging up of pavement, disruption of traffic, place a burden on the street system, or otherwise not be in the best interest of the public, the Director of the Bureau of Transportation may in their sole discretion permit and or require the laying of pipes, mains, sewers, conduits, lines, in a different location or manner;

- D.** Keep all stone, macadam, gravel or other pavement material separate from the excavated earth;
- E.** Refill any trench or hole that has been dug or opened in any street for the purpose of reaching or laying any sewer, gas, water or other pipe or main within 24 hours after laying or reaching the sewer, gas, water or other pipe or main, or as directed by the Director of the Bureau of Transportation, in the following manner:
 - 1.** If the street has not been improved with permanent pavement, the earth excavated from the hole or trench shall be refilled and thoroughly compacted until the grade of the roadway previously existing at such trench or hole is reached.
 - 2.** If the street has been improved with permanent pavement, the excavated area shall be refilled and compacted to the elevation of the bottom of the permanent pavement, which shall be re-laid compactly and made to conform to the grade, base and quality of the surrounding street pavement.
- F.** Erect appropriate traffic control devices and protective measures around the work site, and maintain warning lights or other warning devices as required by the Traffic Engineer at or around the work site during the hours between sunset and sunrise so that pedestrians and operators of vehicles may be duly warned of, and protected from the obstruction;
- G.** Install and maintain erosion control measures as directed by the Director of the Bureau of Transportation;
- H.** Comply with any other directions given by the Director of the Bureau of Transportation.

17.24.067 Hazardous Substances.
(Amended by Ordinance No. 185397, effective July 6, 2012.)

- A.** “Utility corridor fill” means fill that:
 - 1.** Meets the requirements of the City’s Standard Construction Specifications;

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2. May be handled without the need for monitoring of exposure to contaminants under the Oregon OSHA occupational standards for maintenance workers or the use of personal protection equipment above Level D as described in 29 CFR 1910.120;
 3. Meets the current DEQ definition of clean fill in OAR 340-093; and
 4. The concentrations of any contaminants of concern in the fill material are below the DEQ soil and sediment clean fill screening levels for terrestrial and upland use.
- B. “Right-of-way access area” means:**
1. The area within a public right-of-way to a minimum depth of five feet below the final street and sidewalk grade and;
 2. Any additional depth or width necessary for maintenance of public or private infrastructure including but not limited to sewers, hydrants, meters, conduits and pole bases as required by the Director of the Bureau of Transportation.
- C. “Contaminant barrier” means a visual and physical barrier that is of a material, construction and thickness sufficient to minimize transmission of hazardous substances present in the surrounding fill to the utility fill and provide a visual demarcation of the boundary of the utility fill as specified in the City’s standard construction specifications or as approved by the Director of the Bureau of Transportation with the concurrence of the Director of the Bureau of Environmental Services.**
- D. In addition to the requirements of this Chapter, permittees shall comply with applicable state and federal laws, regulations and orders concerning hazardous substances including but not limited to their use, storage, handling, disposal, remediation, spill reporting and release reporting.**
- E. Except as provided in Subsection 17.24.067 H., all fill placed in the right-of-way access area as part of a project permitted under this Chapter shall be utility corridor fill.**
- F. Permittees shall excavate soil or fill that does not meet the definition of utility corridor fill that is encountered in the right-of-way access area during permitted work and replace it with utility corridor fill.**
- G. If the soil immediately outside of the right-of-way access area does not meet the definition of utility corridor fill, a contaminant barrier shall be placed between the utility corridor fill and surrounding fill.**

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- H.** On a site-specific basis, the Director of the Bureau of Transportation with the concurrence of the Director of the Bureau of Environmental Services may allow the placement of fill that does not meet the definition of utility corridor fill in the right-of-way access area.
- I.** If a permittee is required under state, federal or local law to report a spill or release of hazardous substances that occurs at, on, over, under or affects the public right-of-way, the permittee must the Bureau of Environmental Services Spill Prevention and Citizen Response Section within 24 hours of such a spill unless otherwise required by state, federal or local law.
- J.** If a permittee encounters contaminated media within the public right-of-way that poses an imminent threat to human health, the environment, or the waters of the State or requires the use of personal protective equipment above Level D to conduct the permitted work, the Permittee must notify the Director of Bureau of Transportation and Director of the Bureau of Environmental Services within two business days of encountering the contaminated media.

17.24.070 Engineering and Superintendence for Street and Transportation Facility Public Improvements.

- A.** The City Engineer shall:
 - 1.** Make all necessary surveys;
 - 2.** Mark all grades;
 - 3.** Prepare, fix, and prescribe all plans and specifications;
 - 4.** Provide engineering provisions and approvals;
 - 5.** Test and evaluate all project materials and resources as required;
 - 6.** Inspect and approve all work done. At the option of the City Engineer, Subsections 17.24.070 A.1., 2., and 3. above may be done by a professionally registered consulting engineer working under private contract with the permittee.
- B.** If a permittee, person, or agency seeks to have a public improvement constructed under contract in the name of the City, then the permittee shall be charged for engineering and superintendence services in an amount equal to the Director of the Bureau of Transportation estimate of the actual costs of such services in accordance with the provisions of Section 5.48.050. This fee shall be paid prior to the issuance of permittee's permit for public improvement.
- C.** If a permittee, person or agency seeks to have a public improvement constructed under private contract between the permittee and a contractor, or if the permittee

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desires to do the work personally or have it done under his or her direction, then the permittee shall be charged for engineering and superintendence services in an amount computed as follows below. This fee shall be paid prior to the issuance of permittee's permit for public improvements.

Engineering and superintendence fees:

1. City does design and survey - see Subsection 17.24.025 A.
 2. Consultant does design and survey - see Subsection 17.24.025 A.
 3. Consultant does design, City does survey - see Subsection 17.24.025 A. plus survey actual costs by authority of Section 5.48.030.
- D.** If the specifications or other contract documents are not strictly complied with or the work is not completed within the time specified in the permit, the Director of the Bureau of Transportation shall refuse to accept the work. If the work is refused by the Director of the Bureau of Transportation, it shall not thereafter be accepted unless corrected to conform to plans and specifications and unless approved by the City Council.

17.24.080 Work Done Under Permit.

- A.** All work done under and in pursuance of a permit shall be under the authorization of the Director of the Bureau of Transportation, who shall determine the details of the improvement and whose orders in regard to the improvement and the execution of the same shall be obeyed by the applicant for the permit and by the persons doing the work.
- B.** The Director of the Bureau of Transportation shall have the authority to refuse issuance of permits for work within the street right of way to any Person until the requirements of permits previously issued are complied with. This authority includes, but is not limited to, denial of a permit when the applicant is delinquent in payment of fees or City charges for work performed for the applicant by the City or when the applicant has failed to complete work on any previously issued permit or permits.

17.24.085 Original Documents Become the Property of the City.

Any and all plans, specifications, survey notes or other original documents as required by the Director of the Bureau of Transportation that were either prepared for or produced during the design or construction of a public improvement, become the property of the City and shall be delivered to the Director of the Bureau of Transportation prior to acceptance of the improvement by the City Engineer.

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17.24.090 Certificate by City Engineer.

During the course of construction and prior to the issuance of a certificate of completion for a public improvement under this Chapter, the City Engineer shall inspect the improvement and determine if the various kinds of work performed are in compliance with the plans, specifications and allowances of the permit as to quality of workmanship. Furthermore, the City Engineer shall check the improvement for alignment, proper computation of quantities and conformance with the established grade. If all of the work required is completed and done to the satisfaction of the City Engineer, the City Engineer shall give a certificate therefor to that effect and that the improvement is accepted, if done within the completion date, as hereinabove set forth, and within recorded public right of way and easements. Otherwise, the acceptance may be made by the Council on the certification of conformity to Code provisions and proper grades filed by the City Engineer.

17.24.100 Street Pavement Preservation.

After any street has been constructed, reconstructed, or paved by City forces, under City contract, or under permit, the pavement surface shall not thereafter be cut or opened for a period of 5 years.

The Director of the Bureau of Transportation may grant exemptions to this prohibition in order to facilitate development on adjacent properties, provide for emergency repairs to subsurface facilities, provide for underground service connections to adjacent properties or allow the upgrading of underground utility facilities.

When granting exceptions to this regulation, the Director of the Bureau of Transportation may impose conditions determined appropriate to insure the rapid and complete restoration of the street and the surface paving. Repaving may include surface grinding, base and sub-base repairs, or other related work as needed, and may include up to full-width surface paving of the roadway.

In addition to the street opening permit, any person who is required to partially or fully repave a street shall obtain a street improvement permit and be responsible for the full cost of plan review, construction inspection, material testing, bonding, and all other City expenses related to the work.

If the Director of the Bureau of Transportation determines that final repaving of the street is not appropriate at that particular time for reasons relating to weather or other short term problems, the Director of the Bureau of Transportation may grant a delay until proper conditions allow for repaving.

17.24.105 Regulations Governing Excavations and Disturbance of Pavement on Transit Mall.

A. Definitions.

- 1.** For the purposes of this Section the Transit Mall is defined as Fifth Avenue and Sixth Avenue from the south line of SW Jackson Street to the north line of NW Irving Street, NW Irving Street from the west line of NW 5th Avenue to the east line of NW 6th Avenue and SW Jackson Street from the west line of SW Fifth Avenue to the east line of SW 6th avenue.

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2. Transit Mall Pavement is defined as all surface paving including the curb and any below grade slab or structural element supporting the surface paving located between the curb lines of the Transit Mall.
 3. Emergency for the purpose of this section means an unanticipated failure of an existing facility that creates a public hazard or an interruption of service to subscribers or customers that cannot be resolved using other routes or facilities.
- B.** No person shall undertake any excavation nor disturb the Transit Mall Pavement except as provided below.
1. Maintenance of the brick pavers, curbs, transit way or asphalt pavement by the City or TriMet.
 2. In order to provide for repairs to subsurface facilities made necessary by an emergency.
 3. In order to provide a utility service connection to an adjacent property when the utility can demonstrate to the satisfaction of the Director of the Bureau of Transportation that there is no alternative means of providing service to the property.
 4. The Director of the Bureau of Transportation may allow a public utility to excavate the transit mall pavement for,
 - a. replacement of an underground facility that has reached the end of its useful life or,
 - b. system expansion necessary to meet the public utilities obligation to serve its customers if, in the opinion of the Director of Transportation, the public utility has adequately demonstrated that no alternative location or means of providing service can adequately meet that need. The cost of providing service from an alternative location or alternative means shall not be a consideration in the Director of Transportation's decision.
 5. The Director of the Bureau of Transportation may require that an applicant requesting to do work under the provisions of Subsection 17.24.105 B.4. provide the Director a minimum of two years advance notice of the need to replace or expand facilities to allow for coordination with any planned major maintenance work to be performed by TriMet, the Portland Bureau of Transportation or another utility with permission to operate within the City of Portland.

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- C. When granting permits to excavate or disturb Transit Mall pavement , the Director of the Bureau of Transportation will impose conditions determined appropriate to insure the rapid and complete restoration of the Transit Mall Pavement to the originally constructed pavement section and surfacing.
1. Any person who is required to reconstruct Transit Mall Pavement shall provide engineered plans detailing how the work will be done and the Transit Mall pavement will be restored. The permittee shall be responsible for the full cost of the reconstruction. Full cost includes any City fee's and charges including but not limited to plan review, construction inspection, traffic mitigation, material testing, and all other expenses related to the work incurred by the Portland Bureau of Transportation.
 2. If the Director of the Bureau of Transportation determines that final restoration of the Transit Mall pavement is not appropriate at that particular time for reasons relating to weather or other short term conflict, the Director of the Bureau of Transportation may grant or order a delay until proper conditions allow for the restoration to occur.

17.24.110 Record of Permits.

The Director of the Bureau of Transportation shall keep a record of improvements under permit and the issuance of permits under this Chapter, and the date of certificate of approval and acceptance if made.

17.24.120 Removal of Improvement.

In the event the Director of the Bureau of Transportation or the City Council does not accept an improvement made pursuant to permit under this Chapter within 1 year after completion and tender for approval, then the permittee shall remove the same and restore the public area to its prior condition at the permittee's own expense, whenever and to the extent directed by the Director of the Bureau of Transportation.

17.24.130 Preservation of Cobblestones.

- A. As used in this Section, "permit" means a valid permit issued under Section 17.24.010 and "permittee" means a person to whom a permit is issued, or if no permit is required, the person undertaking the work.
- B. Cobblestones, also referred to as Belgian building or paving blocks, located in streets of the City are City property and remain City property notwithstanding their excavation by a permittee.
- C. It is the duty of the Bureau of Transportation to make available to the permittee a copy of the regulations authorized by this Section.
- D. A permittee shall preserve for delivery to the City quantities of 150 or more cobblestones displaced by excavations of City streets. A report of the number and location of the cobblestones shall be sent to the Bureau of Parks, Operations

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Division, and permittee shall deliver the cobblestones to a site as directed by the Bureau of Parks. The Commissioner of the Bureau of Parks hereby is delegated authority to issue additional regulations providing for the preservation of cobblestones excavated from City street areas.

- E.** At the request of the Portland Historical Landmarks Commission, but not less than once annually, the Bureau of Parks shall advise the Commission of the number of cobblestones then being stored. The deployment of stored cobblestones shall be determined by the Portland Historical Landmarks Commission (and/or recommended to the City Council). Criteria for deployment shall be established by the Commission.

CHAPTER 17.25 - SIDEWALK CAFES

(Chapter added by Ordinance No. 150637, effective
October 23, 1980.)

Sections:

- 17.25.010 Permit Required.
- 17.25.020 Definitions.
- 17.25.030 Application Fee and Permit Fee.
- 17.25.040 Permit Application.
- 17.25.050 Permit Requirements.
- 17.25.060 Location Rules and Review.
- 17.25.070 Liability and Insurance.
- 17.25.080 Forms and Conditions of Permit.
- 17.25.090 Denial, Revocation, or Suspension of Permit.
- 17.25.100 Appeal.
- 17.25.110 Enforcement.

17.25.010 Permit Required.

(Amended by Ordinance No. 182870, effective June 3, 2009.) Operating a Sidewalk Cafe on City sidewalks is unlawful without a permit. No person shall conduct a business as herein defined without first obtaining a permit from the Bureau of Transportation and paying the fee therefor to the City of Portland. It shall be unlawful for any person to operate a sidewalk cafe on any sidewalk within the City of Portland except as provided by this Chapter.

17.25.020 Definitions.

(Amended by Ordinance Nos. 177028, 182870, 184957, 188556 and 188850, effective April 6, 2018.)

- A.** Operate a Sidewalk Cafe. Operate a Sidewalk Cafe means serving food or beverage from a cafe or restaurant located in an adjacent building to patrons seated at tables located within the Sidewalk area adjacent to the cafe or restaurant.
- B.** Sidewalk. Sidewalk means that portion of the street between the curb lines or the lateral lines of roadway and the adjacent property lines intended for use by pedestrians and includes all areas of a pedestrian plaza as defined under Chapter 17.43.
- C.** Commercial zone. Commercial zone means abutting property which is zoned C, Commercial, or E, Employment pursuant to Title 33, Planning and Zoning of this Code or any other zone which may be created as a successor zone to such existing commercial zones.
- D.** Transit Mall. As defined in Subsection 17.24.105 A.

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- E.** Clear Pedestrian Zone. The Clear Pedestrian Zone is the area reserved for travel. No café operations are allowed in this area and the area must meet City standards and be free of hazards as described in the Sidewalk Maintenance Program Policy & Operating Guidelines (Portland Policy Document TRN-1.11).
- F.** Area of Operation: Area of Operation means the area of Sidewalk established by the City Engineer and demarcated on the sidewalk according to the specifications of the City Engineer within which the business is allowed to Operate a Sidewalk Café.
- G.** Responsible Party: Responsible Party means an individual who works on-site at the business and is responsible for overseeing the Operation of the Sidewalk Café, such as the restaurant manager or other person with similar responsibility.
- H.** Permittee: Permittee means the individual who applied for the sidewalk café permit and to whom the permit is issued. The Permittee bears ultimate responsibility for the operation of the Sidewalk Café.
- I.** Storage of Materials: Storage of Materials means any arrangement of furniture and materials that precludes operating a sidewalk café.

17.25.030 Application Fee and Permit Fee.

(Amended by Ordinance Nos. 177028, 182870 and 188850, effective April 6, 2018.) Fees for operating a sidewalk café are established by the Director of the Bureau of Transportation. Fees are assessed as prescribed in TRN-3.450 – Transportation Fee Schedule. The fees are evaluated and updated annually.

Each application for a sidewalk café permit shall be accompanied by an application fee. The application fee is nonrefundable and additional to the permit fee. The permit fee shall be collected prior to issuance of the permit. Permits renewed prior to April 1st do not require an application fee.

17.25.040 Permit Application.

(Amended by Ordinance Nos. 182870 and 188850, effective April 6, 2018.) Application for a permit to operate a sidewalk cafe shall be made at the Bureau of Transportation in a form deemed appropriate by the Director of the Bureau of Transportation. Such application shall include, but not be limited to, the following information:

- A.** Name and address of the applicant.
- B.** A drawing showing the width of the applicant’s cafe or restaurant facing the sidewalk indicating the area requested to be used, location of doorways, and the width of sidewalk (distance from curb to building face), location of tree wells, parking meters, bus shelters, sidewalk benches, trash receptacles, driveway (curb cut), or any other semi permanent sidewalk obstruction.

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- C. A letter signed by the property owner, or an authorized representative of the property owner, consenting to a sidewalk cafe adjacent to the property on which the restaurant is located.
- D. A signed agreement between the Responsible Party and the City stating the Responsible Party understands all terms and conditions of the permit.

17.25.050 Permit Requirements.

No person shall operate any restaurant or cafe, to provide food or alcoholic liquor, on any public street or sidewalk unless such person has obtained a valid permit, to operate that business in such a manner, pursuant to this Chapter.

17.25.060 Location Rules and Review.

(Amended by Ordinance Nos. 182870, 185397 and 188850, effective April 6, 2018.)

- A. A sidewalk café shall only be allowed where the sidewalk is at least 8 feet wide. Café operations will be allowed only within the Area of Operation, which shall be established by the City Engineer.

The following table shows the minimum width of the Clear Pedestrian Zone for a given sidewalk width.

Sidewalk Width	Clear Pedestrian Zone Minimum Width
Greater than or equal to 8' 0" and less than or equal to 10' 0"	5' 6"
Greater than 10' 0" and less than 15' 0"	6' 0"
Greater than or equal to 15' 0"	8' 0"

- B. Sidewalk width is determined by City records. Adjustments may be made at the discretion of the City Engineer when field measurements conflict with City records.
- C. As a tool to allow compliance in areas with space conflicts a sidewalk café may be allowed pinch points that are less than the required Clear Pedestrian Zone minimum width. At a pinch point, the Clear Pedestrian Zone minimum width may be reduced by 6 inches for a length of no more than 2 feet. Pinch points must be at least 4 feet from adjacent pinch points. Pinch points are to be used at the discretion of the City Engineer.
- D. The Clear Pedestrian Zone shall be free of all obstructions, permanent and temporary. This includes objects such as posts, signs, street lights, fire hydrants, bicycle racks, bicycles utilizing bicycle racks, vegetation, trees, tree-wells, planters, literature and news racks, parking meters, bus shelters, benches, tables, chairs, umbrellas, heaters, and waste receptacles.

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- E.** Obstructions controlled by the café or property owner that extend into the Clear Pedestrian Zone shall be at least 7 feet above the sidewalk surface within the Clear Pedestrian Zone.
- F.** Curbside seating may be allowed, subject to approval, and must allow a 2 foot buffer from the curb closest to the property line. Loading zones, bus stops, adjacent travel lanes or other conditions may prohibit curbside seating. The 2 foot buffer may be waived at the Bureau of Transportation's discretion when seating is adjacent to bike corrals or no-parking zones.
- G.** Within the Clear Pedestrian Zone there shall also be a continuous, straight passage at least 2 feet in width, known as the clear visual zone, to provide pedestrians with a clear visual indication of the direction and location of the Clear Pedestrian Zone. The Clear Pedestrian Zone is allowed to meander to navigate obstructions, but its ability to do so is limited by the clear visual zone.
- H.** To ensure compliance with the Americans with Disabilities Act, there shall be a continuous passage at least 4 feet in width with a maximum 2 percent pavement cross slope within the Clear Pedestrian Zone. All sidewalk café furniture must be placed on hard surfaces, consistent with Section 17.28.060.
- I.** The approved Area of Operation shall be established by the City Engineer.
- J.** Within the Transit Mall, additional criteria regarding Clear Pedestrian Zone minimum widths may be applied per the City Engineer's discretion.

17.25.070 Liability and Insurance.

(Replaced by Ordinance No. 182870; Amended by Ordinance No. 188850, effective April 6, 2018.) Insurance is required pursuant to TRN-10.21 Insurance Requirements for Permits Issued by Street Systems Management.

17.25.080 Form and Conditions of Permit.

(Amended by Ordinance Nos. 182870, 184957 and 188850, effective April 6, 2018.) The permit issued shall be in a form deemed suitable by the City Engineer. In addition to naming the name of the business and other information deemed appropriate by the City Engineer, the permit shall contain the following conditions:

- A.** Each permit issued shall terminate December 31st of the year in which issued.
- B.** The permit issued shall be personal to the Permittee only and is not transferable in any manner.
- C.** The permit may be suspended by the City Engineer when a separate Community/Special Event permit has been issued.
- D.** The permit is specifically limited to the approved Area of Operation.

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- E.** The Responsible Party shall use positive action to assure that its use of the sidewalk in no way interferes with or embarrasses sidewalk users or limits their free and unobstructed passage.
- F.** The sidewalk and all things placed thereon shall at all times be maintained in a clean and attractive condition. Trash containers may be provided for use by the cafe patrons.
- G.** The Permit shall be posted in a conspicuous place near the main entrance visible from the sidewalk at all times.
- H.** All furniture and equipment used in the operation of a sidewalk café shall be removed within a period of 10 days from the right-of-way when not available for use by patrons. Removal of furniture and equipment may be required, on a case by case basis, outside of the business' hours of operation if determined necessary for safety or other reasons at the discretion of the Director of the Bureau of Transportation. The Portland Police Bureau or the Office of Neighborhood Involvement may provide recommendations for the consideration by the Director of the Bureau of Transportation.
- I.** Responsible Party shall notify the Bureau of Transportation of any changes to the contact information provided in the City /Responsible Party Agreement.
- J.** Outdoor cooking shall be prohibited.
- K.** A sidewalk café event extension permit may be issued to extend Area of Operation on a temporary basis, during a community event street closure.

17.25.090 Denial, Revocation or Suspension of Permit.

(Amended by Ordinance No. 182870, effective June 3, 2009.)

- A.** The City Engineer may deny, revoke, or suspend the permit for any sidewalk cafe authorized in the City of Portland if it is found:
 - 1.** That the provisions of this Chapter have been violated.
 - 2.** The Permittee does not have insurance which is correct and effective in the minimum amount prescribed in Section 17.25.070.
- B.** Upon denial or revocation, the City Engineer shall give notice of such action to the Responsible Party and Permittee in writing stating the action which has been taken and the reason therefor. The action shall be effective upon giving such notice to the Responsible Party. Any denial or revocation may be appealed to the City Engineer by filing within 10 days.

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17.25.100 Appeal.

(Replaced by Ordinance No. 182870, effective June 3, 2009.) Any Applicant aggrieved by an Administrator's determination may appeal that determination to the Code Hearings Officer as provided in Chapter 22.10 of this Code. Notwithstanding any other provisions of this Code, there shall be a non-refundable fee of \$250 for any appeal pursuant to this subsection. Such fee must accompany any such appeal and no such appeal shall be considered filed or received until such fee is paid in full.

17.25.110 Enforcement.

(Added by Ordinance No. 188850, effective April 6, 2018.) The Director of the Bureau of Transportation, or designee, shall retain the right to inspect and enforce permit compliance related to rules and regulations. Enforcement of rules and regulations shall be in accordance with TRN-8.14 (Right-Of-Way Use Enforcement Program).

17.26.050 Application for Permit.

(Amended by Ordinance Nos. 165594, 182760 and 188850, effective April 6, 2018.)
Application for a permit to conduct business on a sidewalk shall be made at the office of the City Engineer on a form deemed appropriate by the City Engineer. Such application shall include but not be limited to the following information:

- A.** Name and address of the applicant;
- B.** The expiration date of applicant's City business license;
- C.** Type of items sold or services rendered. Individual applications shall be accepted for one type of product or service only.
- D.** A valid copy of all necessary permits required by State or local health authorities;
- E.** Insurance is required pursuant to TRN-10.21 Insurance Requirements for Permits Issued by Street Systems Management.
- F.** Means to be used in conducting business including but not limited to a description of any vending cart, to be used for transport or to display approved items or services.
- G.** A separate application shall be required for each vending cart to be used for transportation or display;
- H.** The proposed location for conducting business and the written consent of the property owner(s) adjacent to the permit operating area, along with a signed statement that permittee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the permit. This consent and hold harmless statement must be submitted on a form deemed appropriate by the City Engineer. No application shall apply to more than one location. No application will be accepted for a permit operating area within which a current permit has been issued or an application is pending. Valid 1982 permits which allowed two carts within a permit operating area may apply for renewal provided they have not lapsed or been revoked.
- I.** No food vendor application will be accepted for a permit operating area where a restaurant or fruit and vegetable market, with direct access to the sidewalk, is adjacent or within 100 feet on the same block. No application will be accepted for a flower vendor for a permit operating area where a flower shop, with direct access to the sidewalk, is adjacent or within 100 feet on the same block. The above requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant, fruit and vegetable market or flower shop. The consent must be submitted on a form deemed appropriate by the City Engineer.

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This provision is not an exception to the location and distance prohibitions included in Section 16.70.550 of the Code of the City of Portland, and no application shall be accepted for a location which would be in violation of that Section.

17.26.060 Location Selection.

- A.** Permit operating areas which have not been issued a current permit shall be available only upon receipt of the written consent of the property owners adjacent to the permit operating area.
- B.** No vendor or vending business may obtain permits for adjacent permit operating areas on the same block. Valid 1982 permits are exempt from this restriction provided they have not lapsed or been revoked.
- C.** The City Engineer may establish an additional permit operating area on a block face which exceeds 300 feet in length.

17.26.070 Location Review.

Upon receipt of an application for a permit the City Engineer shall review the proposed permit operating area to determine if the said area is suitable for sidewalk vending. In making this determination, the City Engineer shall consider the following criteria:

- A.** The permit operating area must be within a commercial zone.
- B.** The use of the permit operating area for sidewalk vending must be compatible with the public interest in use of the sidewalk areas as public right of way. In making such determination the City Engineer shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to, signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as, the presence of bus stops, truck loading zone, taxi stands or hotel zones to determine whether the proposed use would result in pedestrian or street congestion.

The City Engineer shall inform the applicant whether the proposed permit operating area is suitable or unsuitable. In the event the applicant is dissatisfied with the City Engineer's decision regarding a certain application, he may appeal the decision to the Commissioner In Charge. The decision of the Commissioner, if adverse to the applicant or any notified party may be appealed to the City Council.

17.26.080 Payment for Written Consent is Unlawful.

No person or corporation shall either pay or accept payment for written consent required for the issuance or continued operation of a sidewalk vending permit.

17.26.090 Design Review.

(Amended by Ordinance Nos. 176955, 177028 and 182760, effective June 5, 2009.)

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- A.** The applicant for a sidewalk vendor permit shall submit detailed scale drawings of the cart to be used, material specifications, and an isometric drawing in color of at least two views showing all four sides of the vending cart and any logos, printing or signs which will be incorporated and utilized in the color scheme. The City Engineer shall submit the isometric drawings of the vending device to the Bureau of Development Services for approval prior to issuing a permit. Vending carts shall be measured by the City Engineer prior to the issuance of a permit or the renewal of a sidewalk vendor's permit to ensure compliance with Section 17.26.090 A of this Chapter.
- B.** The Bureau of Development Services shall furnish the City Engineer standards required by the Portland Design Commission to be incorporated in the sidewalk vendors application packet.

17.26.100 Fire Marshal Inspection.

(Amended by Ordinance No. 182760, effective June 5, 2009.) Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any vending cart to assure the conformance of any cooking or heating apparatus with the provisions of the City Fire Code.

17.26.110 Application Time Limit.

(Amended by Ordinance No. 182760, effective June 5, 2009.) The applicant must complete all reviews, inspections and present all required documents to the City Engineer within 60 days from date of location approval. Failure to meet this requirement shall result in cancellation of the application and forfeiture of the application fee. The City Engineer may extend this time limit, upon written request and a finding of reasonable need.

17.26.120 Form and Condition of Permit.

The permit issued shall be in a form deemed suitable by the City Engineer. In addition to naming the permittee and other information deemed appropriate by the City Engineer, the permit shall contain the following conditions:

- A.** Each permit will expire at midnight, December 31st of the year issued;
- B.** The permit issued shall be personal only and not transferable in any manner;
- C.** The permit is valid only when used at the permit operating area designated on the permit. The permit operating area may be changed by submitting a new letter of consent accompanied by an additional application fee;
- D.** The permit is valid for one cart only;
- E.** The location within the permit operating area may be changed, either temporarily or permanently, by written notice of the City Engineer;
- F.** The permit is subject to the further restrictions of this Chapter;

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- G.** The permit as it applies to a given permit operating area may be suspended by the Council for a period up to 10 days when an ordinance providing for a “community event” shall so provide.

17.26.125 Renewal of Permits.

Application for renewal of permits shall be received from November 1st through December 31st. Application shall be on a form deemed suitable to the City Engineer, accompanied by a permit fee. Applications received after December 31st shall be processed as new applications. The City Engineer shall review each application to determine that:

- A.** Any required consent has not been withdrawn;
- B.** The applicant has a currently effective insurance policy in the minimum amount provided in Section 17.26.050 E;
- C.** All required permits are current;
- D.** The cart size is in conformance with Section 17.26.130 E. If the City Engineer finds that the application meets all the above requirements, he shall issue a new permit.

17.26.130 Restrictions.

(Amended by Ordinance Nos. 182760 and 185397, effective July 6, 2012.)

- A.** Any person conducting business on the sidewalks of the City of Portland with a valid permit issued under this Chapter may transport and/or display approved items or services upon any vending cart, under or subject to the following conditions:
 - 1.** The operating area shall not exceed 24 square feet of sidewalk which shall include the area of the vending cart, and, when externally located, the operator and trash receptacle.
 - 2.** The length of the vending cart shall not exceed 6 feet.
 - 3.** The height of the vending cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- B.** No person may conduct business on a sidewalk in any of the following places:
 - 1.** Within 10 feet of the intersection of the sidewalk with any other sidewalk except that the City Engineer may waive this restriction in writing for any location upon finding that construction of extra width sidewalks makes such use consistent with the standards established by Section 17.26.070.
 - 2.** Within 8 feet of the adjacent property line;

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3. Within 10 feet of the extension of any building entrance or doorway, to the curb closest to the property line.
 4. Within 10 feet of any handicapped parking space, or access ramp.
- C. All persons conducting business on a sidewalk must display in a prominent and visible manner the permit issued by the City Engineer under the provisions of this Chapter and conspicuously post the price of all items sold.
- D. All persons conducting business on a sidewalk must pick up any paper, cardboard, wood or plastic containers, wrappers, or any litter in any form which is deposited by any person on the sidewalk or street within 25 feet of the place of conducting business. Each person conducting business on a public sidewalk under the provisions of this Chapter shall carry a suitable container for placement of such litter by customers or other persons.
- E. All person conducting business on a sidewalk shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of the sidewalk or remove his vending cart entirely from the sidewalk if necessary to avoid such congestion or obstruction.
- F. No person shall conduct business as defined herein at a location other than that designated on his permit.
- G. No permittee shall make any loud or unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his wares.
- H. No permitted vending cart shall be left unattended on a sidewalk nor remain on the sidewalk between midnight and 6 a.m.
- I. No permittee shall conduct business in violation of the provisions of any ordinance providing for a special event.

17.26.140 Special Event Designation.

(Amended by Ordinance No. 182760, effective June 5, 2009.) The special event designation allows vendors to conduct business on City sidewalks at the Rose Festival parades and other major special events that the City Engineer shall so designate, subject to the following conditions:

- A. Application shall be made to the City Engineer on a form deemed appropriate by the City Engineer. Each application shall apply to only one event or parade. Application is open to any vendor who possesses a valid sidewalk vending permit. Each application shall be accompanied by:
1. All necessary permit fees.

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2. The proposed location for conducting business along with the temporary written consent of the property owners adjacent to the permit operating area. This temporary consent must be on a form deemed appropriate by the City Engineer. No application will be accepted for a permit operating area within which a permit has been issued or an application is pending.
- B. Application must be made at least 5 working days prior to an event to qualify for participation.
- C. All temporary locations shall be on side streets adjacent to the parade or event.
- D. Temporary locations are valid only for the date and hours specified by the City Engineer.
- E. All other conditions of this Chapter, except as herein stated, shall remain in effect.

17.26.150 Denial, Suspension or Revocation of Permit.

(Amended by Ordinance No. 182760, effective June 5, 2009.)

- A. The City Engineer may revoke or suspend the permit, or deny either the issuance or renewal thereof, of any person to conduct business on the sidewalks of the City of Portland based on the following findings:
 1. that such person has violated or failed to meet any of the provisions of this Chapter;
 2. that the cart operation has become detrimental to surrounding businesses and/or the public, due to either appearance or condition of the cart.
 3. any required permit has been suspended, revoked or canceled; or
 4. the permittee does not have a currently effective insurance policy in the minimum amount provided in Section 17.26.050 E.
- B. Upon denial, suspension or revocation, the City Engineer shall give notice of such action to the permit holder or applicant, as the case may be, in writing stating the action the City Engineer has taken and the reasons therefore. If the action of the City Engineer is a revocation based on Subsections A.3. and 4. of this Section, the action shall be effective upon giving such notice to the permittee, otherwise such notice shall contain the further provision that it shall become final and effective within 10 days. Any revocation effective immediately may also be appealed to the Council by such filing within 10 days. Any revocation, suspension or denial may be appealed to the City Council by filing a written notice of appeal with the City Auditor within 10 days of receipt of notification.

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17.26.160 Appeal.

The Auditor shall place the appeal on the Council calendar at the first convenient opportunity therefor and shall notify the City Engineer thereof. At the hearing upon appeal, the Council shall hear all witnesses including the City Engineer or his representative who shall state the grounds for this action, and the applicant or person whose permit has been revoked or suspended may supply testimony in writing by witnesses or otherwise and may question witnesses on his own behalf or on behalf of the City. The Council shall hear and determine the appeal and the decision of the Council shall be final and effective immediately.

17.26.170 Penalty for Violation.

Any person violating any of the provisions of this Chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment for a period not exceeding 6 months, or by both such fine and imprisonment. In the event that any provisions of this Chapter is violated by a firm or corporation, the officer or officers, or the person or persons responsible for the violation shall be subject to the penalty herein provided.

17.26.180 Violation a Nuisance, Summary Abatement.

(Amended by Ordinance No. 182760, effective June 5, 2009.) The placement of any vending cart on any sidewalk in violation of the provisions of this Chapter is declared to be a public nuisance. The City Engineer may cause the removal of any vending cart found on a sidewalk in violation of this Chapter and is authorized to store such vending cart until the owner thereof shall redeem it by paying the removal and storage charges therefore to be established by the Commissioner In Charge.

CHAPTER 17.84 - STREET VACATIONS

(Chapter amended by Ordinance No. 184957,
effective November 25, 2011.)

Sections:

- 17.84.010 Plat Must Be Filed.
- 17.84.020 Fees.
- 17.84.030 Preliminary Consideration of Petition.
- 17.84.040 Bond or Cash Deposit.
- 17.84.050 Statutory Procedures Applicable.
- 17.84.060 Consent to Vacation for City as Owner.
- 17.84.065 Vacation on Council's Own Motion; Notification.

17.84.010 Plat Must Be Filed.

No vacation of a street, public place or plat shall become effective until the ordinance providing for the vacation and a plat, as provided by law, has been filed in the office of the county clerk of the county where the street, public place or plat is located. The cost of the filing and the preparation of the plat shall be paid by the person petitioning for the vacation.

17.84.020 Fees.

(Replaced by Ordinance No. 172859; amended by Ordinance No. 184957, effective November 25, 2011.)

- A.** Whenever a request for a petition for the vacation of a street, public place or plat, or any part thereof is presented to the Director of the Bureau of Transportation, the person making the request shall pay to the Director of the Bureau of Transportation a fee for preparation of the petition for vacation. The fee for this service shall be established annually by the Director of the Bureau of Transportation and shall recover full costs including all applicable overhead charges.
- B.** When a completed petition is presented to the City Auditor for filing and consideration by the Council, the person presenting the petition for the vacation shall pay to the City Auditor a fee, established by the Director of the Bureau of Transportation, to cover the estimated costs of processing the petition. All departments or bureaus involved in processing a vacation shall keep records of the costs incurred on each individual vacation proceeding and shall submit such costs to the Director of the Bureau of Transportation prior to passage of the vacating ordinance. If the actual cost of advertising and expenses, and all processing costs, including employee salaries and applicable overheads, related to the vacation exceed the fee collected, a sum sufficient to cover all such costs shall be collected before the vacation is completed, and payment thereof shall be a condition of the vacating ordinance.

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- C. The Council, upon hearing the petition, may grant the same in whole or in part or deny it in whole or in part, and may make reservations or conditions as appear to be in the public interest. The reservations or conditions may pertain to:
1. The maintenance and use of underground public utilities or service facilities in the portion vacated;
 2. Limitations on use of the area above and adjacent to underground utilities or service facilities;
 3. Moving at petitioner's expense of utility or service facilities either below, on or above the surface;
 4. Construction, extension or relocation of sidewalks and curbs;
 5. Grading or pavement extensions;
 6. Dedication for street use or other area in lieu of the area to be vacated;
 7. Replat; and
 8. Any other matter of like or different nature relating to the vacated area and remaining or relocated street area adjacent to petitioner's property, or area dedicated in lieu of the vacation area.

17.84.025 Approval Criteria for Vacating Streets.

(Added by Ordinance No. 188177; Amended by Ordinance No. 188695, effective May 24, 2018.)

- A. In considering whether the vacation will prejudice the public interest, the Council will consider the following factors, as relevant:
1. The area proposed to be vacated is not needed presently, and is not identified in any adopted plan, for public services, transportation functions, utility functions, stormwater functions, view corridors and/or viewpoints, tree planting/retention, pedestrian amenities, or community or commercial uses.
 2. The vacation does not prevent the extension of, or the retention of public services, transportation functions, utility functions, stormwater functions, view corridors and/or view points.
 3. Public services, transportation functions, or utilities can be extended in an orderly and efficient manner in an alternate location;
 4. The vacation does not impede the future best use, development of, or access to abutting property;

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5. The area of the vacation is not presently, or will not in the future be, needed as part of an interconnected system of public streets that is generally consistent with the street connection and bicycle/pedestrian spacing requirements in Section 17.88.040 Through Streets.
- B.** When approving, or approving in part, a petition to vacate a street the Council may make reservations or conditions. Reservations or conditions may pertain to:
1. The maintenance and use of underground public utilities or service facilities in the portion vacated;
 2. Limitations on use of the area above and adjacent to underground utilities or service facilities;
 3. Moving at petitioner's expense the utility or service facilities either below, on or above the surface;
 4. Construction, extension or relocation of sidewalks and curbs, multi-use paths, trails, or other similar pedestrian or bicycle facilities;
 5. Grading or pavement extensions;
 6. Dedication for street use or other area in lieu of the area to be vacated;
 7. Replat; and
 8. Any other matter of like or different nature relating to the vacated area and remaining or relocated street area adjacent to petitioner's property, or area dedicated in lieu of the vacation area.

17.84.030 Preliminary Consideration of Petition.

(Replaced by Ordinance No. 182760; Amended by Ordinance Nos. 184046 and 184957, effective November 25, 2011.) Pursuant to ORS 271.080 through 271.100, when a petition for the vacation of a street, public place or plat is presented to the City, the Auditor shall review the petition as provided by the statutes, and shall submit the petition to the Commissioner-in-Charge of the Bureau of Transportation, the Director of the Bureau of Transportation and Bureau of Planning and Sustainability for review. The Commissioner in charge of the Bureau of Planning and Sustainability shall refer the petition to the Planning and Sustainability Commission for action. The Commissioner in charge of the Bureau of Planning and Sustainability shall prepare a report to Auditor containing the findings and recommendations of the Planning and Sustainability Commission and Director of the Bureau of Transportation, and shall submit the report and petition to Council for consideration. The report may include recommended conditions of approval. Upon receiving the report of the Commission, the Auditor shall file the petition and forward the petition and Commissioner's report to the Council for its preliminary consideration as

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provided by ORS 271.100. This review process shall be completed before the City publishes or posts public notices of the contemplated vacation.

17.84.040 Bond or Cash Deposit.

(Amended by Ordinance No. 184957, effective November 25, 2011.) When the Council is petitioned to vacate any street, public place or plat or part thereof, in which water mains, fire hydrants, police or fire alarm system, gas mains, steam heating mains, conduits, sewer mains or laterals, manhole structures, poles, wires or other utility or public service facilities are constructed and maintained, and the proposed vacation will require the removal of the utility or public service facilities or any portion of them, or if curbs or sidewalks are required to be extended or relocated, or if grading or additional paving is required, the ordinance vacating the street or part thereof may provide that the vacation shall not be effective unless the petitioner shall file with the Auditor of the City his acceptance of the terms and provisions of the ordinance together with a surety bond or cash deposit, in such sum as shall be fixed by the Council. The surety bond or cash deposit shall be to the effect that, in the event the vacation is granted, the petitioner will, within 90 days or such other time as the Council may fix after the vacation ordinance is effective, remove or have removed by the owner, all or any part of the utility or public service facilities as required by the vacation ordinance and reconstruct and relay the facilities or have them reconstructed and relaid by the owner in the places as may be required by the Director of the Bureau of Transportation, and obtain other work as required by the ordinance in the manner directed by the Director of the Bureau of Transportation, all at the expense of the petitioner.

17.84.050 Statutory Procedures Applicable.

The provisions applicable to a vacation, set forth in ORS 271, shall apply to each vacation. Alternative procedures therein allowed may be followed.

17.84.060 Consent to Vacation for City as Owner.

Whenever City owned property abuts area of a street or plat sought to be vacated by petition, or is located within "affected area" fixed by statute, the Mayor, City Commissioner or City Commission under whose jurisdiction the property has been placed may sign consent to the vacation as an owner for the purpose of Council jurisdiction and consideration.

17.84.065 Vacation on Council's Own Motion; Notification.

(Added by Ordinance No. 136419, effective May 28, 1973.) Whenever the City Council shall initiate vacation proceedings on its own motion, the City Auditor shall give notice of the proposed action and hearing to all owners of real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case, not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. When a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. Whenever the Council shall initiate proceedings to

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vacate a plat or portion thereof, the City Auditor shall notify all property owners within such plat or part thereof proposed to be vacated of the proposed action and hearing. The notification required by this Section shall be given not less than 28 days before the hearings on the proposed action.

17.88.070 Routes of Travel in Park Areas.

(Added by Ordinance No. 177028; amended by Ordinance No. 182760, effective June 5, 2009.) The Bureau of Transportation, may, upon the request of the Commissioner In Charge of the Bureau of Parks and Recreation, take over and perform the construction, reconstruction, maintenance and repair of any boulevards, roadways, drives, paths, trails, walks or other routes of travel in park areas of the City. The transfer of such responsibility to the Bureau of Transportation shall not operate to remove the routes of travel from the jurisdiction and control of the Bureau of Parks and Recreation, and the planning and location of new routes shall remain the responsibility of, and in the jurisdiction of the Bureau of Parks and Recreation.

17.88.080 Special Requirements for East Corridor Plan District.

(Added by Ordinance No. 178424; amended by Ordinance No. 182760, effective June 5, 2009.) East Corridor Plan District. Until a master street plan is adopted in the Transportation Element of the Comprehensive Plan for the East Corridor Plan District, as shown in Title 33, Map 526-1, street connectivity for the area should generally be based on a block size of 400 by 200 feet and connect to the surrounding street grid consistent with the prevailing block pattern.

17.88.090 Local Transportation Infrastructure Charge Required.

(Added by Ordinance No. 187681; amended by Ordinance No. 188891, effective May 11, 2018.)

- A.** An applicant for a new, single-family, residential, building permit for a project of one or two units or for approval to create multiple lots other than as part of a subdivision on real property within a single-family residential zone must pay a Local Transportation Infrastructure Charge, except as exempted by this Code or associated administrative rule.
- B.** The Bureau of Transportation will assess a Local Transportation Infrastructure Charge according to the total number of linear feet of unimproved street frontage. The charge will be based on the average, location-specific, actual cost to the City to build local street improvements to City standards at the time of application. The City may establish zone-specific, per-lot maximum numbers of linear feet of unimproved street frontage subject to the Local Transportation Infrastructure Charge.
- C.** Payment of a Local Transportation Infrastructure Charge will exempt the property subject to the application from future Local Transportation Infrastructure Charges.
- D.** Local Transportation Infrastructure Charges will be collected and administered by the Bureau of Transportation. The Director of the Bureau of Transportation may establish rules and procedures for the Local Transportation Infrastructure Charge.

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- E.** An applicant may not appeal under Chapter 17.06 of this Code the City's assessment of a Local Transportation Infrastructure Charge except as provided by administrative rule.
- F.** Affordable housing is exempt from Local Transportation Infrastructure Charges to the same extent and in the same manner that it is exempt from system development charges under this Code.
- G.** The City shall allow deferred payments and provide loans as provided by administrative rule.

**CHAPTER 17.107 - TRANSPORTATION AND
PARKING DEMAND MANAGEMENT**

(Chapter added by Ordinance No. 188177; amended
by Ordinance No. 188695, effective May 24, 2018.)

Sections:

- 17.107.010 Purpose.
- 17.107.020 Required Elements of a Transportation and Parking Demand Management Plan.
- 17.107.030 Transportation and Parking Demand Management Requirements and Procedures.
- 17.107.035 Pre-Approved Multimodal Incentives for Residential and Mixed Use Development.
- 17.107.045 Required Reporting.
- 17.107.050 Enforcement and Penalties.
- 17.107.060 Administrative Rule Authority.
- 17.107.070 Fees.

17.107.010 Purpose.

(Amended by Ordinance No. 188957, effective June 23, 2018.) The purpose of this Chapter is to describe the required elements of a Transportation and Parking Demand Management (TDM) Plan, and the circumstances under which a pre-approved TDM plan may be submitted. Requiring TDM is intended to prevent, reduce, and mitigate the impacts of development on the transportation system, neighborhood livability, safety, and the environment while reducing transportation system costs.

TDM plans provide residents, employees, and visitors with information and incentives to use transportation methods other than single occupancy vehicles in order to achieve the City's transportation goals, including reduced reliance on single occupancy vehicles, and reduced vehicle miles travelled.

17.107.020 Required Elements of a Transportation and Parking Demand Management Plan.

A TDM Plan shall include, at a minimum, the following elements:

- A.** Description of proposed development, including trip generation estimates and proposed auto and bicycle parking. The description may include development anticipated to occur for a period of up to 10 years;
- B.** Description of existing land uses, traffic conditions, and multimodal facilities in the area within ¼ mile of the site, including (if applicable) any current employee mode split data from the most recent Employee Commute Options (ECO) report submitted to the Oregon Department of Environmental Quality;
- C.** Performance Targets:
 - 1.** Mode split goals shall be based on the performance targets from Objective 9.28.h in the Transportation System Plan;

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2. An ECO survey submitted in Subsection B. shall serve as the baseline mode split, when available. If an ECO survey is not available, census data may be used, or the applicant may submit an independent survey from a professional traffic engineer;
 3. Interim performance targets may be determined as a straight line projection from the base year to 2035;
 4. Alternate performance targets may be proposed based on the following factors:
 - a. The relative availability of bicycle, transit, bike share, and car share infrastructure and services;
 - b. Current TDM strategies that have been implemented by the applicant;
 - c. Travel characteristics, including schedules, of employees, residents, and visitors;
 - d. Best practices and performance of comparable sites in Portland and comparable cities;
- D.** If a site has a TDM Plan approved through a previous land use review, and the applicant is in compliance with the provisions of that Plan, then the TDM Plan may serve as the basis of any subsequent updates. The submittal for a TDM Plan update should include:
1. Demonstration of compliance with neighborhood engagement obligations;
 2. Demonstration of compliance with mode split reporting obligations;
 3. Evaluation of mode split trends based relative to the performance target;
- E.** Strategies likely to achieve the identified mode split and parking management performance targets. Strategies may include but are not limited to:
1. Supply, management, and pricing of on-site employee, resident, and student parking;
 2. Dissemination of information about alternatives to single-occupant vehicle commuting;
 3. Identification of a site or campus TDM coordinator;
 4. Financial incentives offered to employees for carpool, car-sharing, transit, bicycling, and walking;

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- 5. For nonresidential uses, strategies to reduce total trips such as telework and/or compressed work week scheduling or on-site housing;
- 6. For nonresidential uses, the availability of end-of-trip facilities, such as bicycle lockers, showers, and secured bicycle parking.
- F. For colleges and hospitals in the Campus Institutional Zone, a neighborhood engagement plan;
- G. Reporting as required by Section 17.107.045, including any Performance Monitoring plans proposed by the applicant that exceed the ECO reporting requirements detailed in Section 17.107.045;
- H. Ongoing Participation and Adaptive Management plan, specifying what additional actions not detailed in Subsection 17.107.020 D. may be utilized to achieve the 2035 performance targets specified in Subsection 17.107.020 C.

17.107.030 Transportation and Parking Demand Management Requirements and Procedures.

- A. **Requirement for Colleges and Medical Centers.** Title 33 requires College and Medical Center uses in the campus institutional zones to conform to an approved Transportation Impact review. The application requirements for the Transportation Impact review require the applicant to provide a Transportation and Parking Demand Management Plan that has all the elements required by this Chapter. Approval of the TDM plan is subject to the criteria described in Chapter 33.852.
- B. **Requirement for Residential Uses.** Title 33 requires development in a commercial/mixed use zone that includes more than 10 new dwelling units to have a TDM Plan at the time of development permit issuance. Development subject to this requirement may utilize the pre-approved multimodal incentive described in Section 17.107.035, or develop a custom plan approved through Transportation Impact Review, as described in Chapter 33.852.

17.107.035 Pre-Approved Multimodal Incentives for Residential and Mixed Use Development.

(Amended by Ordinance No. 188957, effective June 23, 2018.) As an alternative to preparing a custom TDM plan subject to Sections 17.107.020 through 17.107.030, and Chapter 33.852, an applicant of a mixed use and residential development may agree to provide a multimodal incentive plan, preapproved by the City, including, but not limited to, the following:

- A. Distribution of transportation options information approved or provided by the Portland Bureau of Transportation for the first 4 years of building occupancy, offered to residents, employees, and visitors;

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- B.** Multimodal financial incentives equal to the value of a 1-year adult TriMet pass per residential unit, for the first year of building occupancy. This obligation will pay for a menu of incentives that will be offered to residents of the site to increase the use of transit, bicycling, walking, and other alternatives to driving alone. Specific rates for affordable dwelling units and market-rate dwelling units are found in the annual fee schedule;
- C.** Participation in an annual travel survey of residents and employees for the first 4 years of building occupancy;
- D.** A written acknowledgment by the applicant of the enforcement provisions in Code Section 17.107.050.

17.107.045 Required Reporting.

Employers on sites subject to an approved TDM Plan shall submit Employee Commute Options surveys to the Portland Bureau of Transportation a minimum of every 2 years after initial approval. On residential properties subject to a pre-approved TDM Plan under Section 17.107.035, the building owner or manager is required to actively participate in an annual City travel survey of residents and employees for the first 4 years of building occupancy.

17.107.050 Enforcement and Penalties.

It shall be a violation of this Chapter for any entity or person to fail to comply with the requirements of this Chapter or to misrepresent any material fact in a document required to be prepared or disclosed by this Chapter. Any building owner, employer, tenant, property manager, or person who fails, omits, neglects, or refuses to comply with the provisions of this Chapter shall be subject to a civil penalty of up to \$1,000 for every 7-day period during which the violation continues. If an entity or person is fully implementing all other elements of this Chapter, failing to meet performance targets alone shall not be an enforcement violation. The Bureau of Transportation shall seek voluntary compliance for a period of at least 1 month before resorting to penalties.

17.107.060 Administrative Rule Authority.

The Director of Transportation shall adopt administrative rules necessary to achieve the purpose of this Chapter.

17.107.070 Fees.

The City may charge fees for Transportation and Parking Demand Management goods and services provided, including but not limited to application review, incentives and education, performance monitoring, adaptive management, and compliance and enforcement.

FIGURE 6 - CHAPTER 17.102

(Figure replaced by Ordinance No. 188896,
effective May 1, 2018.)

Residential Solid Waste and Recycling Rates

As used in Figure 6 the following terms have the meanings described below:

"Excess distance" is applicable to any collection beyond seventy-five (75) feet from the curb. This charge is in addition to the "non-curb surcharge."

"Clean up containers" include hauler-provided containers which are provided as requested by the customer for occasional or temporary use.

"Small multiplex" refers to any multidwelling building or a combination of buildings on a single tax lot in the residential franchise territory that contains 2-4 dwelling units.

"Non-curb surcharge" is the charge for collection service provided at a location more distant than curbside.

"Terrain differential" is applicable to services within the territory designated on Figure 6-1.

Residential Curbside Collection Service Rates and Charges				
Single Family Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Standard Service - Service includes weekly collection of composting & recycling, every-other-week garbage				
20-gallon Can*	27.15		1.75	0.60
32-gallon Can*	31.80		1.75	0.60
20-gallon Rollcart	27.15			
35-gallon Rollcart	31.80			
60-gallon Rollcart	37.65			
90-gallon Rollcart	44.15			
1.0 Cubic Yard Container	87.45			
1.5 Cubic Yard Container	118.95			
2.0 Cubic Yard Container	150.45			
Every-four-weeks Service - Service includes weekly collection of composting & recycling, every-four-weeks garbage				
32-gallon Can*	24.25		0.90	0.30
35-gallon Rollcart	24.25			

*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

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Single Family Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Special Services				
Recycling Only, Weekly Collection	11.05			
Composting & Recycling Only, Weekly Collection	20.85			
On Call Yard Debris Collection (32 gallon Can, Bag or Bundle--Yard Debris Only)		7.45		
On Call Garbage (32-Gallon Can or Bag)		9.75	0.90	0.30
Yard Debris, Extra Can, Bag or Bundle--Yard Debris Only		3.75		
Garbage, Extra Can or Bag		5.00	0.90	0.30
Courtesy Callback (Garbage or Composting)		8.40		
Rollcart Delivery**		12.50		
Extra Composting Rollcart	12.45			
Extra Recycling Rollcart	5.85			
Holiday Tree Removal		5.00		
Multiple Cans/Rollcarts- Service includes weekly collection of composting & recycling, every-other-week garbage				
32-Gallon Cans, Two*	41.80		3.50	1.20
32-Gallon Cans, Three*	47.85		5.25	1.80
32-Gallon Cans, Four*	52.35		7.00	2.40
35-Gallon Rollcart, Two	41.10			
35-Gallon Rollcart, Three	48.60			
35-Gallon Rollcart, Four	56.10			
60-Gallon Rollcart, Two	47.55			
60-Gallon Rollcart, Three	57.45			
60-Gallon Rollcart, Four	67.35			
90-Gallon Rollcart, Two	55.35			
90-Gallon Rollcart, Three	66.75			
90-Gallon Rollcart, Four	78.15			

*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

**Rollcart delivery fees may be charged in the following scenarios:

1. For composting and recycling, if it is the customer's second (or greater) rollcart delivery.
2. For garbage, if it is the customer's second (or greater) rollcart delivery within a one year period.
3. Any time the customer requests a clean rollcart.

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PUBLIC IMPROVEMENTS**

Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Clean-Up Containers				
One 1.0 Cubic Yard		92.10		
One 1.5 Cubic Yard		100.75		
One 2.0 Cubic Yard		109.30		
Terrain Differential				
Every-Other-Week Garbage (Single Can / Rollcart)	4.20			
Every-Other-Week Garbage (Multiple Cans / Rollcarts)	4.35			
Every-Four-Weeks Garbage	2.90			
Recycling Only	1.45			
Composting & Recycling Only	2.75			
32-Gallon Can Garbage On-Call	0.80			
On Call Yard Debris Collection (32 gallon Can, Bag, or Bundle –Yard Debris Only	0.50			

**TITLE 17
PUBLIC IMPROVEMENTS**

**Curbside Collection Service Rates and Charges
for Small Multiplexes**

Weekly composting & recycling, every-other-week garbage			
Collection for:	Duplex	Tri-Plex	Four-Plex
Single Container Service, where rollcart / container is shared by residents of 2, 3 or 4 units			
One shared 60-Gallon Rollcart	43.45	52.15	N / A
One shared 90-Gallon Rollcart	46.75	55.45	64.15
One shared 1.0 Cubic Yard Container	73.05	81.75	90.45
One shared 1.5 Cubic Yard Container	90.70	99.40	108.10
One shared 2.0 Cubic Yard Container	108.30	117.00	125.70
Multiple Containers, where all cans / rollcarts are placed together in a single location at curbside for pickup. Where unshared cans / rollcarts are located separately at curbside for pickup then each is considered a separate account, charged at single-family rate.			
Two 32-Gallon Cans*	44.25	52.95	N / A
Three 32-Gallon Cans*	48.45	57.15	65.85
Four 32-Gallon Cans*	52.65	61.35	70.05
Two 20-Gallon Rollcarts	42.20	N / A	N / A
Three 20-Gallon Rollcarts	45.35	54.05	N / A
Four 20-Gallon Rollcarts	48.50	57.20	65.90
Two 35-Gallon Rollcarts	45.25	53.95	N / A
Three 35-Gallon Rollcarts	49.95	58.65	67.35
Four 35-Gallon Rollcarts	54.65	63.35	72.05
Two 60-Gallon Rollcarts	51.00	59.70	68.40
Three 60-Gallon Rollcarts	58.60	67.30	76.00
Four 60-Gallon Rollcarts	66.20	74.90	83.60
Two 90-Gallon Rollcarts	57.70	66.40	75.10
Three 90-Gallon Rollcarts	68.60	77.30	86.00
Four 90 Gallon Rollcarts	79.55	88.25	96.95

--N/A services are not available.

--Non-curbside service is available at small multiplexes for garbage cans and rollcarts at an additional monthly charge of \$1.75 per can and \$3.70 per rollcart. Excess distance charge for a can is \$0.60. Excess distance charge for a rollcart is \$1.20.

--For composting services, extra cans, bags, or bundles of yard debris only are \$3.75 each and accrue on a per account, rather than per unit, basis.

--Recycling labor surcharge is \$8.70 per additional dwelling unit.

*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

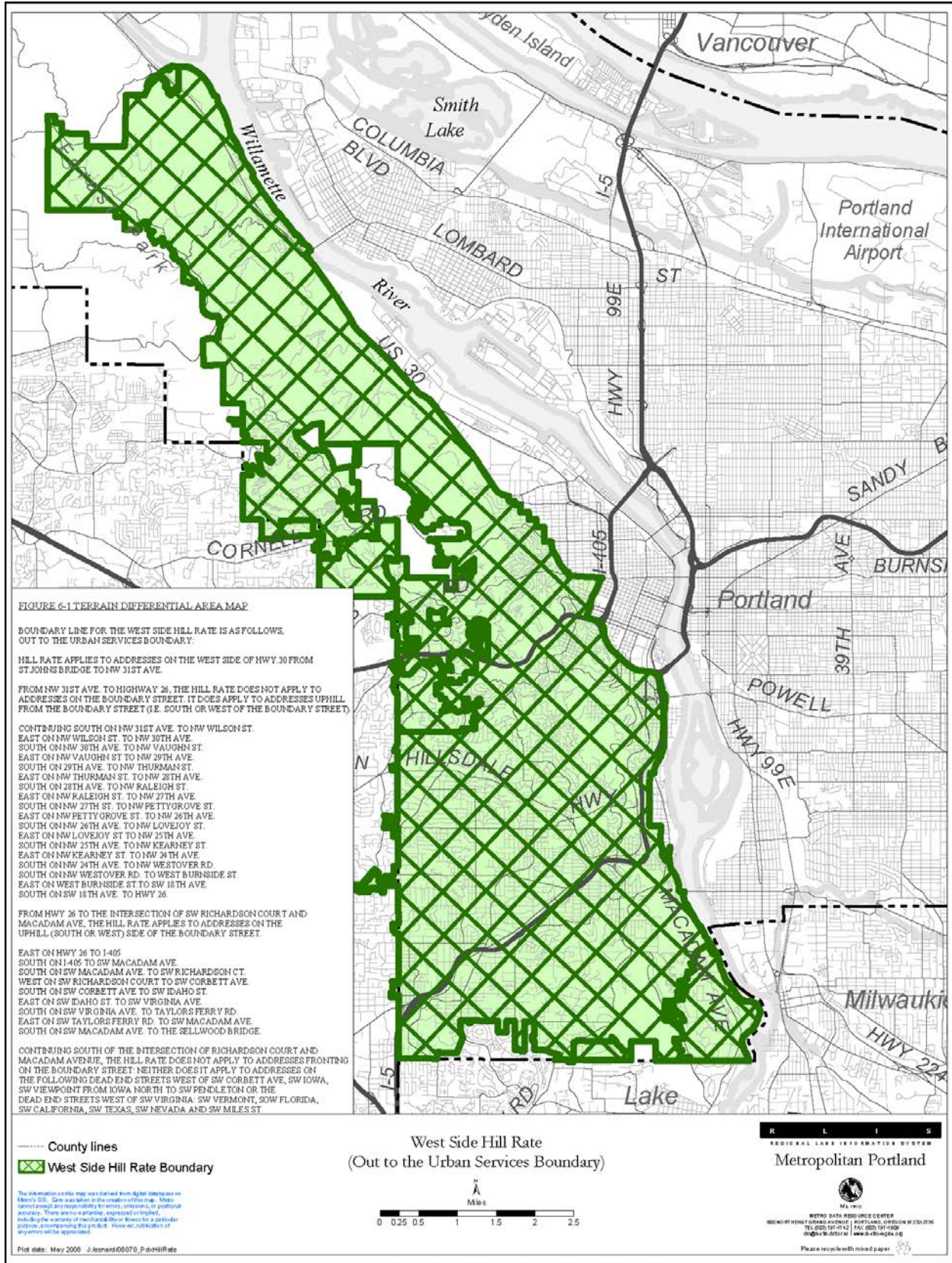


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**TITLE 18
NOISE CONTROL**

CHAPTER 18.02 - TITLE

Sections:

18.02.010 Title.

18.02.020 Policy Statement.

18.02.010 Title.

(Amended by Ordinance No. 171455, effective August 29, 1997.) This Title shall be known as “Noise Control.”

18.02.020 Policy Statement.

(Added by Ordinance No. 175772, effective August 1, 2001.) It is the intent of the City Council to minimize the exposure of citizens to the potential negative physiological and psychological effects of excessive noise and protect, promote and preserve the public health, safety and welfare. It is the intent of the City Council to control the level of noise in a manner that promotes the use, value, and enjoyment of property, conduct of business, sleep and repose and reduces unnecessary and excessive sound in the environment.

CHAPTER 18.03 - NUISANCE ABATEMENT

(Chapter repealed by Ordinance No. 171455,
effective August 29, 1997.)

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**CHAPTER 18.04 - STANDARDS AND
DEFINITIONS**

Sections:

- 18.04.010 Terminology and Standards.
- 18.04.020 Measurement of Sound.
- 18.04.040 Definitions.

18.04.010 Terminology and Standards.

All terminology used in this Title not defined below shall be in accordance with applicable publications of the American National Standards Institute (ANSI) in effect on the effective date of this Title.

18.04.020 Measurement of Sound.

(Amended by Ordinance Nos. 159276 and 175772, effective August 1, 2001.)

- A. If measurements are made with a sound level meter, the meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified by ANSI Standard 1.4-1971. For purposes of this Title, a sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capacity.
- B. If measurements are made with other instruments, the procedure shall be carried out in such a manner that the overall accuracy shall be at least that called for ANSI standard 1.4-1971 for Type II instruments.
- C. When the location or distance prescribed in this Title for measurement of sound is impractical or would provide misleading or inaccurate results, measurements may be taken at other locations or distances using appropriate correction factors specified in this Title or in other rules promulgated by the Noise Control Officer.
- D. Procedures and tests required by this Title and not specified herein, shall be placed on file with the City Auditor.
- E. For purposes of determining compliance with the measurable sound level requirements found in the Portland City Code, approved sound level meters shall utilize a Fast meter response setting. Slow sound level meter settings shall not be used for the purpose of determining compliance with the Portland City Code, unless directed by the Noise Control Officer.

18.04.040 Definitions.

(Amended by Ordinance Nos. 159276, 164010, 175772, 184101 and 188959, effective May 24, 2018.) The following words shall have the meanings ascribed to them in this Section:

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NOISE CONTROL

- A.** A-scale (dBA): The sound level in decibels measured using the A-weighting network as specified in ANSI S 1.4-1971 for sound level meters.
- B.** Ambient noise: The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.
- C.** City: The City of Portland, Oregon, or the area within the territorial City limits of the City of Portland, Oregon, and such territory outside of this City over which the City has jurisdiction or control by virtue of ownership or any constitutional or Charter provisions, or any law.
- D.** Construction: Any and all activity necessary or incidental to the erection, demolition, assembling, altering, installing, repair or equipping of buildings, roadways, or utilities, including land clearing, grading, excavating and filling.
- E.** Decibel (dB): A unit of measure of sound (See sound pressure level).
- F.** Dwelling unit: A building or portion thereof intended for and regularly used for residential occupancy.
- G.** Dynamic braking device: A device, used primarily on trucks and buses to convert the motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes.
- H.** Emergency work: Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger.
- I.** Frequency: The time of repetition of a periodic phenomenon, measured in Hertz (Hz) (formerly cps or cycles per second).
- J.** High noise impact events: Events or activities which are attended by at least 250 people, and which may reasonably be assumed to cause increases of 15 dBA or more in the ambient noise level of a residential or commercial use area.
- K.** Impulse sound: A single pressure peak or a single burst (multiple pressure peaks) for a duration of not more than one second as measured on a peak unweighted sound pressure measuring instrument, as specified in ANSI S1.4-1971.
- L.** Legal holidays: The days on which New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas day are fixed by State law.
- M.** Lot: Any area, tract or parcel of land owned by or under the lawful control of one distinct ownership. Abutting "platted lots" under the same ownership shall be considered a "lot." The lot line or boundary is an imaginary line at ground level

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which separates a lot and its vertical extension owned by one person from that owned by another.

- N.** Motor vehicle: Any land vehicle which is, or is designed to be, self-propelled or is designed or used for transporting persons or property.
- O.** Motor vehicle racing: Any motor vehicular activity conducted at a recognized auto racing facility, involving motor vehicles participating in, but not limited to practice, qualifying and racing sessions, tests, training, and all other competitive and non-competitive displays, whether by individual vehicles, or by groups of vehicles.
- P.** Narrow band sound: A sound whose frequencies occupy an octave band or less.
- Q.** Noise disturbance: Any sound which: a) injures or endangers the safety or health of humans; or b) annoys or disturbs a reasonable person of normal sensitivities.
- R.** Noise Sensitive Receiver: A person receiving noise at any residential use or dwelling place, schools, churches, hospitals and libraries.
- S.** Nonconforming use: A use of structure, building or land which was established as a permitted use and which has been lawfully continued pursuant to Title 33 of this Code, but which is not a permitted use in the zone in which it is now located.
- T.** Octave band: An interval in Hertz between two frequencies having a ratio of 2:1. For purposes of this Title, octave band sound pressure levels shall be measured at any of the following center frequencies: 31.5, 63, 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 Hz.
- U.** Offroad vehicle: Any motor vehicle operated off a public right-of-way.
- V.** Person: Any individual, association, partnership, or corporation including any officer, department, bureau, agency or instrumentality of the United States, a state or any political subdivision of that state, including the City of Portland.
- W.** Physical characteristics of sound: A descriptive term, encompassing the steady, impulsive or narrow band property of the sound, the level of the sound, and the extent to which it exceeds the background sound level.
- X.** Plainly audible (sound): Any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.
- Y.** Public right-of-way: Any street, avenue, highway, boulevard, alley, easement or public space which is owned by or controlled by a public governmental entity.

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- Z.** Sound level: In dBA, the frequency weighted sound pressure level measured on the A-scale of a sound level meter.

- AA.** Sound level meter: A sound level measuring device, either Type I or Type II, as defined by ANSI specification S 1.4-1971. A sound level meter for the purpose of this Title shall contain at least an A-scale and both fast and slow meter response.

- BB.** Sound pressure level: In decibels (dB), is 20 times the logarithm to the base 10 of the ratio of the pressure of a given sound to the reference pressure. The reference pressure is 20 micropascals per square meter.

- CC.** Steady sound: A sound which remains essentially constant (± 2 dB) during a two minute period of observation when measured with the fast response of the sound level meter. Steady sound shall apply only to sound sources which operate or can reasonably be expected to operate for at least 15 minutes out of any one hour period.

- DD.** Use: The purpose for which land or a building is arranged, designed, or occupied.

- EE.** Watercraft: Any vehicle operated upon or immediately above the surface of the water.

- FF.** Zone: A classification of area of the City of Portland as described in Title 33 of the City Code, relating to the use to which property may be put. For the purposes of this title, the zones are based upon the Land Use Zones, as defined in Title 33 as follows:

Category	Zones
Open Space	Open Space
Residential	Residential Farm/Forest Residential 20,000 Residential 10,000 Residential 7,000 Residential 5,000 Residential 2,500 Residential 3,000 Residential 2,000 Residential 1,000 High Density Residential Central Residential Commercial Residential Institutional Residential Campus Institutional 1

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Commercial/ Mixed Use

Commercial/Mixed Use 1
Commercial/Mixed Use 2
Commercial/Mixed Use 3
Commercial Employment
Central Commercial
Campus Institutional 2

Industrial

General Employment 1
General Employment 2
Central Employment
General Industrial 1
General Industrial 2
Heavy Industrial

**CHAPTER 18.06 - RESPONSIBILITIES AND
AUTHORITY**

Sections:

- 18.06.010 Noise Control Officer.
- 18.06.020 Noise Review Board.
- 18.06.030 Responsibilities.
- 18.06.040 Authority.

18.06.010 Noise Control Officer.

(Amended by Ordinance No. 159276, effective January 24, 1987.) The Noise Control Officer shall be designated by the Commissioner In Charge. The Commissioner may also designate persons to be deputy noise control officers, and the Noise Control Officer and the deputies shall be special police officers of the City and shall have authority to issue citations for the violations of this Title and to this extent shall exercise full police power and authority.

18.06.020 Noise Review Board.

(Amended by Ordinance Nos. 159276 and 184101, effective October 8, 2010.) The Noise Review Board is hereby established, consisting of five members, each appointed by the Mayor, and approved by the Council. Among the members there shall be, one professional in acoustics, one representative of the construction industry, and three citizens at large. Appointments shall be for a 3-year term. Noise Review Board members may serve no more than two complete 3-year terms, unless authorized by the Director. Members shall serve without remuneration. The Board shall elect its own chairperson at its first meeting of each fiscal year, and shall determine its own schedule of meetings. The Noise Control Officer shall serve as a nonvoting member of the Board. All decisions made by the Noise Review Board shall be by simple majority vote of a quorum.

18.06.030 Responsibilities.

(Amended by Ordinance No. 159276, effective January 24, 1987.)

- A. The responsibilities of the Noise Control Officer shall include:
 - 1. Investigating citizen complaints of violations of this Title, making all necessary inspections and observations upon reasonable cause, with presentation of proper credentials, and enforcing the provisions of this Title.
 - 2. Promulgating rules and procedures to be used in the measurement of sound.
 - 3. Conducting or participating in studies, research and monitoring relating to sound and noise, including joint cooperative investigation with public or private agencies; and the application for, and acceptance of, grants and contracts, with the approval of the City Council.

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4. Advising, consulting and cooperating with any public or private agency, including City bureaus, to implement the provisions of this Title.
5. The supplying of such technical assistance as the Board shall direct or require.
6. The reviewing of all applications for variances and the rendering of decisions within the time specified, according to Section 18.14.

B. The responsibilities of the Noise Review Board shall include:

1. Instituting a public education program regarding sound and noise, including the collection, publication and dissemination of appropriate literature and information, and the enlisting of cooperation by public, civic, scientific, and educational groups.
2. The reviewing of applications for variances, and the rendering of decision within the time specified, according to Section 18.14.
3. Evaluating the effectiveness of this Title, and the developing of recommendations for amendments, additions, or deletions to this Title.
4. Developing long-term objectives for achieving reduction of sound levels in the community, and developing a means for implementing these objectives into the long-range planning process.
5. The developing of rules relative to the conduct of its meetings and to other matters the Board considers appropriate to noise control.

18.06.040 Authority.

(Amended by Ordinance Nos. 159276 and 165594, effective July 8, 1992.)

A. The authority of the Noise Control Officer shall include:

1. The issuance of citations for violation of this Title and City Code Section 16.20.120 A.
2. Acting on variances, according to procedures specified in Chapter 18.14 of this Title.
3. Requiring the cooperation of the owner or operator of any noise source in the reasonable operation, manipulation or shutdown of various equipment or operations as needed to ascertain the source of sound and measure its emission.

B. The authority of the Noise Review Board shall include:

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1. Acting on variances according to the procedures specified in Chapter 18.14 of this Title.
2. Holding hearings to obtain information relative to its responsibilities.
3. Recommending amendments, additions, or deletions to this Title.

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NOISE CONTROL**

CHAPTER 18.08 - CITY BUREAUS

Sections:

- 18.08.010 Bureau Actions.
- 18.08.020 Compliance with Other Laws.
- 18.08.030 Product Selection.

18.08.010 Bureau Actions.

All City bureaus shall, to the fullest extent consistent with their authorities under other Titles administered by them, carry out their programs in such a manner as to further the provisions of this Title, and shall cooperate to the fullest extent in enforcing the provisions of this Title.

18.08.020 Compliance with Other Laws.

All bureaus engaged in any activities which result, or may result in the emission of sound, shall comply with federal and state regulations and the provisions of this Title, respecting the control and abatement of sound to the same extent that any person is subject to such laws and regulations.

18.08.030 Product Selection.

When two or more products, including supplies, materials and equipment, are being considered for purchase by a City bureau, and excessive sound levels are a factor, the product which has the lowest sound level shall be selected for purchase, provided that:

- A. Fitness and quality are judged to be equal, and
- B. The procurement cost of such product not exceed the total cost required to purchase a competing product and to reduce the sound emission level of that competing product to the lowest level of the product being considered, and
- C. The total cost of the purchase being considered not exceed 110 percent of the cost, prior to silencing, of the most advantageous product of the types being considered.

**CHAPTER 18.10 - MAXIMUM PERMISSIBLE
SOUND LEVELS**

Sections:

- 18.10.010 Land Use Zones.
- 18.10.020 Motor Vehicles.
- 18.10.030 Home Equipment and Powered Tools.
- 18.10.035 Leaf Blowers.
- 18.10.040 Watercraft.
- 18.10.050 Motor Vehicle Racing Events.
- 18.10.060 Construction Activities and Equipment.
- 18.10.070 Parking Lot Sweepers.

18.10.010 Land Use Zones.

(Amended by Ordinance Nos. 159276, 163608, 164010, 175775, 184101 and 188959, effective May 24, 2018.) Except as specifically provided for elsewhere in this Title, no person shall cause or permit sound to intrude into the property of another person which exceeds the limits set forth below in this Section. For purposes of this Section, “day hours” shall be between 7 a.m. and 10 p.m., and “night hours” shall be between 10 p.m. and 7 a.m.

- A.** The sound levels established are as set forth in Figure 1 before any adjustments are applied:

FIGURE 1
PERMISSIBLE SOUND LEVELS
(7 am-10 pm, otherwise minus 5 dBA)

Zone Categories of Source	Zone Categories of Receiver (measured at property line)			
	Residential	Open Space	Commercial/ Mixed Use	Industrial
Residential	55	55	60	65
Open Space	55	55	60	65
Commercial/ Mixed Use	60	60	70	70
Industrial	65	65	70	75

- B.** Adjustments to Figure 1.
 1. During the night hours, the sound levels of Figure 1 shall be reduced 5 dBA.
 2. During all hours, the sound levels of Figure 1 shall be decreased 5 dBA for narrow band or steady sound (apply 1 only).
 3. The adjustments provided herein are cumulative.

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- C.** If a dwelling unit or noise sensitive receiver is in a nonresidential zone of the City, the nonresidential standard shall normally apply, unless:

 - 1.** a complaint is received, and
 - 2.** the dwelling unit or noise sensitive receiver type use predates that of the noise source. In that case, the permissible sound level, as measured at the lot line of the dwelling unit or other noise sensitive receiver, shall be 65 dBA in a commercial/mixed use zone, and 70 dBA in an employment or industrial zone, each subject to the adjustments of Section 18.10.010 B., F., and G.
- D.** Nonconforming use: The maximum permissible sound level that may be emitted from any lot containing a nonconforming use shall be the same as that permitted for the most restrictive zone in which the use would be conforming.
- E.** When a sound source can be identified and its sound measured in more than one zone, each of the appropriate sections shall apply at the boundaries between zones.
- F.** Impulse sound: Notwithstanding the sound levels of this Section, no person shall cause or permit the operation of an impulsive noise source which has a peak sound pressure level in excess of 100 dB during day hours or 80 dB during night hours.
- G.** Octave band measurements: When the Noise Control Officer makes a finding that the frequency characteristics of the sound are such that the A-scale levels specified in Section 18.10.010 are inadequate to protect the public health, welfare, or safety, octave-band sound pressure level measurements shall be performed.

 - 1.** Octave-band measurements shall be compared to the appropriate values indicated in Figure 2 for equivalent permissible dBA land use values; octave-band sound pressure in excess of these standards shall be considered evidence of a violation of this Title.

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FIGURE 2
PERMITTED OCTAVE BAND SOUND PRESSURE LEVELS
FOR GIVEN PERMISSIBLE dBA SOUND LEVELS

When the permissible dBA level is:	The Maximum Octave Band Sound Pressure Levels Shall Not Exceed:								
	Octave Band Center Frequency, in Hz								
	31.5	63	125	250	500	1000	2000	4000	8000
45	64	58	51	46	42	39	36	33	30
50	65	62	56	50	46	43	40	37	34
55	68	65	61	55	52	49	46	43	40
60	72	68	64	60	56	54	51	48	45
65	76	72	68	64	61	59	56	53	50
70	79	76	72	69	66	64	61	58	55
75	82	79	76	73	71	69	66	63	60

H. When property of the receiver is unoccupied, as in the case of any undeveloped lot, sound levels in excess of those specified herein, shall be considered only as a technical violation of the standard. No citation shall be issued in such instances, nor is corrective action required by the noise source.

18.10.020 Motor Vehicles.

(Amended by Ordinance Nos. 159276, 164010 and 184101, effective October 8, 2010.)

A. No person shall operate any motor vehicle registered for use on public roads at any time, or under any condition of grade, load, acceleration or deceleration in such a manner as to violate the maximum permissible sound levels or equipment standards for the category of vehicle as indicated in this Subsection.

- 1.** Vehicles of 10,000 pounds GCWR (Gross Combination Weight Rating) or more, engaged in interstate commerce as regulated by 40 C.F.R., part 202, (1986), the provisions of which are hereby incorporated by reference and three copies of which are on file in the Office of the City Auditor.
- 2.** All other vehicles shall not exceed the vehicular noise emission levels or equipment standards permitted by OAR 340-35-030 (1) (a) and (c), three copies of which are on file in the Office of the City Auditor and which are hereby adopted by reference.

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3. No person shall drive a motor vehicle on a public highway unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.
- B. No person shall operate, and no owner of any motor vehicle shall permit to be operated upon any public road, street, or highway, any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of such motor vehicle.
 1. No person shall operate a motor vehicle on a street or highway with an exhaust system utilizing a cutout, bypass or similar device.
 2. No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching, or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency action to avoid imminent danger shall be exempt from this provision.
 3. No person shall operate any motor vehicle in excess of 10,000 pounds GCWR, in any residential zone of the City or within 200 feet of any dwelling unit, school, hospital or library, with a dynamic braking device engaged except to avoid imminent danger.
- C. No person shall operate and no owner of property shall permit the operation of an off-road recreational vehicle so as to exceed the noise emission standards of:
 1. OAR 340-35-030 (1)(b) and (d) three copies of which are on file with the Office of the City Auditor, and which are hereby adopted by reference.
 2. Section 18.10.020 of this Title.
- D. No person shall operate an off-road recreational vehicle on private or public property unless the property has been designated for off-road recreational vehicle use pursuant to Title 33, Planning and Zoning of this Code.
- E. A police officer, or noise control officer, who finds a vehicle or operator to be in violation of Subsection A of this Section shall issue a citation to the operator. The citation shall be accompanied by a written notice to the operator specifying the particular subsections found to be in violation.
 1. The citation shall require the violator to appear at court to answer for the violation and present evidence that the violation has been corrected. The date for court appearance on the face of the citation shall not be less than 28 days after the citation was issued.

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2. The accompanying written notice shall specify that if the violator presents proof to the clerk of the district court that the vehicle complies with the standards described in OAR 340-35-030 (1), (a) and (c) (1983), for the control of motor vehicle noise emissions, three copies of which are on file with the Office of the City Auditor and which are hereby adopted by reference, the citation shall be dismissed.
3. Proof for the purpose of this Section shall be a certificate of compliance issued or approved by the Department of Environmental Quality. If said certificate is received by the clerk of the district court not less than 5 days prior to the date set for the violator's appearance before the court, the citation will be dismissed without the necessity of the violator personally appearing before the court.

18.10.030 Home Equipment and Powered Tools.

(Amended by Ordinance Nos. 159276, 164010, and 175772, effective August 1, 2001.)

- A. This Section shall apply to powered tools and equipment for home use or lawn and garden maintenance, except leaf blowers (see 18.10.035) or such tools and equipment used as part of a home occupation (see 18.10.030 E.).
- B. When used inside a dwelling unit, between the hours of 7:00 a.m. and 10:00 p.m., the sound levels generated by such equipment shall not exceed 60 dBA, when measured at the lot line.
- C. When used outside a dwelling unit, between the hours of 7:00 a.m. and 10:00 p.m., the sound levels generated by such equipment shall not exceed the following levels, for equipment of the appropriate class, when measured at a distance of 25 feet (7.6 meters) or at the lot line, whichever is further from the source:
 1. Five HP or less, such as, but not limited to, lawnmowers, riding tractors and small garden tools: 80 dBA;
 2. More than 5 HP, such as, but not limited to, powered hand tools and snow removal equipment: 85 dBA.
- D. When used inside or outside a dwelling between the hours of 10:00 p.m. and 7:00 a.m., the sound levels generated by all such equipment shall not exceed those specified in Section 18.10.010.
- E. Sound levels generated by tools and equipment as part of a home occupation shall not exceed 50 dBA, as measured at the lot line.

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18.10.035 Leaf Blowers.

(Replaced by Ordinance No. 177767; amended by Ordinance No. 188959, effective May 24, 2018.)

- A.** For purposes of Section 18.10.035, “leaf blower” means any portable device designed or intended to blow, vacuum, or move leaves or any other type of debris or material by generating a concentrated stream of air. “Leaf blower” shall include any devices or machines that accept vacuum attachments.

- B.** General operating restrictions.
 - 1.** Commercial/Mixed Use and other zones. No person shall operate a leaf blower in commercial/mixed use, industrial, and open space zones, or in the adjoining public right-of-way, between the hours of 9:00 pm and 7:00 am the following morning, seven days a week, unless the leaf blower meets the requirements of Section 18.10.010 A. - F. and H.

 - 2.** Residential zones. No person shall operate a leaf blower in residential zones, or in the adjoining public right-of-way, between the hours of 7:00 pm to 7:00 am the following morning, seven days a week.

 - 3.** For purposes of Section 18.10.035 B., right-of-way adjoining residential zones and any other zone shall be considered as being within residential zones.

- C.** Noise restrictions.
 - 1.** By August 1, 2006, the Noise Control Officer shall establish a list of the leaf blowers not exceeding a 65 dBA sound level at 50 feet. The Noise Control Officer’s list shall include only leaf blowers certified by a third-party testing laboratory, using American National Standards Institute (ANSI) methodology, ANSI B175.2-2000. Thereafter, the Noise Control Officer shall update the certified list at least annually, or as it is informed of other certified leaf blowers.

 - 2.** By August 1, 2006, the Noise Control Officer shall establish a list of the leaf blowers not exceeding a 70 dBA sound level at 50 feet. The Noise Control Officer’s list shall include only leaf blowers certified by a third-party testing laboratory, using American National Standards Institute (ANSI) methodology, ANSI B175.2-2000. Thereafter, the Noise Control Officer shall update the certified list at least annually, or as it is informed of other certified leaf blowers.

 - 3.** From March 1 through October 31st of each year, operation of any leaf blower within the City of Portland, which is not on the certified list of 65

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dba, or quieter, leaf blowers as developed by the Noise Control Officer, shall constitute a violation of Title 18.

4. From November 1 through February 28th of each year, operation of any leaf blower within the City of Portland, which is not on the certified list of 70 dba , or quieter, leaf blowers as developed by the Noise Control Officer, shall constitute a violation of Title 18.

D. Leaf Blower Use on Large Open Spaces

1. Leaf blowers operated on Open Space land use zones at a distance of 200 feet or greater from the property line shall not exceed a 75 dBA sound level, using American National Standards Institute (ANSI) methodology, ANSI B175.2-2000.

18.10.040 Watercraft.

(Amended by Ordinance No. 164010, effective March 27, 1991.)

- A. No person shall operate a watercraft between the hours of 7:00 a.m. and 10:00 p.m. which exceeds 75 dBA as measured on shore. Between 10:00 p.m. and 7:00 a.m., this sound level shall be 65 dBA.
- B. Exemptions: normal docking and undocking operations of all vessels, and operations of vessels licensed by the federal government for purposes of commerce on interstate waters are exempted from the provisions of this Section.
- C. Motorboats shall not be operated on public waterways within the City limits, unless equipped with a functioning underwater exhaust or muffler, or, unless such motorboat has the discharge water continuously piped into the exhaust line.

18.10.050 Motor Vehicle Racing Events.

(Amended by Ordinance Nos. 159276, 164010, and 175772, effective August 1, 2001.)

- A. No person shall operate or permit to be operated any motor vehicle racing within the City except at an area approved by the City.
- B. All motor vehicle racing shall be conducted in a manner approved by the Noise Control Officer and/or the Noise Review Board, or the City Council.
- C. For purposes of determining permissible sound levels of motor vehicle racing only, the Portland International Raceway shall be deemed an industrial land use zone of source, which use was in operation before January 1, 1977. Sound levels generated by any other use of the Portland International Raceway shall meet the standards defined in 18.10.010 A., Figure 1.

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18.10.060 Construction Activities and Equipment.

(Amended by Ordinance Nos. 159276 and 187272, effective July 29, 2015.)

- A. Maximum sound levels: No person shall operate any equipment or appurtenances thereto in commercial construction activities which exceeds 85 dBA, when measured at 50 feet (15.2 meters) from the source. This standard shall not apply to trucks (see Section 18.10.020), pile drivers, pavement breakers, scrapers, concrete saws and rock drills.
- B. Night, weekend, and legal holidays limitation: From 6:00 p.m. to 7:00 a.m. the following morning, and 6:00 p.m. Saturday to 7:00 a.m. the following Monday, and on legal holidays, the permissible sound levels of Section 18.10.010 shall apply to all construction activities except by variance or for reasons of emergency. The exempted equipment of Section 18.10.060 A is not exempted during these hours. For purposes of this Subsection, construction activities on a public road within a zone shall be considered as taking place on private property within that zone.
- C. The adjustments to permissible sound levels established in Section 18.10.010 B apply to Subsections A and B above.
- D. All equipment used in commercial activities shall have sound control devices no less effective than those provided on the original equipment, and no equipment shall have an unmuffled exhaust.
- E. All equipment used in commercial construction activities shall comply with pertinent standards of the U.S. Environmental Protection Agency.
- F. Pile Drivers:
 - 1. Notwithstanding Subsection B above, the permissible sound levels of Section 18.10.010 shall apply to pile drivers from 6 p.m. to 8 a.m. the following morning, and 6 p.m. Friday to 8 a.m. the following Monday, and on legal holidays.
 - 2. The owner of a site on which pile driving will occur shall cause a notice to be mailed to all residences within 500 feet of the site. Mailing will occur no fewer than 30 days prior to the commencement of pile driving. The notice shall list the expected starting and ending dates for pile driving and give a telephone number for further information.

18.10.070 Parking Lot Sweepers.

(Added by Ordinance No. 175772, effective August 1, 2001.) From 10:00 p.m. to 7:00 a.m., operation of commercial parking lot sweepers shall not exceed the sound levels for day hours set forth in 18.10.010. After July 1, 2004, operation of commercial parking lot sweepers shall not exceed the sound levels for night hours set forth in 18.10.010 A and 18.10.010 B.

CHAPTER 18.12 - NOISES PROHIBITED

Sections:

- 18.12.010 Noise Disturbance Prohibited.
- 18.12.020 Specific Prohibitions.
- 18.12.030 Provisions if Measurement Is Made.

18.12.010 Noise Disturbance Prohibited.

It shall be unlawful for any person to willfully make, continue, cause or permit to be made or continued any noise disturbance within the City of Portland.

18.12.020 Specific Prohibitions.

(Amended by Ordinance Nos. 159276, 166951, 181539, 184101 and 186216, effective September 4, 2013.) The following acts are declared to be violations of this Title, but this enumeration shall not be deemed to be exclusive, namely:

A. Noisy animals.

1. It shall be a violation for any animal to unreasonably cause annoyance, alarm, noise disturbance at any time of the day or night by repetitive barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's property or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. This provision is not applicable to any animals located in a Specified Animal Facility or to livestock owner or keeper, kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land-use and zoning laws and regulations. Enforcement of this Subsection shall be the responsibility of Multnomah County Animal Control.
2. Animals located in a Authorized or Permitted Animal Facility. It shall be a violation for any animal located in a Specified Animal Facility, as defined in Portland City Code 13.05.005 G., or to any lawful livestock owner or keeper, kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land-use and zoning laws and regulations to unreasonably cause annoyance, alarm, noise disturbance at any time of the day or night by repetitive barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. Enforcement of this Subsection shall be the

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responsibility of the Office of Neighborhood Involvement or another City entity designated by Council.

- B.** Sound producing or reproducing equipment. Operating or permitting the use or operation of any device designed for sound production or reproduction in such a manner as to cause a noise disturbance; or operating or permitting the operating or use of any such device between the hours of 10 p.m. and 7 a.m. so as to be plainly audible within any dwelling unit which is not the source of sound; or operating any such device on public property or on a public right of way so as to be plainly audible 100 feet or more from such device provided that a person operating any such device in a City park pursuant to a permit granted by the Commissioner In Charge of the Park Bureau shall be in violation only if the device is plainly audible at any point along the park boundary.
- C.** Parked motor vehicles. The parking of any motor vehicle of 10,000 pounds GCWR, or more, with the motor or attached auxiliary equipment in operation:

 - 1.** On a public right-of-way, except for reasons of an emergency nature, or
 - 2.** On private property in such a manner as to be plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m.
 - 3.** This Subsection C shall not apply to: commercial construction equipment, the normal operation of vehicles designed and used for commercial transportation of passengers, and vehicles being loaded or unloaded.

18.12.030 Provisions if Measurement is Made.

If measurement is taken of a sound source, the provisions of Chapter 18.10 shall supersede this Section and shall be used to determine if a violation of this Title exists.

**CHAPTER 18.14 - EXEMPTIONS AND
VARIANCES**

Sections:

- 18.14.010 Exemptions.
- 18.14.020 Variances.

18.14.010 Exemptions.

(Amended by Ordinance No. 159276, effective January 24, 1987.) The following sounds are exempted from the provisions of this Title.

- A. Sounds caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment.
- B. Sounds caused by sources regulated as to sound production by federal law.
- C. Sounds not electronically amplified, created by athletic and entertainment events other than motor vehicle racing events.
- D. Sounds caused by agricultural and forestry operations within an FF zone of the City.
- E. Blasting, under permit.
- F. Sounds made by warning devices operated continuously for 3 minutes or less.

18.14.020 Variances.

(Amended by Ordinance Nos. 159276, 162098, 164010, 174718, 175772, 184101 and 186216, effective September 4, 2013.) Any person who owns, controls, or operates any sound source which does not comply with provisions or standards of this Title may apply for a variance from such standard(s) or provision(s).

- A. Application. The application shall be in a form acceptable to the Noise Review Board or the Noise Control Officer, and shall state the date, time, and location of the event or activity and the reasons for which the variance is being sought. The applicant may be required to supply additional information. The application shall not be considered received until all information has been supplied. It is the responsibility of the applicant to submit the application in proper form, and to allow sufficient time for review, as specified in Subsection 18.14.020 F.
- B. The application shall not be considered until the application fee is received. All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Office of Neighborhood Involvement.
- C. All applications will be first sent to the Noise Control Officer who, with the Chair of the Noise Review Board, shall determine the appropriate reviewing body. The

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criterion for this determination shall be: whether the noise impact is deemed significant in level or in numbers of persons or property affected. If the potential noise impact is judged not to be significant, the application will be reviewed by the Noise Control Officer. If the potential noise impact is judged to be significant, the review will be made by the Noise Review Board. The Chair of the Noise Review Board may delegate Board review and action to the Noise Control Officer if, in the exercise of his or her discretion, such delegation is in the City's interest.

- D.** Review of the application on its merit shall include consideration of at least the following:
1. The physical characteristics, times and durations of the emitted sound,
 2. The geography, zone, and population density of the affected area,
 3. Whether the public health, safety or welfare is impacted,
 4. Whether the sound source predates the receiver(s), and
 5. Whether compliance with the standard(s) or provision(s) from which the variance is sought would produce hardship without equal or greater benefit to the public.
 6. Applicant's previous history, if any, of compliance or noncompliance.
- E.** Public notification. Notice of receipt of all applications to be reviewed by the Noise Review Board shall promptly be published in a newspaper of general circulation within the City. Notice shall also be given to affected neighborhood association(s), or owners and residents of property likely to be affected by the application, and to any person who has in writing requested notice of such application.
- F.** Time for review and decision. Applications to be reviewed by the Noise Control Officer shall be decided within 10 business days of receipt of the completed application. Applications to be reviewed by the Noise Review Board shall be decided within 45 business days of receipt of the completed application. Should the applicant require more accelerated review than that provided above, the process may be shortened to no more than 3 business days for review by the Noise Control Officer or 7 business days for review by the Noise Review Board, upon payment of an additional surcharge in the amount of the original application fee, and provided the Chair of the Noise Review Board and the Noise Control Officer conclude that such accelerated review is sufficient for evaluation, and in the City's interest.
1. Failure to reach decision within the times specified shall constitute automatic approval of the application, unless specifically waived by the

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applicant. If not waived, such approval shall expire within 180 days following such failure.

- G.** Applications reviewed by the Noise Control Officer, or the Noise Review Board may be granted, denied, or granted with conditions.
- H.** All decisions shall be in writing, and those made by the Noise Review Board shall state the facts and reasons leading to the decision and shall be made available to the applicant, and any other person who has requested such decision.
- I.** Appeals to City Council. A variance decision of the Noise Control Officer or the Noise Review Board may be appealed to the City Council as follows:

 - 1.** Eligibility to appeal. A variance decision may be appealed by the applicant, his legal representative, any affected neighborhood association, or any person who has submitted oral or written testimony on the application.
 - 2.** Appeal acceptance criteria. Notice of intent to appeal shall be in writing to the City Auditor's Office within 10 days of the effective date of the decision. The notice shall identify the decision that is being appealed, and include the appellant's name, address, and signature, phone number, relationship to the variance decision action, and a clear statement of the specific reason(s) for the appeal including any alleged misapplication of City Codes.
 - 3.** Upon receipt of such appeal, the Auditor shall then place the matter upon the Calendar of the City Council.
 - 4.** At the time of the hearing, the City Council may consider such new matter as it deems appropriate, as well as the record developed before the Noise Control Officer or the Noise Review Board, and thereafter may affirm, reverse, modify or remand the decision.
- J.** All variances are subject to review upon complaint. Notice of review shall be provided to the variance holder, and shall state the date, time and place of the review. The permittee shall have the opportunity of hearing prior to any revocation. Decisions relative to the review of a variance shall follow the procedures specified in Sections 18.14.020 H, and I.
- K.** Violation of the terms of the variance shall be grounds for the revocation of the variance. The Noise Control Officer or any Police Officer of the City of Portland may summarily revoke or alter conditions of any variance. A request for an applicant or responsible parties to cease activities shall be considered an immediate request and does not allow the permittee or his/her agent to complete any additional work or activity. Activities in violation of the Portland City Code or an approved

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Noise Variance must cease immediately upon notification of the Noise Variance revocation.

**CHAPTER 18.16 - ORDINANCE
ADDITIONAL TO OTHER LAW**

Section:

18.16.010 Ordinance Additional to Other Law.

18.16.010 Ordinance Additional to Other Law.

The provisions of this Title shall be cumulative and non-exclusive and shall not affect any other claim, cause of action or remedy; nor, unless specifically provided, shall it be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise or sound, but shall be deemed additional to existing legislation and common law on such subject.

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CHAPTER 18.17 - RULEMAKING

(Chapter added by Ordinance No. 175772, effective
August 1, 2001.)

Section:

18.17.010 Rulemaking.

18.17.010 Rulemaking.

(Amended by Ordinance Nos. 176955 and 186216, effective September 4, 2013.)

- A.** The Director has the authority to adopt administrative rules and supplemental regulations related to the provisions of this Title. The rules and regulations must be in conformance with the intent and purpose of this Title. The Director has the authority to administer such rules and regulations. Rules will be adopted according to the procedures in this section.
- B.** Permanent rules.
 - 1.** Prior to the adoption of a permanent rule, the Director will:
 - a.** Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than thirty days before the hearing. The notice must identify the place, time and purpose for the hearing; 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.** At the hearing, a designee of the Director will hear testimony and receive written comments regarding the proposed rules. The designee will provide a recommendation to the Director. The recommendation will take into consideration the comments received.
 - c.** The Director will review the recommendation of the designee and may either adopt the proposed rule, modify or reject it.
 - d.** If a substantial modification is made to the proposed rule, the Director may adopt the modification as an Interim Rule or provide additional public review prior to adoption.
 - 2.** Unless otherwise stated, all rules will be effective two weeks after adoption by the Director.
- C.** Interim rules.

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1. An interim rule may be adopted by the Director without prior notice upon a finding that a failure to act promptly will result in a serious threat of injury or hazard to the public health or public or private property. The rule will include specific reasons for the finding.
 2. Interim rules will be effective for a period of not longer than 180 days.
 3. Not more than 30 days after adoption of an interim rule, public notice of interim rules must be given by publication in a newspaper of general circulation. Such notice must also identify the location at which copies of the full set of the interim rules may be obtained.
- D.** All final and interim rules must be filed in the office of the Director. All final and interim rules will be available to the public at the Office of Neighborhood Involvement.
- E.** For the purposes of this Section, “Director” shall mean the Director of the Office of Neighborhood Involvement, or any duly authorized representative of the Director.

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**CHAPTER 18.18 - ENFORCEMENT AND
PENALTIES**

Sections:

- 18.18.010 Authority for Enforcement.
- 18.18.020 Violations.
- 18.18.030 Civil Penalties and Fees.
- 18.18.040 Citations.
- 18.18.050 Review by the Director.
- 18.18.060 Institution of Legal Proceedings.

18.18.010 Authority for Enforcement.

(Amended by Ordinance Nos. 159276, 175772, 176955 and 186216, effective September 4, 2013.) This Title shall be enforced by the Office of Neighborhood Involvement and by the Bureau of Police. Duly authorized agents of either of these bureaus shall have citation authority for purposes of enforcing this Title.

18.18.020 Violations.

(Replaced by Ordinance No. 175772, effective August 1, 2001.)

- A.** The following constitute violations of this Title:
 - 1.** Any failure, refusal or neglect to comply with any provision of this Title;
 - 2.** Allowing or causing a condition that threatens to injure the public health or safety, or threatens to damage public or private property; or
 - 3.** Any failure, refusal or neglect to correct or cease any noise that does not comply with the provisions of this Title, after being required to do so by the Director or any Police Officer.
- B.** Each specific incident and each day of non-compliance will be considered a separate violation of this Title.

18.18.030 Civil Penalties and Fees.

(Replaced by Ordinance No. 175772, effective August 1, 2001.) A violation of this Title may result in assessment of civil penalties or enforcement fees, as provided below:

- A.** Civil penalties.
 - 1.** For each separate violation, a civil penalty of up to \$5,000 may be assessed.
 - 2.** In determining the amount of any civil penalty to be assessed, the Director will consider the following:
 - a.** The nature and extent of the responsible party's involvement in the violation;

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- b.** The benefits, economic, financial or otherwise, accruing or likely to accrue as a result of the violation;
- c.** Whether the violation was isolated and temporary, or repeated and continuing;
- d.** The magnitude and seriousness of the violation;
- e.** The City's cost of investigation and remedying the violation;
- f.** Any other applicable facts bearing on the nature and seriousness of the violation.

B. Administrative enforcement fees.

- 1.** The Director may charge a penalty in the form of a monthly enforcement fee for any violation that meets the following conditions:
 - a.** A citation, as described in Section 18.18.040, has been issued;
 - b.** A response period of at least 30 days has passed since the citation or stop work order became final; and
 - c.** The violation, as described in the initial citation of violation or any subsequent citation, has not been corrected, inspected and approved.
- 2.** If the responsible party does not have all violations corrected, inspected and approved within six months from the date of the initial citation, then monthly enforcement fees will double.
- 3.** Once the monthly enforcement fees begin, they will continue until all violations identified in the initial citation, or any subsequent citations, have been corrected, inspected and approved.
- 4.** The responsible party must notify the Director when the responsible party believes that all violations listed in the initial citation or any subsequent citations, have been corrected. Upon confirmed receipt of such notice, the Director will promptly schedule an inspection of the violation and will notify the responsible party if any violations remain uncorrected.
- 5.** When a violation meets the conditions for charging an enforcement fee as described in this Section, the Director will file a statement with the City Auditor that identifies the property, the amount of the monthly fee, and the date from which the charges are to begin. The Auditor will then:
 - a.** Notify the responsible party of enforcement fees;

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- b.** Record a property lien in the Docket of City Liens;
- c.** Bill the responsible party monthly for the full amount of the enforcement fee owing, plus additional charges to cover the administrative costs of the City Auditor; and
- d.** Maintain lien records until:
 - (1)** The lien and all associated interest, penalties and costs are paid in full; and
 - (2)** The Director certifies that all violations listed in the initial and any subsequent citations or stop work orders have been corrected, inspected and approved.

18.18.040 Citations.

(Added by Ordinance Nos. 175772 and 184101, effective October 8, 2010.)

- A.** If the Director has reasonable belief that a violation has occurred, the Director may issue a citation. The citation may be personally delivered to the responsible party, or may be served by Registered or Certified Mail to the responsible party. For purposes of this Subsection, service by registered or certified mail is complete and effective when a correctly addressed notice is deposited with the postal service after being either certified or registered by the postal service. The citation will include:
 - 1.** A reference to the particular section or sections of this Title that have been or are being violated;
 - 2.** A short and plain statement of the matters asserted or charged;
 - 3.** A statement of the amount of the applicable penalties; and
 - 4.** A reference to the process by which the responsible party may request review by the Director.
- B.** The responsible party cited as violating this Title must, within 15 days of receiving the citation, pay to the City the stated penalty or request review by the Director. If, after review by the Director, the Director upholds the civil penalty, payment of the penalty must be received by the City or postmarked no later than 15 days after the review determination becomes final.

18.18.050 Review by the Director.

(Added by Ordinance No. 175772, effective August 1, 2001.)

- A.** If a responsible party has received a written citation as described in this Chapter and the responsible party believes the citation has been issued in error, the responsible party may request that the citation be reviewed by the Director. The

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responsible party must submit a written request to the Director within 15 days of the date of the citation. The written request shall be submitted together with all evidence that supports the responsible party's request. The Director's determination will be served on the responsible party by regular mail.

- B.** A responsible party may appeal the Director's written determination to the Code Hearings Officer in accordance with Chapter 22.10 of Portland City Code.
- C.** Nothing in this Chapter limits the authority of the Director to initiate a code enforcement proceeding under Title 22, Hearings Officer for any violations of this Title.

18.18.060 Institution of Legal Proceedings.

(Added by Ordinance No. 175772, effective August 1, 2001.) The City Attorney, acting in the name of the City, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Title as additional remedy.

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**CHAPTER 18.20 - SEVERABILITY
PROVISION**

Section:

18.20.010 Severability Provision.

18.20.010 Severability Provision.

If any provision of this Title, or its application to any person, or circumstances, is held to be invalid, the remainder of this Ordinance, or the application of the provision to other persons or circumstances, shall not be affected.

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- E.** If an unoccupied structure or structure under construction is open or unattended, the Director may enter to determine if a hazardous condition exists. If such a condition exists, the Director shall notify the owner of the condition and order the structure immediately secured against the entry of unauthorized persons.
- F.** In the event the property owner, permit holder or the owner's agent fails or neglects to carry out any requirement, or fails to correct any noted violation of this Title, the Director may gain compliance by any of the remedies outlined in Chapter 3.30 of the Code of the City of Portland.

24.10.070 Application for Permits.

(Amended by Ordinance. Nos. 162100, 163908, 165678, 169905, 171773, 174880, 176783, 176955, 180330, 187432, 188647 and 188884, effective April 4, 2018.)

- A.** Permits required. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, change occupancy group of, or demolish any building or structure, or to do any clearing or grading, or cause any of the same to be done without first obtaining a building permit, or where appropriate a minor structural label as outlined in Section 24.10.095. The limitations of Oregon Revised Statutes 455.020 notwithstanding, permits are required to construct, alter, repair or move any structure as identified in this Title or in the Oregon Structural Specialty Code or the Oregon Residential Specialty Code, as adopted in Chapter 24.10 of this Title. Building permits and fees for work on private property are waived whenever the work appears on plans and specifications, approved by the City Engineer or BES Chief Engineer. This work shall be limited to the construction of streets, public sewers, public stormwater management facilities, driveways, retaining walls, fences, walkways, parking pads, steps, and tree, shrub, and brush removal.
- B.** Plans and specifications. Plans, engineering diagrams, and other data shall be submitted in three sets with each application, and shall comply with the requirements of Chapter 1 of the Structural Specialty Code. If a structural design is required, computations, stress diagrams, computer data, and such additional data as required by the Director, sufficient to show the correctness of the plans and compliance with the structural provisions of this Title shall be submitted. The above data shall include a brief summary of all basic assumptions, design methods, structural systems, loading, lateral bracing systems, and a table of contents of the computations. Computer calculations submitted as substantiation of the design shall include a copy of the program users manual for each program, definition, sketches, index of data runs, and properly identified input and output listings. For other than nationally recognized programs, the correctness of the program shall be substantiated in a manner acceptable to the Director. When required by the Director, or when required under ORS 672 (State Engineering Law) or ORS 671 (State Architectural Law), plans shall be prepared and certified by an architect or registered professional engineer licensed to practice in the State of Oregon.

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- C.** Parking lots. Parking lots shall not require a separate building permit when they are clearly shown on plans submitted and their valuation is included on the application for the principal building permit.
- D.** Compliance with Chapter 17.88 (Street Access) of this Code is required prior to issuance of this permit.
- E.** Plans for other than one and two family dwelling repairs, remodels, or additions shall be approved by the Fire Marshal prior to approval by the Director.
- F.** Issuance of permits. Issuance of permits shall be in accordance with Chapter 1 of the Structural Specialty Code provided that plans for all commercial buildings and any off-street parking area where the parking of three or more cars is to be established shall be approved by the City Engineer and the City Traffic Engineer before a building permit may be issued.
- G.** Charge for partial permits. When complete plans and specifications are not available, the Director may issue partial permits to assist in the commencement of the work, provided that a partial permit charge is paid to the bureau. The number of partial permits issued shall not exceed six on any individual project, except that in special circumstances the Director may allow this number to be exceeded.
- H.** Retention of plans.

 - 1.** Plans and specifications for all buildings, or their photographic image, shall be retained permanently in the files of the Bureau of Development Services as follows:

 - a.** Plans and specifications for work which does not concern or affect the structural stability of a building and which does not affect a change of occupancy may be destroyed after 5 years from date of building permit for same;
 - 2.** Plans and specifications for one or two family dwellings, and/or buildings accessory thereto may be destroyed after 5 years from date of building permit for same.
- I.** A separate permit, known as a development permit, shall be required for a site development, changes in use, or other work performed in compliance with Title 33, Chapter 33.700, Administration, which is not otherwise included with the permit described in Subsection A. of this Section. Reviews and approval of site plans or other documents shall be obtained from the Bureau of Development Services prior to issuance of the permit.

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- J.** Life of Permit Limited. If no inspection approval has taken place within six months after permit issuance, the permit shall become void, and no further work shall be done at the premises until a new permit has been secured and a new fee paid. Each time an inspection approval is granted, the permit shall be deemed to be automatically extended for six months, until final approval is granted. The Building Official may extend a permit for one period of six months upon finding that the permittee was unable to commence or continue work for reasons beyond the permittee's control. Extension requests shall be in writing and shall be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit shall be void. A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. No permit may be renewed if it has been expired for more than six months. A permit may be renewed only once. If an inspection approval has not been granted within the time period of permit renewal the permit shall be void. The renewal fee shall be one half the amount required for a new building permit.
- K.** Maintenance Agreements. If any building element, structure, or utility crosses a real property line, a maintenance agreement and access easement must be signed by all affected property owners and recorded in the County Recorder's Office on all affected properties. The agreement and easement must address the repair, upkeep, and replacement of and access to all elements, structures, and utilities that cross a real property line. Prior to recording, the maintenance agreement and access easement must be reviewed and approved by the building official. The maintenance agreement and access easement may not be modified or suspended without the building official's prior written approval. The applicant must provide a copy of the recorded maintenance agreement and access easement to the building official prior to issuance of the building permit.

24.10.075 Bureau of Development Services Administrative Appeal Board.

(Added by Ordinance No. 187432, effective December 4, 2015.)

- A. Appointment of Administrative Appeal Board.** The Bureau of Development Services Administrative Appeal Board consists of the Building Official and Bureau staff members appointed by the Director. In appointing staff members, the Director will consider the issues presented by the appeal and what particular expertise will be helpful in addressing those issues. The staff will act in an advisory capacity to the Building Official. The Administrative Appeal Board may:
1. review appeals of the Bureau's application and interpretation of this Title and the State of Oregon specialty codes adopted in this Title (collectively referred to as the "Building Code");
 2. review requests for modifications to the strict application of the Building Code; and

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3. review requests to use alternative materials, design or methods of construction and equipment.

B. Appeals to the Administrative Appeal Board and Final Decisions. Any person aggrieved by a decision of the Bureau related to the application and interpretation of the Building Code or this Title or who wants to request a modification to the strict interpretation of the Building Code or consideration of an alternative material, design or method of construction or equipment may file an appeal with the Administrative Appeal Board. Such an appeal must be filed within 180 days of the Bureau decision being appealed; provided, however, the Building Code in effect at the time the Bureau decision was made shall be applied to the administrative appeal. The Administrative Appeal Board may:

1. grant an appeal if the Administrative Appeal Board finds that the Building Code was not correctly interpreted or applied;
2. grant a modification to the application of the Building Code where special individual reasons make application of the strict letter of the Building Code impractical, the modification is in compliance with the intent and purpose of the Building Code, and such modification does not lessen health, accessibility, life and fire safety or structural requirements of the structure; or
3. approve an alternative material, design or method of construction and equipment if the Administrative Appeal Board finds that any such alternative complies with the intent of the Building Code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Building Code in quality, strength, effectiveness, fire resistance, durability, accessibility and safety. The Administrative Appeal Board may not waive the requirements of the Building Code. The Administrative Appeal Board review will culminate in a final decision by the Building Official. The Administrative Appeal Board meeting is not open to attendance by the appellant or the public. The Bureau will provide final decisions to the appellant by publication of the decision on the Bureau's website within 10 calendar days of the hearing, provided the Bureau has received all required information from the applicant.

C. Reconsideration of Final Decisions and Appeals to the Building Code Board of Appeal. Any person aggrieved by a final decision of the Building Official made under Subsection B. above may either file a reconsideration of that decision within 180 days of the decision based on new or revised information or appeal the decision to the Building Code Board of Appeal in accordance with Section 24.10.080 within 90 days of the final decision being appealed. There is no additional fee for the first reconsideration of an Administrative Appeal Board decision or for an appeal to the Building Code Board of Appeal. The Building Code in effect at the time of the

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final decision being reconsidered or appealed will be applied to the reconsideration or subsequent appeal to the Building Code Board of Appeal.

- D. Fees for Appeals.** The fees for administrative appeals shall be as stated in the Fee Schedule adopted by the City Council. The current approved Fee Schedule is available at the Development Services Center and on the Bureau's website.

24.10.080 Building Code Board of Appeal.

(Replaced by Ordinance No. 187432, effective December 4, 2015.)

- A. Appointment of Building Code Board of Appeal.** In order to hear appeals of final decisions of the Building Official made under Section 24.10.075, there has been created a Building Code Board of Appeal, consisting of three members and three alternates appointed by the Mayor and approved by the City Council.

1. Each member and alternate member must be qualified by experience and training to make decisions pertaining to the Building Code and building construction. At least one member and one alternate member must be competent builders who have engaged in the construction business in the City for at least 2 years immediately preceding their appointments, and at least one member and one alternate member shall be competent architects who have practiced their profession for at least 3 years.
2. Building Code Board of Appeal appointments shall be for 3-year terms. Appeal Board members may serve no more than two complete 3-year terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. Vacancies occurring prior to the end of a term for whatever cause may be filled by qualified persons through appointment by the Mayor for the remainder of the term.
3. Any member may be removed by the Mayor for incompetence, dereliction of duty, incapacity or other sufficient cause.
4. Members of the Building Code Appeal Board shall comply with the State ethics laws applicable to public officials.
5. Members of the Building Code Appeal Board shall serve in a voluntary capacity and without pay.

- B. Appeals to the Building Code Appeal Board.** The Building Code Board of Appeal may review Administrative Appeal Board decisions or any other final decision of the Building Official or Director related to the application and interpretation of this Title or the Building Code. The Building Code appeal will be limited to the facts and record reviewed by the Administrative Appeal Board, Building Official or Director related to the decision being appealed. A hearing will

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be held within 45 days after an interested party submits a written appeal to the Building Code Board of Appeal. A panel of three Building Code Appeal Board members will hear each appeal. The Board may, by a majority vote, affirm, annul, or modify the decision.

C. Powers and Limitations of Authority of the Building Code Appeal Board. The Building Code Board of Appeal may provide reasonable interpretations of the requirements of the Building Code and may grant an appeal if the Board finds one of the following:

1. the Building Official or Director did not correctly apply or interpret this Title or the Building Code;
2. special individual reasons make application of the strict letter of the Building Code impractical, the modification is in compliance with the intent and purpose of the Building Code, and such modification does not lessen health, accessibility, life and fire safety or structural requirements of the structure; or
3. any alternative material, design or method of construction and equipment complies with the intent of the Building Code and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Building Code in quality, strength, effectiveness, fire resistance, durability, accessibility and safety. The Building Code Board of Appeal may not waive the requirements of the Building Code.

Any person aggrieved by a final decision of the Building Code Board of Appeal may, within 30 days after the date of the decision, appeal to the appropriate advisory board of the State of Oregon Department of Consumer and Business Services.

24.10.085 Structural Engineering Advisory Committee.

(Added by Ordinance No. 162056; amended by Ordinance Nos. 187432 and 188647, effective November 17, 2017.)

A. There is hereby created a Structural Engineering Advisory Committee consisting of six members licensed in Oregon to practice structural engineering, appointed by the Mayor and approved by the City Council.

Members may be appointed to no more than two consecutive 3-year terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. In addition, the Director, or designee, shall be an ex-officio member of the board.

B. Any member of the board may be removed from office by the Mayor for malfeasance in office or neglect of duty at any time during the member's tenure.

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- C.** The committee shall elect a chairperson, adopt rules of procedure, and set the time and place for regular meetings. A quorum consisting of at least three members of the committee is required to conduct committee business. Written minutes of all meetings shall be made and kept subject to the requirements and limitations of ORS 192.610 to ORS 192.690.
- D.** It shall be the duty of the board to advise the Director and/or the Appeals Board in structural matters relative to reasonable interpretation and to alternate materials and methods of construction.
- E.** Any action of the board shall be in an advisory capacity to the City. Subsequent action taken by the City as a result of advice from the boards shall be the sole responsibility of the City.

24.10.087 Alternative Technology Advisory Committee.

(Added by Ordinance No. 182217; amended by Ordinance No. 187432, effective December 4, 2015.)

- A. Purpose.** It shall be the duty of the Alternative Technology Advisory Committee to advise the Bureau of Development Services on new or innovative sustainable building technologies and products.
- B. Membership.** The Alternative Technology Advisory Committee shall consist of a minimum of three and a maximum of seven members. The committee members will be appointed by the Mayor and approved by the City Council. The committee shall consist of design professionals, construction contractors, and persons associated with a university with an engineering school. In addition, two designees from the Bureau of Development Services familiar with building code review shall be ex-officio members of the committee.
- C. Appointment and Terms.**
 - 1.** Appointment to the Alternative Technology Advisory Committee shall be for a three-year term. Committee members may be appointed to no more than two consecutive, complete terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. If a position is vacated during a term, it shall be filled for the unexpired term.
 - 2.** Any member of the committee may be removed from the committee by the Mayor for malfeasance in office.
 - 3.** The committee shall elect a chairperson, adopt rules of procedure, and set the time and place for regular meetings. Written minutes of all meetings shall be kept.

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- D. Compensation.** Alternative Technology Advisory Committee members shall serve without compensation.
- E. Other.** The Alternative Technology Advisory Committee serves only in an advisory capacity to the City. Subsequent action taken by the City as a result of the committee's advice shall be the sole responsibility of the City.

24.10.090 Pre-application and Pre-construction Meetings.

(Amended by Ordinance No. 162100, effective August 1, 1989). Where major construction projects involve coordination between City bureaus and the design/construction teams, the Director may hold a pre-application or pre-construction meeting with representatives of the interested parties as an aid to the enforcement of this Title.

24.10.095 Commercial and Industrial Minor Structural Labels.

(Added by Ordinance No. 171773; amended by Ordinance No. 187432, effective December 4, 2015.)

- A. General.** Oregon Revised Statutes Chapter 455.155 gives the Department of Consumer and Business Services the authority to create a statewide permit and inspection system for minor construction work. The Oregon Building Codes Division under the Department of Consumer and Business Services has created a mandatory statewide minor labels program. Implementation rules are found in Oregon Administrative Rules 918-100-0000 through 918-100-0600. The Bureau, in accordance with OAR 918-100-0060, will conduct inspections and issue necessary correction notices for minor commercial and industrial labels issued pursuant to the statewide minor labels program.

24.10.100 Fees.

24.10.101 General.

(Amended by Ordinance No. 176955, effective October 9, 2002.) The following fees are required to be paid to the Director of the Bureau of Development Services, shall be as set forth in this Chapter.

24.10.102 Building Permit and Plan Check/Process Fee.

(Replaced by Ordinance No. 174719, effective August 21, 2000.)

- A.** All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.
- B.** A plan checking fee is payable when the plans and application are accepted by the Director for examination and shall not be refundable. A permit fee shall be paid to the Director before a building permit is issued.

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- C. Permit and plan check fees will, as a general rule, be refunded when the services covered by the fee have not commenced, and the permit or plan review fees were paid incorrectly due to an error on the part of the City. When a permit applicant requests a refund, but the City was not at fault in accepting payment, fees shall be retained to cover the cost of plan review or inspections actually performed and 20 percent of the amount remaining. State surcharge fees are only refundable when a permit was issued in error. Requests for refunds must be made within 6 months of payment or permit issuance, whichever is later. Refunds are to be made to the same person or firm who paid the fee within 3 months of the request. Exceptions to the above requirements may be made by the Director or designee.

24.10.103 Requested Inspection Fees.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.104 Fee for Appeal.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.106 Home Occupation Permit.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.107 Appeal Fee for Historical Building Review Board.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.108 Street Use Fees.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.109 Grading Permit Fees.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.110 Excavation and Grading Plan Check Fees.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.111 Dangerous Building Abatement Processing Fee.

(Repealed by Ordinance No. 167088, effective Dec. 3, 1993.)

24.10.112 Product Approval Fee.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.113 Circus Tent Fee.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.114 Welder Certification Fee.

(Repealed by Ordinance No. 165486, effective July 1, 1992.)

24.10.115 Reproduction Fees.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

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- 24.10.116 Fee for Examination of Filed Plans.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.117 Approved Fabricators Certification Fee.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.118 Special Inspection Certification Fee.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.119 Approved Testing Agency Certification Fee.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.122 Certificate of Occupancy.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.123 Temporary Certificate of Occupancy.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.124 Zoning Inspection Fee.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.125 Inspections Outside of Normal Business Hours.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.126 Reinspection Fee.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.127 Additional Plan Review Fee.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.128 Address Assignment Fee.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.130 Clearing Permit Fee.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.131 Clearing With Tree Cutting Permit Fee.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.).
- 24.10.132 Pre-Permit Site Inspection for Properties in Environmental Zones.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)
- 24.10.133 Manufactured Dwelling Installation Fees.**
(Repealed by Ordinance No. 174719, effective August 21, 2000.)

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24.10.134 Manufactured Dwelling Park.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.135 Recreational Park.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.136 Park Trailer Installation Fees.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.137 Minor Structural Labels.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.138 Master Permit/Facilities Permit Program Fees.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.139 On-site Permanent Stormwater Control Facilities Inspection Fee.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

24.10.140 Tree Preservation and Planting Plan Check and Inspection Fee.

(Repealed by Ordinance No. 174719, effective August 21, 2000.)

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CHAPTER 24.15 - DEFINITIONS

Sections:

24.15.010	General.
24.15.020	Abandoned Structure.
24.15.030	Agreement/Contract to Repair Work.
24.15.040	Approved Testing Agency.
24.15.045	Boarded.
24.15.050	Building.
24.15.060	Dangerous Structure.
24.15.065	Derelict Commercial Building.
24.15.070	Director.
24.15.075	Dwelling Unit.
24.15.080	Exterior Property Area.
24.15.090	Hearings Officer.
24.15.100	Imminently Dangerous.
24.15.110	Inspections Manager.
24.15.115	Master Permit/Facilities Permit Program
24.15.120	Owner.
24.15.130	Repair.
24.15.140	Residential Structure.
24.15.150	Requested Inspection.
24.15.160	Service Station Site.
24.15.170	Substandard.
24.15.180	Special Inspector.
24.15.190	Subject Structure.
24.15.200	Structure.
24.15.215	Tree Removal.
24.15.220	Unoccupied.
24.15.230	Unsafe.
24.15.240	Unsecured.
24.15.250	Value/Valuation.
24.15.260	Warehousing.

24.15.010 General.

For the purpose of this Title, certain terms, phrases, words, and their derivatives shall be construed as specified herein. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Terms, words, phrases, and their derivatives used, but not specifically defined in this Chapter, either shall have the meaning defined in this Title, or if not herein defined, shall have the meanings commonly accepted in the community.

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- C.** A copy of the appeal shall be provided to the Chief at the same time that it is filed with the Board. The Chief shall have fourteen days from the date of the appeal to respond, in writing, to the Board and all appellants.
- D.** The Board shall issue a notice of a hearing date and the place and time of the hearing. Notice shall be provided to the appellants and the Chief.
- E.** The Board shall then hold a hearing upon any such appeal. After considering the issues raised on appeal, and the reasonableness of the Chief's interpretation of applicable criteria, the Board shall, by majority vote, affirm or modify the Chief's decision. The Board's decision shall be based solely upon the criteria set out in this Chapter and shall include findings addressing the facts and the criteria. The decision of the Board shall have full force and effect. A certified copy of the decision shall be delivered to the appellant.

Any appeal of the Board's decision shall by writ of review.

24.51.060 General.

(Amended by Ordinance Nos. 178745 and 179125, effective April 1, 2005.)

- A.** In addition to the other City codes, all structures located in wildfire hazard zones as identified in the Wildfire Hazard Zone map shall meet the applicable requirements in the State of Oregon Structural Specialty Code or the Residential Specialty Code as applicable.
- B.** The requirements in Chapter 24.75, Uniform Building Address System, supercede the requirements found in OSSC Appendix L, Section L101.7, for premises identification.

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CHAPTER 24.55 - BUILDING DEMOLITION

(Chapter amended by Ordinance No. 171455,
effective August 29, 1997.)

Sections:

- 24.55.100 Demolition - Debris - Barricades - Nuisances.
- 24.55.150 Definitions.
- 24.55.200 Residential Demolition Delay - Housing Preservation.
- 24.55.205 Site Control Measures in Residential Demolitions.
- 24.55.210 Major Residential Alterations and Additions.

24.55.100 Demolition - Debris - Barricades - Nuisances.

(Amended by Ordinance Nos. 171455, 187017 and 189012, effective June 13, 2018.) It is unlawful for any owner or persons in control of any such structure which is being demolished, or which has been damaged by fire, to leave any portion of the structure unsupported for more than 1 hour, if such section is liable to collapse or is in any way a danger to the public. In no event shall a portion of the structure be left unsupported for more than 24 hours. Suitable barricades shall be provided to prevent access to the vicinity of any unsupported section of the structure. Any permanent structural supports provided as a result of application to this section shall be designed by a structural engineer registered to practice in the State of Oregon and hired by the applicant. All such designs, calculations, drawings, and inspection reports shall be approved by the Director.

All combustible debris or material shall be removed from the premises on which the demolition is carried out within 30 days from the completion of the demolition, or from the stoppage of the work thereon if the work remains uncompleted. All non-combustible debris or material resulting from demolition shall be removed within 30 days after the completion of the demolition or stoppage thereof, unless the Director extends the time therefore because of weather, terrain, or other special circumstances, but such extension shall not exceed 3 months. It is unlawful for any owner or person in possession of real property to permit the debris to remain on the property without disposal in excess of the periods mentioned above or of any specific extension thereof as set forth above.

Any of the above-mentioned things existing while there is a duty to remove or correct the same, shall constitute a public nuisance. Any unsupported portions of a building or structure existing beyond the periods set forth above shall be subject to summary abatement by the City. The abatement shall be in accordance with the procedure set forth in Title 29, Chapter 29.60, Administration and Enforcement.

All structures to be demolished shall be taken down in a safe manner. The streets or sidewalks shall not be littered with rubbish and shall be wet down, if necessary. During any demolition work, all receptacles, drop boxes, shafts, or piping used in such demolition work shall be covered in an appropriate manner. After removal of any structure all foundations that are not to be used for new construction shall be removed and all excavations filled in compliance with Chapter 24.70 of this Title, to a level of the adjoining grade. Plans shall be submitted for any new construction proposed, utilizing the remaining foundations. Any remaining foundations approved for further use shall be barricaded by a

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fence no less than 6 feet high maintained until the new construction has progressed sufficiently to remove any hazards to the public. Such period of time is not to exceed 30 days. For regulations on the use of public streets and protection of pedestrians during demolition see Chapter 24.40 of this Title.

24.55.150 Definitions.

(Added by Ordinance No. 187017; amended by Ordinance Nos. 188802 and 189012 effective June 13, 2018.)

- A.** Demolition. Demolition means removal of all exterior walls above the foundation.
- B.** Major Residential Addition. Major residential addition means adding more than 500 square feet of new interior space and expanding the structure’s footprint or envelope. The new interior space does not include areas of existing space within the building envelope.
- C.** Major Residential Alteration. Major residential alteration means removing 50 percent or more of the exterior walls above the foundation.
- D.** Recognized organization. Recognized organization includes neighborhood coalitions and neighborhood associations recognized by the Portland Office of Neighborhood Involvement.
- E.** Demolition Manager. Demolition manager means the person designated by the property owner or demolition permit applicant who will be responsible for implementing and overseeing the Demolition Plan and who will be the contact person for BDS and other regulatory agencies regarding the Demolition Plan. The Demolition Manager must have knowledge regarding erosion and sediment control, site control, and proper handling of materials generated from the demolition activities. The Demolition Manager is a “responsible party” as defined in this Section 24.55.150.
- F.** Demolition Plan. Demolition plan means the plan signed by the Demolition Manager that outlines the techniques and equipment that the Demolition Manager will use on the demolition site to control dust and debris generated during the demolition activities. The Demolition Plan must also include the anticipated timeframe for the demolition, a description of the site control measures set forth in Section 24.55.205 C. and monitoring processes that will be followed on the site before, during, and after the demolition activities, details of pedestrian protection where required, and a description of how the site will be secured against accessibility by any unauthorized persons. The Demolition Plan must include erosion and sediment control measures required by this Chapter 24.55, Title 10 and Chapter 17.39 of the Portland City Code, the City of Portland Erosion and Sediment Control Manual, the City of Portland Source Control Manual, and any other City of Portland regulations governing erosion, sediment control, stormwater control, or

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wastewater generated from the demolition activities covered by this Section 24.55.205. The Plan must also include contact information for the Demolition Manager.

- G.** Mechanical demolition activities. Mechanical demolition activities means pulling down any part of a structure using mechanical tools such as cranes, bulldozers, excavators, rams, or similar heavy machinery.
- H.** Deconstruction. Deconstruction means demolition via the systematic dismantling of a structure or its parts, typically in the opposite order it was constructed, which can include the selective use of heavy machinery.
- I.** Full deconstruction. Full deconstruction means systematically dismantling 100% of the building, including finishes, core, shell, frame, mechanical, electrical, and plumbing fixtures and only using machinery to move and process materials once they are removed.
- J.** Lead-containing. Lead-containing means paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter, 0.5 percent by weight, or 5,000 parts per million (ppm).
- K.** Responsible party. Responsible party means the property owner or person authorized to act on the owner's behalf and any person causing or contributing to a violation of this Title.

24.55.200 Residential Demolition Delay - Housing Preservation.

(Amended by Ordinance Nos. 171455, 176955, 187017, 187711, 188259, 188802 and 189012, effective June 13, 2018.)

- A.** Purpose. The residential demolition delay provisions are intended to allow an adequate amount of time to help save viable housing in the City while recognizing a property owner's right to develop or redevelop property. The regulations provide an opportunity for public notice of impending residential demolitions and coordination of the efforts of various City bureaus. The regulations also encourage seeking alternatives to demolition. The provisions accomplished this through a two part process:
 - 1.** a 35 day notice period during which demolition is delayed, and
 - 2.** a possible 60-day extension of the demolition delay period.
- B.** Where the delay applies. The residential demolition delay regulations of this Section (24.55.200) apply to sites with residential structures that are regulated under the Oregon Residential Specialty Code and that are located in areas with a residential Comprehensive Plan Map designation. The regulations only apply to

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applications for demolition of residential structures. They do not apply to demolitions of accessory structures such as garages or other outbuildings.

C. Application for building permit for demolition.

1. Signed statement. The application for a building permit for demolition must include a statement signed by the owner(s) of the property. The statement must acknowledge that the owner(s) are aware of the primary uses permitted under the current zoning on the site without a conditional use, zone change, Comprehensive Plan Map amendment, or other land use approval and that such an approval will be required before other uses will be permitted on the site. The statement may be on forms that the Director may make available.
2. Delay in issuing. The building permit for demolition will not be issued except as provided for in this Section (24.55.200).

D. Notification.

1. Mailed notice. Within 5 days of receipt of a complete application for a residential demolition permit, the Bureau of Development Services will mail written notice of the demolition request to all properties within 150 feet of the site to be demolished, to the recognized organization(s) whose boundaries include the site, to the Architectural Heritage Center/Bosco-Milligan Foundation, Inc., and to the Historic Preservation League of Oregon, dba Restore Oregon. A complete application means when the Bureau of Development Services has received a complete permit application, project plans and the intake, review and notice fees have been paid. The notification letter will contain at least the following information.
 - a. Notice that the site has been proposed for demolition,
 - b. The date the application for demolition was received,
 - c. Notice that there is a demolition delay period of 35 days which may be extended upon request from the recognized organization(s) whose boundaries include the site or an interested party,
 - d. The contact information of the applicant,
 - e. The last day that requests for extended delay may be submitted, and
 - f. The location where more information is available.
2. Posted notice. Not more than 2 weeks nor less than 72 hours before demolition activity commences, the applicant must post door hangers provided by the Bureau of Development Services on all properties within

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300 feet of the site to be demolished. The notice must contain all of the following information.

- a. Name and phone number of the Demolition Manager.
 - b. Notice that the site has been proposed for demolition,
 - c. The demolition permit number,
 - d. The approximate date demolition activity will commence,
 - e. Contact information of the agencies that regulate asbestos and lead-based paint,
 - f. Contact information for the applicant,
 - g. Recommended safety information for surrounding properties, such as closing windows and keeping children away from the site, and
 - h. The location where more information is available.
- E.** 35-day notice period. The building permit for residential demolition will not be issued during the 35-day notice period. The notice period begins on the day the complete permit application is received and all intake fees have been paid. If no written request to extend the demolition delay is received during the 35-day notice period as provided in Subsection 24.55.200 F. below, then the Bureau of Development Services will issue the building permit for demolition.
- F.** Requests for extension of demolition delay period. Requests to extend the demolition delay period may be made as follows:
1. Who may request. Requests to extend the demolition delay period an additional 60 days may be made by a recognized organization whose boundaries include the site or any other interested party.
 2. How to request. The request to extend the demolition delay period must be made in writing, on forms provided by the Bureau of Development Services. The request must be submitted to the Bureau of Development Services by 4:30 p.m. on the last day of the initial 35-day notice period. The request must be accompanied by an appeal of the demolition permit application submitted to the Bureau for a hearing before the Code Hearings Officer, as provided in Subsection 24.55.200 H. below, along with the appeal fee or a waiver of the fee and a copy of the letter requesting a meeting with the property owner as described in Subsection 24.55.200 H.1. below. A fee waiver will only be granted to recognized organizations whose boundaries include the site.

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- G.** 60-day extension of residential demolition delay period. If a signed request for extension of the demolition delay is received as provided in Subsection 24.55.200 F. above, issuance of the building permit for demolition will be stayed until the Code Hearings Officer has rendered a decision of the appeal filed as provided in Subsection 24.55.200 H. below.
- H.** Appeal of the residential demolition permit application. An interested party may appeal issuance of the demolition permit by completing an appeal application on forms provided by the Bureau. The appeal application must be accompanied by the appeal fee or a fee waiver, along with a copy of the letter requesting a meeting with the property owner as described in Subsection 1. below. Appeals will be forwarded to the Code Hearings Officer and will be governed by the provisions in Chapter 22.10, unless there is a conflict between Chapter 22.10 and this Section, in which case this Section shall apply. The provisions of Chapter 22.03 shall not apply to appeals under this Section, except for Sections 22.03.050 (Hearing Procedure), 22.03.080 (Evidence), and 22.03.110 (Orders). The appeal may be filed any time within the initial 35-day delay period. The demolition permit may not be issued from the time the Bureau receives an appeal application and the fee or fee waiver, until the Code Hearings Officer has rendered a decision or the 60-day extension period has expired. If the fee waiver is denied, the appealing party must submit the appeal fee to the Bureau within three business days of the denial or the appeal will be rejected. The appealing party has the burden of proving that it is actively pursuing an alternative to demolition and must demonstrate all of the following by submitting evidence to the Code Hearings Officer, either with the appeal application or at the appeal hearing:
1. The requesting party has contacted the property owner or property owner's representative to request a meeting to discuss alternatives to demolition by sending a letter to the property owner by registered or certified mail, return receipt requested;
 2. The particular property subject to the demolition permit application has significance to the neighborhood. Evidence of the significance may include, but is not limited to, architectural significance, the age and condition of the structure or other factors;
 3. The requesting party has a plan to save the structure; and
 4. The requesting party has a reasonable potential to consummate the plan within 95 days of the date the Bureau accepted the complete demolition permit application by providing a proposed budget and either evidence of funds on hand or a fund raising plan sufficient to meet the financial requirements of that budget. "Consummate the plan" as used in this Subsection means coming to an agreement among the parties within the 95 days; it does not mean that the plan itself must be completed in that time.

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- I.** Moving as an alternative. If the applicant decides to move the structure instead of demolishing it, then the demolition notice period and/or extended delay period becomes moot. The demolition delay period is automatically terminated when a building permit to move the structure from the site and a building permit to relocate the structure to another site are issued.
- J.** Findings of the Code Hearings Officer. If the Code Hearings Officer finds that the requesting party has demonstrated that it is actively pursuing an alternative to demolition and has met all of the criteria in Subsection 24.55.200 H. (1. – 4.) above, the Code Hearings Officer may grant an extension of the demolition delay for up to 60 additional days from the date the initial 35 day delay period has expired. If the Code Hearings Officer finds that the requesting party has not met its burden, then the Bureau may issue the demolition permit immediately upon receipt of the decision, provided that all other requirements for issuing the demolition permit have been satisfied.
- K.** End of the extension period. If the Code Hearings Officer has not rendered a decision within the 60-day extension period as provided in Subsections 24.55.200 H. and J. above, the building permit for demolition may be issued any time after 60 days have elapsed since the expiration of the initial 35-day notice period. In no event will the permit issuance be delayed more than 95 days from the date the Bureau received the complete demolition permit application if all other requirements for issuing the demolition permit have been satisfied.
- L.** Exceptions to demolition delay.

 - 1.** The provisions of this Section (24.55.200) do not apply to applications for building permits for demolition that are required by the City to remove structures because of a public hazard, nuisance, or liability. The structure must be subject to a demolition order from the City, or be the subject of enforcement proceedings for demolition and be stipulated by the owner as a dangerous building, in order to be exempt from the demolition delay provisions.
 - 2.** The provisions of this Section (24.55.200) do not apply to applications for building permits for demolition of structures that are subject to the demolition review provisions of Title 33. In this situation, the provisions of Title 33, Planning and Zoning, apply to the application. Any application not subject to the demolition review provisions of Title 33 is subject to the demolition delay provisions of this Section (24.44.200).

24.55.205 Site Control Measures in Residential Demolitions.

(Added by Ordinance No. 188802; amended by Ordinance No. 189012, effective June 13, 2018.)

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- A.** Scope. The provisions of this Section 24.55.205 apply to demolitions involving the following, regardless of zoning or Comprehensive Plan Map designation:
- 1.** Structures used for residential purposes with four or fewer dwelling units, including mixed use structures. “Mixed use” for purposes of this Section 24.55.205 means the combination on a site of residential uses with commercial or industrial uses.
 - 2.** Any detached accessory structures with a floor area over 200 square feet on a site with a structure covered by Subsection 1. above. “Accessory structure” for purposes of this Section 24.55.205 means a structure not greater than 3,000 square feet in floor area, and not more than two stories in height, the use of which is accessory to and incidental to that of the main structure.
- B.** Documentation Required. A permit to demolish a structure within the scope of this Section as defined in Subsection A. above will not be issued until the Bureau of Development Services (BDS) has received all of the following:
- 1.** A copy of the asbestos survey required under Oregon Revised Statutes 468A.757 and Oregon Administrative Rules Chapter 340, Division 248, as each of these is amended from time-to-time.
 - 2.** If asbestos is identified in the asbestos survey:
 - a.** For friable asbestos removal, a copy of the ASN1 (friable notification form) and a close-out letter from the licensed asbestos abatement contractor verifying all of the asbestos identified in the asbestos survey has been abated; and
 - b.** For non-friable asbestos removal, a copy of an ASN6 (nonfriable asbestos notification form), and a copy of the ASN4 (asbestos waste shipment form).
 - 3.** A Demolition Plan as described in Section 24.55.150.
 - 4.** If the structure to be demolished was built before January 1, 1978, it will be presumed to contain lead-based paint, unless a copy of lead-test results conducted by an “inspector” or “risk assessor,” as those terms are defined on OAR 333-069 and as that section is amended from time-to-time, that shows the structure does not have lead-containing materials is submitted to the Bureau of Development Services with the application for a demolition permit.

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5. Unless the lead-test results outlined in Subsection 4. above show that the structure does not have lead-containing materials, if the structure to be demolished was built before January 1, 1978, and the person performing the demolition is a contractor, as defined in ORS 701.005 (5)(a), the person performing the demolition must submit proof to BDS verifying that the person has one of the certifications specified in OAR 333-068-0070, as that section is amended from time-to-time, or has hired a person with one of the specified certifications to perform the mechanical demolition activities or deconstruction on the site.

C. Requirements for Demolitions

1. Accredited inspector, certified worker, or certified supervisor. An accredited inspector, certified worker, or certified supervisor as those terms are defined in OAR 340-248-0010, must be present during all mechanical demolition activities and deconstruction on the site, unless Comprehensive Asbestos Inspection and Testing, as that term is defined in the BDS administrative rules, has been completed on the structures to be demolished or deconstructed and asbestos test results certified by a licensed asbestos abatement contractor is included with the asbestos survey provided to BDS, along with evidence that all identified asbestos-containing material has been abated as required by the Oregon Department of Environmental Quality.
2. Lead hazard reduction. Prior to commencing mechanical demolition activities, all painted exterior non-structural surfaces, including, but not limited to, doors, windows, railings, soffits, trim, exterior porches (except for concrete or masonry materials), and all layers of siding (unless such surfaces have been tested as set forth in Section B.4. above and found not to contain lead-containing paint) must be removed, and all such materials must be placed in 6 mil plastic and deposited in a covered container. During the removal of these exterior painted materials, 6-mil plastic sheeting or equivalent must be placed at the base of the exterior shear wall and extend at least 10 feet beyond the perimeter of the structure or work area, whichever is greater. If a property line prevents 10 feet of ground covering, vertical containment must be erected to protect neighboring properties.
3. Dust suppression. During mechanical demolition activities, including transfer and loading of materials, the structure, equipment parts that come in direct contact with building materials, and debris must be continuously wetted with a water spray sufficient in volume and force to prohibit airborne emission of dust and particulates from leaving the site. In addition, the entire demolition site and all debris piles must be wetted down each day prior to commencing mechanical demolition activities and at the end of each day during which mechanical demolition activities have occurred.

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4. Wind speed. Mechanical demolition activities must be suspended when winds exceed 25 MPH, verified regularly during mechanical demolition activities by using a hand-held anemometer prior to commencing mechanical demolition activities each day and any time wind speeds noticeably increase. Only deconstruction or other activities that do not generate dust may be conducted on the site when winds exceed 25 MPH.
5. Containment of demolition debris on-site. Containment measures to prevent suspect asbestos-containing material, lead-based paint, and any other pollutants, as defined in the City of Portland Erosion and Sediment Control Manual, from running off the site must be employed consistent with Portland City Code Title 10 and the Solid Waste and Materials Management provisions of the City of Portland Erosion and Sediment Control Manual. If stormwater or any other water generated on the site pools or is collected onsite, including but not limited to water generated from dust suppression activities, then written authorization from the City is required to discharge into a City storm, sanitary, or combined sewer system, unless the Demolition Manager arranges to have the water pumped and hauled off-site for proper disposal. The site will be required to employ approved best management practices, such as settling and filtration, prior to discharge per Portland City Code Subsections 17.34.030 B. and 17.39.040 C.10., and City of Portland Sanitary Discharge and Pretreatment Program Administrative Rules, ENB-4.03(3)(B) and (C).
6. Demolition debris. Any non-salvageable materials and debris generated from demolition activities, including deconstruction, that is deposited into any receptacle, drop box, dumpsters shaft, or piping and any debris left on the site, must be covered at the end of each work day with non-permeable plastic.
7. Exceptions for Full Deconstruction. If the structure to be demolished will be fully deconstructed in accordance with the deconstruction requirements outlined in Portland City Code Subsection 17.106.040 B. and the Portland Deconstruction Administrative Rules adopted October 31, 2016, Parts 4.1 and 4.2, as amended from time-to-time, then the lead hazard reduction requirements in Subsection 2., except the requirement for horizontal and vertical plastic protection; the wetting techniques outlined in Subsection 3., except the requirement to wet mechanically transferred and loaded materials; and the wind restrictions in Subsection 4. above do not apply during deconstruction activities.
8. Exemption for Unsafe or Hazardous Structures. An applicant may request an exemption from the lead hazard reduction requirements in Subsection 2. above if the structure is structurally unsafe or otherwise hazardous to human life to the extent that the activities described in Subsection 2. above could

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not be safely executed. The request must accompany the application for the demolition permit, unless the unsafe or hazardous condition is not discovered until after the permit application has been submitted. Reasons for exemption consideration could include, but are not limited to, extensive fire damage, drug manufacturing, or severe structural issues that cannot be mitigated without complete mechanical demolition. Request for an unsafe or hazardous structure exemption must be submitted to the Bureau of Development Services and include all of the following:

a. A letter on company or organization letterhead from one of the following professionals stating that performing the lead hazard reduction requirements would not be safe:

- (1)** Structural Engineer licensed in the State of Oregon.
- (2)** Bureau of Development Services.
- (3)** Hazardous material professional with credentials to perform work in the State of Oregon.

b. A statement by a professional listed in Subsection a.(1) or (3) above who provides a letter indicating that neither the professional, a relative of the professional, nor a business entity with which the professional is associated has a financial or other interest in the property or project. “Relative” means the spouse, parent, stepparent, child, sibling, step-sibling, son-in-law, or daughter-in-law of the professional.

c. Supporting evidence documenting the condition of the structure and reasons why the lead hazard reduction activities are not recommended due to safety concerns.

9. Notification and Posting. All demolitions that are subject to the provisions of this Section 24.55.205 must comply with the notification requirements in Subsection 24.55.200 D.2. All such sites must also be posted with a sign during demolition activities that meets the requirements of Portland City Code Subsection 10.30.020 B.8.a. and includes the name and telephone number of the Demolition Manager, in addition to the information required in Subsection 10.30.020 B.8.a.

D. Demolition-Related Inspections

1. BDS will conduct an initial pre-demolition site assessment to determine whether the site control measures outlined in the Demolition Plan, erosion control measures, sediment control measures, and site security are adequate

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based on specific site conditions or other City regulations. The initial site assessment will be used to review the Demolition Plan, including final site grading and any necessary permanent site control measures. In addition, the initial site assessment will ensure that there is a Demolition Manager and that a copy of the Demolition Plan is on site.

2. BDS will conduct an inspection during demolition activities to confirm the Demolition Plan is being properly implemented and maintained during the demolition process, and any dust-suppression and other site control equipment described in the Demolition Plan are on-site.
3. BDS will conduct a post-demolition inspection to verify that site grading has been completed, permanent soil stabilization measures are in place, and the premises is secure as detailed in the Demolition Plan.

E. Enforcement

1. Stop Work Orders. When necessary to obtain compliance with this Section 24.55.205, the Director may issue a stop work order as described in Portland City Code Section 3.30.080 requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. Any person subject to a stop work order may seek administrative review of the order and may appeal the Director's administrative determination as provided in Portland City Code Section 3.30.080.
2. Citation Process and Fines
 - a. Citation Process
 - (1) Correction Notice. If BDS finds the demolition project does not comply with any provision of this Section 24.55.205, BDS will issue a correction notice stating the provision(s) violated and the required correction(s) to bring the project into compliance.
 - (2) Citation for Violations. If a violation for which a correction notice has been issued is not corrected, or if the same responsible party is found to have violated any provision of this Section 24.55.205 on a different project within the City, BDS may issue a citation to the responsible party for such violation. For the purposes of this Section 24.55.205, the responsible party is defined in Section 24.55.150.
 - (3) Citation service. A citation may be personally delivered to the responsible party, or may be served by Registered or

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Certified Mail to the responsible party. For purposes of this Subsection, service by Registered or Certified mail is complete and effective when a correctly addressed notice is deposited with the postal service after being either certified or registered by the postal service.

- (4) Fines and corrections. The citation will state the section of this Section 24.55.205 violated, the fine imposed, and the corrective action required.
 - (5) Corrections not made. If corrections are not made and the violation(s) continue, BDS may impose additional citations or pursue other enforcement remedies as authorized under Portland City Code Section 3.30.040, including assessment of Administrative Enforcement Fees and revocation of issued demolition or building permits.
 - (6) Citation appeals. Issuance of a citation may be appealed by requesting an Administrative Review, see Subsection G below.
- b.** Fines. Fines are established for violations of this Section 24.55.205 as set forth in the Enforcement Fee and Penalty Schedule as adopted by the City Council. These fines will be assessed as a result of an issued citation for violations of this Section 24.55.205 and are in addition to any other fines authorized by law.

1st Offense – a first offense is based on a single inspection, even if there are multiple violations. For any subsequent offenses, a separate fine may be assessed for each violation of this Section 24.55.205.

Additional violations after the first offense will be set at the maximum amount per individual violation allowed by the fee scheduled adopted by the City Council, unless the Director finds mitigating factors that justify a lesser fine. Multiple citations can be issued to the responsible party for continued violations of this Section 24.55.205, and each day of non-compliance may be considered a separate violation.

Fines must be received by the Bureau of Development Services within 15 calendar days of the date on the citation, or within 15 calendar days of the final administrative review of the Director or the published decision of a citation appealed to the Code Hearings Officer, unless the Code Hearings Officer specifies a different date.

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If the citation fine is not paid within 15 calendar days, the fine(s) indicated on the citation will double and the unpaid citation amount may, at the discretion of the Director, be assessed as a City lien against the property.

- F.** Demolition Permit Compliance Prerequisite for New Building Permit. No building permit for a new structure on the site that is subject to the demolition permit (including all lots in a land division or lot confirmation) will be issued until the final inspection for the demolition permit has been completed and approved.
- G.** Administrative Review and Appeals. If a responsible party has received a stop work order or written citation and the responsible party believes the order or citation has been issued in error, the responsible party may request that the order or citation be reviewed by the Director or designee. The responsible party must submit a written request for an Administrative Review within 15 calendar days of the date of the order or citation. An Administrative Review appeal fee, see current BDS Enforcement fee schedule, is due when the written request for an Administrative Review is requested. This fee will only be refunded if it is determined that all of the contested violations were cited in error. A written Administrative Review determination will be served on the responsible party by regular mail.

A responsible party may appeal the written Administrative Review determination to the City Code Hearings Office in accordance with Chapter 22.10 of the Portland City Code.

24.55.210 Major Residential Alterations and Additions.

(Added by Ordinance No. 187017; amended by Ordinance No. 189012, effective June 13, 2018.)

- A.** Purpose. The delay provisions are intended to provide notice of a major residential alteration or addition to recognized organizations and to surrounding neighbors. The dust suppression measures are intended to minimize exposure to neighboring properties from dust that may be generated from mechanical demolition activities during major alteration work.
- B.** Where the provisions apply. The major residential alteration and addition delay applies to sites with residential structures that are regulated under the Oregon Residential Specialty Code and that are located in areas with a residential Comprehensive Plan Map designation. If heavy machinery is used in a major alteration project, then the dust suppression measures described in Subsection 24.55.205 C.3. must be implemented during the mechanical demolition activities, as that term is defined in Subsection 24.55.150 H. The delay and dust suppression provisions do not apply to accessory structures such as garages or other outbuildings.

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- C.** Delay in issuing. The building permit for a major residential alteration or addition will not be issued except as provided for in this Section (24.55.210).
- D.** Notification.

 - 1.** Emailed notice. At least 35 days before a building permit is issued for a major residential alteration or addition, the applicant for the permit must email a letter to the recognized organization(s) whose boundaries include the site that contains at least the following information.

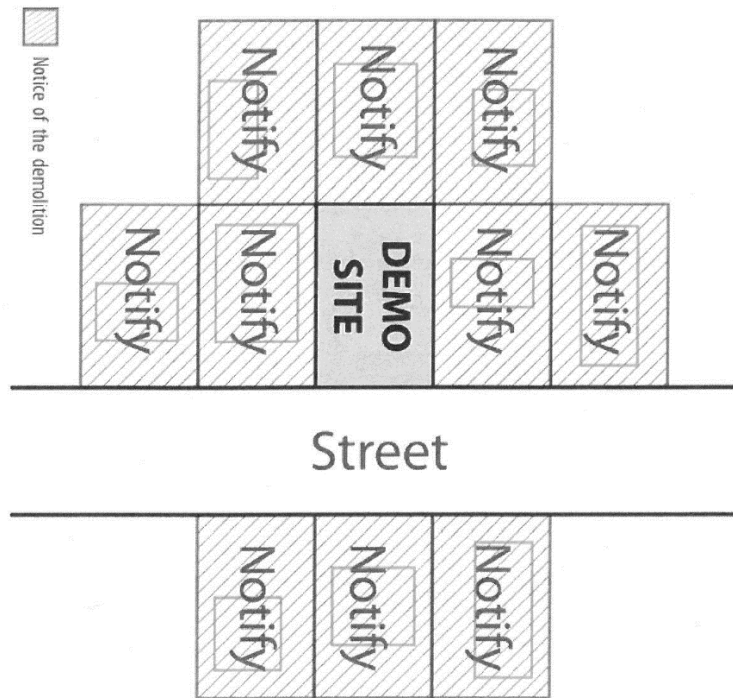
 - a.** Notice that an application for a major alteration or addition has been or will be submitted to the Bureau of Development Services,
 - b.** The date the application was filed, if applicable,
 - c.** A general description of the proposed alteration or addition,
 - d.** Notice that there is a delay period of 35 days from the date the notice is sent, and
 - e.** The contact information of the applicant.
 - 2.** Posted notice. At least 35 days before the building permit is issued for the major residential alteration or addition, the applicant must post door hangers provided by the Bureau of Development Services on the 10 surrounding properties from the site of the project. See Figure 210-1 below for a typical configuration. The notice must contain all of the following information.

 - a.** Notice that an application for a major alteration or addition has been or will be submitted to the Bureau of Development Services,
 - b.** The permit application number, if an application has already been filed,
 - c.** The approximate date the construction activity will commence,
 - d.** Contact information of the agencies that regulate asbestos and lead-based paint, and
 - e.** Contact information for the applicant.
- E.** Required information prior to permit issuance. Prior to issuing a major alteration or addition permit, the delay period must expire and the applicant must submit to the Bureau of Development Services:

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1. A copy of the sent email and a list of the names and email addresses of all recognized organizations that received the notification and the date the notifications were emailed, certified by the applicant or the owner or owner’s agent, and
 2. A copy of the door hanger and a list of addresses of all properties that received the notification and the date the notifications were posted, certified by the applicant or the owner or owner’s agent.
- F.** End of the delay period. The building permit for the major alteration or addition may be issued any time after the end of the 35-day notice period.
- G.** Expiration of permit application. If for any reason, the permit application for a major residential alteration or addition expires prior to issuance of the permit or if an issued permit expires prior to the project being commenced, a new permit application, notification and delay period will be required.

FIGURE 210-1



24.55.250 Enforcement.

(Repealed by Ordinance No. 171455, effective August 29, 1997.)

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- 24.55.300 Referral to the Hearings Officer.**
(Repealed by Ordinance No. 171455, effective August 29, 1997.)
- 24.55.350 Appeals.**
(Repealed by Ordinance No. 171455, effective August 29, 1997.)
- 24.55.400 Rehabilitation and Repair under Direction of Council.**
(Repealed by Ordinance No. 171455, effective August 29, 1997.)
- 24.55.450 Contracts to Repair or Demolish.**
(Repealed by Ordinance No. 171455, effective August 29, 1997.)
- 24.55.500 Warehousing of Structures.**
(Repealed by Ordinance No. 171455, effective August 29, 1997.)
- 24.55.550 Interference with Demolition or Repair Prohibited.**
(Repealed by Ordinance No. 171455, effective August 29, 1997.)
- 24.55.600 Demolition - Debris - Barricades - Nuisances.**
(Repealed by Ordinance No. 171455, effective August 29, 1997.)
- 24.55.650 Demolition Permits - Investigations.**
(Repealed by Ordinance No. 163608, effective November 7, 1990.)
- 24.55.700 Demolition Delay - Housing Preservation.**
(Repealed by Ordinance No. 171455, effective August 29, 1997.)
- 24.55.750 Administrative Review.**
(Repealed by Ordinance No. 171455, effective August 29, 1997.)
- 24.55.800 Appeals to the Code Hearings Officer.**
(Repealed by Ordinance No. 171455, effective August 29, 1997.)
- 24.55.850 Dangerous Building Enforcement Fees.**
(Repealed by Ordinance No. 171455, effective August 29, 1997.)

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- C. The sidewalk elevator shall not be raised sooner than 15 minutes prior to a delivery and shall be placed in a down position and the sidewalk doors closed within 15 minutes of the completion of a delivery.

24.65.050 Plans Required.

The construction of sidewalk vaults shall be considered as part of a building and plans shall be submitted showing the construction of the same.

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**CHAPTER 24.70 – CLEARING, GRADING,
AND RETAINING WALLS**

(Chapter amended by Ordinance Nos. 184522,
185448, 186053 and 188884, effective April 4,
2018.)

Sections:

24.70.010	General.
24.70.020	Permits.
24.70.030	Hazards.
24.70.040	Special Definitions.
24.70.050	Information on Plans and in Specifications.
24.70.060	Bonds.
24.70.070	Cuts.
24.70.080	Fills.
24.70.085	Retaining Walls.
24.70.090	Setbacks.
24.70.100	Drainage and Terracing.
24.70.120	Grading Inspection.
24.70.130	Completion of Work.

24.70.010 General.

(Amended by Ordinance Nos. 165678, 168340, 184522, 185448 and 186053, effective January 1, 2015.) The provisions of this Chapter shall regulate clearing, grading and earthwork construction on private property. Tree removal, whether associated with clearing, grading, earthwork construction or conducted separately shall be regulated pursuant to Title 11, Trees. Erosion control is regulated by Title 10.

24.70.020 Permits.

(Amended by Ordinance Nos. 165678, 168340 172209, 173532, 173979, 184522, 185448, 186053 and 188884, effective April 4, 2018.) Permits for clearing, grading, and retaining walls are required as specified in this Section. Where a specific activity does not require a clearing or grading permit, a separate tree permit may still be required, as specified in Title 11 Trees. Where a clearing or grading development permit shows trees to be removed and has been reviewed and approved by the City, a separate tree permit is not required in conjunction with the clearing or grading permit. An erosion, sediment and pollutant control plan if required by Title 10 shall be submitted with clearing or grading permit applications. Applicants for permits made in conjunction with land divisions shall be responsible for all clearing, grading, tree removal and erosion control within the land division, even where a specific activity is exempt from an individual permit.

- A.** Clearing Permits. A permit is required and shall be issued in accordance with Section 24.10.070 for clearing activities in the following areas:

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1. The Tualatin River sub-basins, Johnson Creek Basin Plan District, environmental zones, greenway zones, or natural resource management plans; or
 2. Property larger than five acres. Except that no permit shall be required for clearing an area less than 5,000 square feet.
- B.** Grading Permits. A permit is required and shall be issued in accordance with Section 24.10.070 for all grading operations with the exception of the following:
1. Grading in an area, where in the opinion of the Director, there is no apparent danger, adverse drainage, or erosion effect on private/public property, or inspection is not necessary;
 2. An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.
 3. Cemetery graves.
 4. Refuse disposal sites controlled by other regulations.
 5. Excavations for wells or tunnels.
 6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
 7. Exploratory excavations under the direction of soil (geotechnical) engineers or engineering geologists.
 8. An excavation which
 - a. Is less than 2 feet in depth, or
 - b. Which does not create a cut slope greater than 5 feet in height and steeper than 1-1/2 horizontal to 1 vertical.
 9. A fill less than 1 foot in depth, and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, or less than 3 feet in depth, not intended to support structures, which does not obstruct a drainage course and which does not exceed 10 cubic yards on any one lot.

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- C. Retaining Walls. A permit is required and shall be issued in accordance with Section 24.10.070 for all retaining walls over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, and for retaining walls supporting a surcharge.
- D. Tree Removal. Removal of trees six-inches and larger in diameter shall be reviewed with the clearing or grading permits as part of the Tree Plan review pursuant to Title 11. When removing 5 or more trees on a site with an average slope of at least 20 percent, applicants shall provide a geotechnical engineering report that assesses the stability of the site after tree felling and root grubbing operations.
- E. Permits required under this Chapter shall be obtained before the commencement of any tree removal, root grubbing or soil disturbance takes place.

24.70.030 Hazards.

(Amended by Ordinance Nos. 165678 and 188884, effective April 4, 2018.) The Director may determine that any clearing, grading, retaining wall, or geologic condition on private property has or may become a hazard to life and limb, or endanger property, or cause erosion, or adversely affect drainage or the safety, use or stability of a public way or drainage channel. Upon receipt of notice in writing from the Director, the owner shall mitigate the hazard and be in conformity with the requirements of this Title. The Director may require that plans and specifications and engineering reports be prepared in compliance with this Chapter.

24.70.040 Special Definitions.

(Amended by Ordinance No. 188884, effective April 4, 2018.) The definitions contained in this Section relate to excavation and grading work only as outlined in this Chapter.

- A. “Approval” shall mean a written engineering or geological opinion concerning the progress and completion of the work.
- B. “As graded” is the surface conditions exposed on completion of grading.
- C. “Bedrock” is in-place solid rock.
- D. “Bench” is a relatively level step excavated into earth material on which fill is to be placed.
- E. “Borrow” is earth material acquired from an off-site location for use in grading on a site.
- F. “Civil engineer” shall mean a professional engineer registered in the State to practice in the field of civil works.

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- G.** “Civil engineering” shall mean the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design, and construction of civil works for the beneficial uses of mankind.
- H.** “Clearing” is the cutting or removal of vegetation which results in exposing any bare soil.
- I.** “Compaction” is the densification of a fill by mechanical means.
- J.** “Earth material” is any rock, natural soil, or fill and/or any combination thereof.
- K.** “Engineering geologist” shall mean a geologist experienced and knowledgeable in engineering geology and registered as an engineering geologist in the State of Oregon.
- L.** “Engineering geology” shall mean the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.
- M.** “Erosion” is the wearing away of the ground surface as a result of the movement of wind, water, and/or ice.
- N.** “Excavation” is the mechanical removal of earth material.
- O.** “Fill” is a deposit of earth material placed by artificial means.
- P.** “Geological hazard” shall mean a potential or apparent risk to persons or property because of geological or soil instability either existing at the time of construction or which would result from construction.
- Q.** “Grade” shall mean the vertical location of the ground surface.
- R.** “Existing grade” is the grade prior to grading.
- S.** “Rough grade” is the stage at which the grade approximately conforms to the approved plan.
- T.** “Finish grade” is the final grade of the site which conforms to the approved plan.
- U.** “Grading” is any excavating or filling or combination thereof.
- V.** “Key” is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.
- W.** “Retaining Wall” is a structure that provides lateral support for a mass of soil or fluid and other imposed loads.

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- X.** “Site” is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
- Y.** “Slope” is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
- Z.** “Soil” is naturally occurring surficial deposits overlying bedrock.
- AA.** “Soil (Geotechnical) engineer” shall mean a civil engineer competent by education, training, and experience in the practice of soil engineering.
- BB.** “Soil (Geotechnical) engineering” shall mean the application of the principles of soil mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.
- CC.** “Terrace” is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

24.70.050 Information on Plans and in Specifications.

(Amended by Ordinance Nos. 173532, 184522, 185448, 186053 and 188884, effective April 4, 2018.) Plans and specifications shall be submitted in accordance with Section 24.10.070 and in addition shall comply with the following:

- A.** Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Title and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information.

- 1.** General vicinity of the proposed site.
- 2.** Property limits and accurate contours of existing ground and details of terrain and area drainage for the site and surrounding area.
- 3.** Limiting dimensions, elevations, or finish contours to be achieved by the grading and the proposed drainage channels and related construction.
- 4.** Detailed schedule of when each portion of the site is to be graded; how long the soil is to be exposed; and when the area is to be covered with buildings, paving, new vegetation or temporary erosion control measures.
- 5.** Detailed plans of all surface and subsurface drainage devices, walls, retaining walls, cribbing, dams, and other protective devices to be

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constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.

6. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners or trees in the adjacent rights-of-way that are within 15 feet of the property or which may be affected by the proposed grading operations.
7. Specifications shall contain information covering construction and material requirements.
8. Civil engineering report. The civil engineering report, when required by the Director, shall include hydrological calculations of runoff and the existing or required safe storm drainage capacity outlet of channels both on site and off site, and 1 in 100 year flood elevations for any adjacent watercourse. The report shall include recommendations for stormwater control and disposal.
9. Soil (Geotechnical) engineering report. The soil engineering report, when required by the Director, shall include data regarding the nature, distribution, and strength of existing soils, design criteria, and conclusions and recommendations applicable to the proposed development. The report shall include recommendation for subdrainage, and for groundwater control and disposal. Recommendations included in the report and approved by the Director shall be incorporated in the plans and specifications. For single family residences, a surface reconnaissance and stability questionnaire may be substituted for a formal soils report at the discretion of the Director.
10. Engineering geology report. The engineering geology report, when required by the Director, shall include an adequate description of the geology of the site, and conclusions and recommendations regarding the effect of geologic conditions on the proposed development and site(s) to be developed.

Recommendations included in the report and approved by the Director shall be incorporated in the grading plans and specifications.

- B.** Issuance. Section 24.10.070 is applicable to grading permits. The Director may require that:
1. The amount of the site exposed during any one period of time be limited; and

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2. Grading work be scheduled to avoid weather periods or avoid critical habitat use periods for areas existing on, or adjacent to, the development site.

Subsequent to the issuance of the grading permit, the Director may require that grading operations and project designs be modified if delays occur which can result in weather generated problems not considered at the time the permit was issued.

24.70.060 Bonds.

The Director may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the Director in an amount equal to that which would be required in the surety bond.

24.70.070 Cuts.

- A. General. Unless otherwise recommended in the approved soil engineering and/or engineering geology reports, cuts shall conform to the provisions of this Section.
- B. Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than 2 horizontal to 1 vertical.
- C. Drainage and terracing. Drainage and terracing shall be provided as required by Section 24.70.100.

24.70.080 Fills.

- A. General. Unless otherwise recommended in the approved soil engineering report fills shall conform to the provisions of this Section.

In the absence of an approved soil engineering report these provisions may be waived for minor fills not intended to support structures. Such fills shall be subject to review at the discretion of the Director.

- B. Ground preparation. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top-soil, and other unsuitable materials scarifying to provide a bond with the new fill, and where slopes are steeper than 5 to 1, and the height greater than 5 feet, by benching into competent material or sound bedrock as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 5 to 1 shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. Where fill is to be placed over a cut the bench under the toe of a fill shall be at least 10 feet wide but the cut must be made before placing fill and approved by the soils engineer and engineering geologist as a suitable foundation for fill. Unsuitable soil is soil which in the opinion of the Director or the civil engineer or the soils engineer

or the engineering geologist, is not competent to support either soil or fill, to support structures or to satisfactorily perform the other functions for which the soil is intended.

- C.** Fill material. Only permitted material free from tree stumps, detrimental amounts of organic matter, trash, garbage, sod, peat, and similar materials shall be used. Rocks larger than 6 inches in greatest dimension shall not be used unless the method of placement is properly devised, continuously inspected, and approved by the Director.

The following shall also apply:

- 1.** Rock sizes greater than 6 inches in maximum dimension shall be 10 feet or more below grade, measured vertically.
 - 2.** Rocks shall be placed so as to assure filling all voids with fines. Topsoil may be used in the top 12-inch surface layer to aid in planting and landscaping.
- D.** Compaction of fill. All fills shall be compacted to a minimum relative dry density of 90 percent as determined in accordance with ASTM Standard D-1557-78. Field density verification shall be determined in accordance with ASTM Standard D-1556-82 or equivalent and must be submitted for any fill 12 inches or more in depth where such fill may support the foundation for a structure. A higher relative dry density, or additional compaction tests, or both, may be required at any time by the Director.
- E.** Fill slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 2 horizontal to 1 vertical.
- F.** Drainage and terracing. Drainage and terracing shall be provided and the area above fill slopes and the surfaces of terraces shall be graded and paved as required by Section 24.70.100.

24.70.085 Retaining Walls.

(Added by Ordinance No. 188884, effective April 4, 2018.)

- A.** Retaining walls not regulated by the Oregon Residential Specialty Code or the Oregon Structural Specialty Code shall be designed in accordance with ASCE 7-16 and this section.
- B.** Soil loads shall be determined in accordance with ASCE 7-16. Retaining walls in which horizontal movement is restricted at the top shall be designed for at-rest pressure. Retaining walls free to move and rotate at the top shall be permitted to be designed for active pressure. Lateral pressure from surcharge loads shall be

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added to the lateral earth pressure load. Lateral pressure shall be increased if soils at the site are expansive or the retaining wall will support an ascending slope. Retaining walls shall be designed to support the weight of the full hydrostatic pressure of undrained backfill unless a drainage system is installed.

- C. Retaining walls supporting more than 6 feet of backfill height, measured from the base of the footing to the top of the wall, shall incorporate an additional dynamic seismic lateral earth pressure. When the Monobe-okabe method is used to calculate the active dynamic seismic lateral earth pressure, a horizontal acceleration coefficient equal to or greater than one-half (0.5) the design peak horizontal ground acceleration shall be used.
- D. Retaining walls shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed to resist the lateral action of soil to produce sliding and overturning with a minimum safety factor of 1.5 in each case. The load combinations of ASCE 7-16 shall not apply to this requirement. Instead, the design shall be based on 0.7 times nominal earth-quake loads, 1.0 times other nominal loads, and investigation with one or more of the variable loads set to zero. The safety factor against lateral sliding shall be taken as the available soil resistance at the base of the retaining wall foundation divided by the net lateral force applied to the retaining wall.

Exception: Where earthquake loads are included, the minimum safety factor for retaining wall sliding and overturning shall be 1.1.

24.70.090 Setbacks.

- A. General. The setbacks and other restrictions specified by this Section are minimal and may be increased by the Director, or by the recommendation of the civil engineer, soils engineer, or engineering geologist, if necessary for safety and stability or to prevent damage of adjacent properties from deposition or erosion or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the Director.
- B. Setbacks from property lines. The tops of cuts and toes of fill slopes shall be set back from the outer boundaries of the permit area, including slope right areas and easements, in accordance with Figure No. 2 and Table No. 24.70-C at the end of this Chapter.
- C. Design standards for setbacks. Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figure No. 3 and Table No. 24.70-C at the end of this Chapter.

24.70.100 Drainage and Terracing.

(Amended by Ordinance No. 173270, effective May 21, 1999.)

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- A.** General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this Section.
- B.** Terrace. Terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer and approved by the Director. Suitable access shall be provided to permit proper cleaning and maintenance.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a downdrain.

- C.** Subsurface drainage. Cut and fill slopes shall be provided with subdrainage as necessary for stability. Adequate culverts shall be laid under all fills placed in natural watercourses and along the flow line of any tributary branches in such a manner that the hydraulic characteristics of the stream are not adversely altered. In addition, subdrainage shall be installed if active or potential springs or seeps are covered by the fill. All culverts/subdrainage shall be installed after the suitable subgrade preparation. Design details of culverts/subdrainage shall be shown on each plan and be subject to the approval of the Director and of other government/private agencies as may be required.

A subdrain system shall be provided for embedded foundation/ retaining walls and floor slabs where ground water or seepage has a potential to affect the performance of the structure. The plans shall indicate

1. subdrainage details with appropriate specifications,
2. location of footing subdrain/discharge lines and,
3. method of disposal.

In lieu of above, walls/floors may be waterproofed and designed to resist hydrostatic pressure.

- D.** Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainageway or approved stormwater management facility, as approved by the Director and/or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive downdrains or other devices.

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Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the Director.

Exception: The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than 10 feet in maximum depth.
 2. No proposed finish cut or fill slope faces have a vertical line in excess of 10 feet.
 3. No existing slope faces, which have a slope face steeper than 10 horizontal to 1 vertical, have a vertical height in excess of 10 feet.
- E.** Interceptor drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains shall be paved with a minimum of 3 inches of concrete or gunitite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of the drain shall be approved by the Director.

24.70.110 Erosion Control.

(Repealed by Ordinance No. 173979, effective March 1, 2000.)

24.70.120 Grading Inspection.

(Amended by Ordinance No. 188647, effective November 17, 2017.)

- A.** General. All grading operations for which a permit is required shall be subject to inspection by the Director. When required by the Director, special inspection of grading operations and special testing shall be performed in accordance with the provisions of Section 24.70.120 C.
- B.** Grading designation. All grading in excess of 5,000 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer and shall be designated as “engineered grading.” Grading involving less than 5,000 cubic yards may also be designated as “engineered grading” by the Director if the grading will
1. support a building or structure of a permanent nature;
 2. support other engineering works such as, but not limited to, tanks, towers, machinery, retaining wall, and paving;
 3. be deemed a potential hazard under Section 24.70.030. The permittee with the approval of the Director may also choose to have the grading performed

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as “engineered grading.” Otherwise, the grading shall be designated as “regular grading.”

- C. Engineered grading requirements. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. The civil engineer shall also be responsible for the professional inspection and approval of the grading within the civil engineer’s area of technical specialty. This responsibility shall include, but need not be limited to, inspection and approval as to the establishment of line, grade, and drainage of the development area. The civil engineer shall act as the coordinating agent in the event that need arises for liaison between the other professionals, the contractor, and the Director. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work. The grading contractor shall submit in a form prescribed by the Director a statement of compliance to said as-graded plan.

Soil engineering and engineering geology reports shall be required as specified in Section 24.70.050. During grading all necessary reports, compaction data, and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and the Director by the soil engineer and the engineering geologist. The soil engineer’s area of responsibility shall include, but need not be limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes, and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.

The engineering geologist’s area of responsibility shall include, but need not be limited to, professional inspection and approval of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters, and the need for subdrains or other ground water drainage devices. The engineering geologist shall report the findings to the soil engineer and the civil engineer for engineering analysis.

The Director shall inspect the project at the various stages of work requiring approval and at more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

- D. Regular grading requirements. The Director may require inspection and testing by an approved testing agency. The testing agency’s responsibility shall include, but need not be limited to, approval concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills. When the Director has cause to believe that geological factors may be involved the grading operation will be required to conform to “engineered grading” requirements.

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- E.** Notification of noncompliance. If, in the course of fulfilling their responsibility under this Chapter, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not being done in conformity with this Chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Director. Recommendations for corrective measures, if necessary, shall be submitted.
- F.** Transfer of responsibility for approval. If the civil engineer, the soil engineer, the engineering geologist, or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for approval upon completion of the work.

24.70.130 Completion of Work.

(Amended by Ordinance No. 188647, effective November 17, 2017.)

- A.** Final reports. Upon completion of the rough grading work and that final completion of the work the Director may require the following reports and drawings and supplements thereto:

 - 1.** An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and locations and elevations of all surface and sub-surface drainage facilities. The civil engineer shall provide approval that the work was done in accordance with the final approved grading plan.
 - 2.** A Soil Grading Report prepared by the soil engineer including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. The soil engineer shall provide approval as to the adequacy of the site for the intended use.
 - 3.** A Geological Grading Report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. The engineering geologist shall provide approval as to the adequacy of the site for the intended use as affected by geological factors.
- B.** Notification of completion. The permittee or his agent shall notify the Director when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in

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accordance with the final approved grading plan and the required reports have been submitted.

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**CHAPTER 24.75 - UNIFORM BUILDING
ADDRESS SYSTEM**

(Chapter added by Ordinance No. 161984, effective
July 1, 1989.)

Sections:

- 24.75.010 Uniform System.
- 24.75.020 Size and Location of Building Numbers.
- 24.75.030 Administration.
- 24.75.040 Owner Responsibility.
- 24.75.050 Alteration of Building Number - Improper Number.
- 24.75.060 Building Defined.
- 24.75.070 Enforcement.

24.75.010 Uniform System.

- A. There is established a uniform system of numbering all buildings in separate ownership or occupancy in the City dividing the City into five general districts. In establishing the system Williams Avenue and the center line of the Willamette River southerly from Glisan Street shall constitute the north and south base line from which the numbers on all buildings running easterly and westerly from said streets shall be extended each way, upon the basis of one number for each ten feet of property frontage, wherever possible, starting at the base line with the number 1 continuing with consecutive hundreds at each intersection, wherever possible; provided, however, that streets running easterly and westerly in that district south of Jefferson Street and lying between Front Avenue and the Willamette River shall have the prefix "0" placed before the assigned number, said numbers starting at Front Avenue with the number 1 and continuing with consecutive hundreds at each intersection, where possible. All even numbers shall be placed upon buildings on the southerly side of streets, avenues, alleys and highways, and all odd numbers shall be placed upon buildings on the northerly side of streets, avenues, alleys and highways. Burnside Street shall constitute the east and west base line from which the numbers on all streets running north and south from said streets shall be extended each way, upon the basis of one number for each 10 feet of property frontage, wherever possible, starting at the base line with number 1 and continuing with consecutive hundreds at each intersection, wherever possible. All even numbers shall be placed upon buildings on the easterly side of streets, avenues, alleys, and highways, and all odd numbers upon buildings on the westerly side of said streets, avenues, alleys, and highways. Freestanding buildings on private streets which are separately owned or occupied shall be separately numbered so as to most closely conform to this system. Each portion of a building which is separately owned or occupied and has a separate entrance from the outside shall have a separate number assigned to it.

- B.** Suffixes to Building Numbers. Where building address requirements exceed numbers available within the numbering system, the Director may use the suffix “A”, “B”, “C”, etc. as may be required to provide the numbering required by this Chapter.

24.75.020 Size and Location of Building Numbers.

All numbers placed in accordance with this Chapter shall be permanently affixed to a permanent structure and of sufficient size and so placed as to be distinctly legible from the public way providing primary access to the building. All numbers shall be posted as nearly as possible in a uniform place and positioned on the front of each building near the front entrance. Where outside illumination is provided, the numbers shall be placed so as to be illuminated by the outside light. In instances where building mounted numbers are not distinctly visible from a public way, a duplicate set of numbers shall be permanently affixed to a permanent structure at the primary entranceway to such property. If, in the judgment of the Director, the numbering, sequence, legibility, size or location does not meet the requirements as set forth above, the property owner or agent therefor shall be notified and within 30 days shall make such changes as required in the notification.

24.75.030 Administration.

The Director shall assign address numbers, keep records of address assignments, and exercise such other powers as are necessary to carry out the provisions of this Chapter.

24.75.040 Owner Responsibility.

Whenever any new building is erected, modified, or occupied in a manner requiring an address assignment, the owner or owner’s agent shall procure the correct address number or numbers designated by the Director and pay required fees.

The owner or agent shall prior to occupancy or within 30 days of assignment, whichever occurs later, place the assigned address number(s) upon the building or in a manner and location as provided in this Chapter.

24.75.050 Alteration of Building Number - Improper Number.

It is unlawful for any person to cause or knowingly permit a building number to be displayed which is different than that assigned pursuant to this Chapter. It is unlawful for any person to own or have possession of a building which does not display the number assigned pursuant to this Chapter in the manner provided by this Chapter.

24.75.060 Building Defined.

As used in this Chapter, “building” is any structure used or intended for supporting or sheltering any use or occupancy.

24.75.070 Enforcement.

The Director shall provide written notices to the owner of any building in violation of the provisions of this Title. The notice shall state the violations existing and specify the owner has 30 days to obtain compliance.

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In the event the owner fails or neglects to comply with the violation notice in the prescribed time the Director may gain compliance by:

- A. Instituting an action before the Code Enforcement Hearings Officer as provided in Title 22 of the City Code, or
- B. Causing appropriate action to be instituted in a court of competent jurisdiction, or
- C. Taking such other action as the Director deems appropriate.

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**CHAPTER 24.80 - DERELICT COMMERCIAL
BUILDINGS**

(Chapter repealed by Ordinance No. 171455,
effective August 29, 1997.)

**TITLE 24
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**CHAPTER 24.85 - SEISMIC DESIGN
REQUIREMENTS FOR EXISTING
BUILDINGS**

(Chapter added by Ordinance No. 168627, effective
March 22, 1995.)

Sections:

- 24.85.010 Scope.
- 24.85.015 Structural Design Meeting.
- 24.85.020 Seismic Related Definitions.
- 24.85.030 Seismic Improvement Standards.
- 24.85.040 Change of Occupancy or Use.
- 24.85.050 Building Additions or Structural Alterations.
- 24.85.051 Mezzanine Additions.
- 24.85.055 Structural Systems Damaged by Catastrophic Events.
- 24.85.056 Structural Systems Damaged by an Earthquake.
- 24.85.060 Required Seismic Evaluation
- 24.85.065 Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings.
- 24.85.067 Voluntary Seismic Strengthening.
- 24.85.070 Phasing of Improvements.
- 24.85.075 Egress Through Existing Buildings.
- 24.85.080 Application of Other Requirements.
- 24.85.090 Fee Reductions.
- 24.85.095 Appeals.

24.85.010 Scope.

(Amended by Ordinance No. 178831, effective November 20, 2004.)

- A.** The provisions of this chapter prescribe the seismic design requirements for existing buildings undergoing changes of occupancy, additions, alterations, catastrophic damage, fire, or earthquake repair, or mandatory or voluntary seismic strengthening. The requirements of this chapter only apply to buildings for which a building permit has been applied for to change the occupancy classification, add square footage to the building, alter or repair the building.
- B.** Under the authority provided by State law, the provisions of this chapter prescribing seismic rehabilitation standards for existing buildings can be used in lieu of meeting the requirements of the current edition of the State of Oregon Structural Specialty Code.

24.85.015 Structural Design Meeting.

(Added by Ordinance No. 178831, effective November 20, 2004.) Upon request, BDS engineering staff is available to meet with an owners design engineer to review proposed

seismic strengthening plans in a pre-design meeting. A written record of the meeting discussion and determinations will be placed in the permit record.

24.85.020 Seismic Related Definitions.

(Amended by Ordinance Nos. 169427, 170997, 178831, 180917 and 187192, effective July 17, 2015.) The definitions contained in this Section relate to seismic design requirements for existing buildings outlined in this Chapter.

- A.** ASCE 41 means the Seismic Evaluation and Retrofit of Existing Buildings ASCE/SEI 41-13 published by the American Society of Civil Engineers and the Structural Engineering Institute.
- B.** ASCE 41 Evaluation means the process of evaluating an existing building for the potential earthquake-related risk to human life posed by that building, or building component, and the documentation of that evaluation, performed and written according to the provisions of ASCE 41. Tier 1 and Tier 2 deficiency based evaluation for both structural and non-structural components using the Basic Performance Objective for Existing Buildings (BPOE) as defined in ASCE 41 shall be the performance objective for the evaluation, unless a Tier 3 evaluation is required by ASCE 41
- C.** ASCE 41-BPOE Improvement Standard means the Tier 1 and Tier 2 Deficiency based retrofit for both structural and non-structural components using the Basic Performance Objective for Existing Buildings (BPOE) as defined in ASCE 41, unless a Tier 3 evaluation is required by ASCE 41.
- D.** ASCE 41-BPON Improvement Standard means Tier 3 Retrofit for both structural and non-structural components using the Basic Performance Objective Equivalent to New Buildings (BPON) as defined in ASCE 41.
- E.** ATC 20 means the latest Edition of the manual on “Procedures for Post Earthquake Safety Evaluation of Buildings” published by Applied Technology Council.
- F.** BDS means the City of Portland’s Bureau of Development Services.
- G.** BPOE- Basic Performance Objective for Existing Buildings: A series of defined Performance Objectives based on a building’s Risk Category meant for evaluation and retrofit of existing buildings; See Table 2-1 of ASCE 41.
- H.** BPON- Basic Performance Objective Equivalent to New Building Standards: A series of defined Performance Objectives based on a building’s Risk Category meant for evaluation and retrofit of existing buildings to achieve a level of performance commensurate with the intended performance of buildings designed to a standard for new construction; See Table 2-2 of ASCE 41.

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- I.** BSE-1E: Basic Safety Earthquake-1 for use with the Basic Performance Objective for Existing Buildings, taken as a seismic hazard with a 20 percent probability of exceedance in 50 years, except that the design spectral response acceleration parameters S_{xs} and S_{x1} for BSE-1E seismic hazard level shall not be taken as less than 75 percent of the respective design spectra response acceleration parameters obtained from BSE-1N seismic hazard level and need not be greater than BSE-2N at a site.
- J.** BSE-1N: Basic Safety Earthquake-1 for use with the Basic Performance Objective Equivalent to New Buildings Standards, taken as two-thirds of the BSE- 2N.
- K.** BSE-2E: Basic Safety Earthquake-2 for use with the Basic Performance Objective for Existing Buildings, taken as a seismic hazard with a 5 percent probability of exceedance in 50 years, except that the design spectral response acceleration parameters of S_{xs} and S_{x1} for BSE-2E seismic hazard level shall not be taken as less than 75 percent of the respective design spectra response acceleration parameters obtained from BSE- 2N Seismic hazard level and may not be greater than BSE-2N at a site.
- L.** BSE-2N: Basic Safety Earthquake-2 for use with the Basic Performance Objective Equivalent to New Buildings Standards, taken as the ground shaking based on Risk-Targeted Maximum Considered Earthquake (MCER) per ASCE 7 at a site.
- M.** Building Addition means an extension or increase in floor area or height of a building or structure.
- N.** Building Alteration means any change, addition or modification in construction.
- O.** Catastrophic Damage means damage to a building that causes an unsafe structural condition from fire, vehicle collision, explosion, or other events of similar nature.
- P.** Essential Facility has the same meaning as defined in the OSSC.
- Q.** Fire and Life-safety for Existing Buildings (FLE_x) Guide means a code guide published by the Bureau of Development Services, outlining alternative materials and methods of construction that are allowed for existing buildings in Portland.
- R.** FM 41 Agreement means a joint agreement between Portland Fire & Rescue, the Bureau of Development Services and a building owner to schedule improvements to the building following a determination of the fire and life safety hazards posed by the existing condition of the building as provided under Oregon law.
- S.** Live/Work Space means a combination working space and dwelling unit. A live/work space includes a room or suite of rooms on one or more floors designed for and occupied by not more than one family and including adequate working

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space reserved for the resident's occupancy. A live/work space is individually equipped with an enclosed bathroom containing a lavatory, water closet, shower/and or bathtub and appropriate venting.

- T.** Net Floor Area means the entire area of a structurally independent building, including an occupied basement, measured from the inside of the permanent outer building walls, excluding any major vertical penetrations of the floor, such as elevator and mechanical shafts.
- U.** Occupant Load means the number of persons for which the means of egress of a building or portion thereof is designed. The occupant load shall be calculated based on occupant load factors in the table assigned to each space in the Oregon Structural Specialty Code (OSSC).
- V.** Oregon Structural Specialty Code (OSSC) means the provisions of the State of Oregon Structural Specialty Code as adopted by Section 24.10.040 A.
- W.** Reinforced Masonry means masonry having both vertical and horizontal reinforcement as follows:
- 1.** Vertical reinforcement of at least 0.20 in² in cross-section at each corner or end, at each side of each opening, and at a maximum spacing of 4 feet throughout. One or two story buildings may have vertical reinforcing spaced at greater than 4 feet throughout provided that a rational engineering analysis is submitted which shows that existing reinforcing and spacing provides adequate resistance to all required design forces without net tension occurring in the wall.
 - 2.** Horizontal reinforcement of at least 0.20 in² in cross-section at the top of the wall, at the top and bottom of wall openings, at structurally connected roof and floor openings, and at a maximum spacing of 10 feet throughout.
 - 3.** The sum of the areas of horizontal and vertical reinforcement shall be at least 0.0005 times the gross cross-sectional area of the element.
 - 4.** The minimum area of reinforcement in either direction shall not be less than 0.000175 times the gross cross-sectional area of the element.
- X.** Risk Category: A categorization of a building for determination of earthquake performance based on Oregon Structural Specialty Code (OSSC).
- Y.** Roof Covering Repair or Replacement means the installation of a new roof covering following the removal of an area of the building's roof covering exceeding 50 percent or more of the total roof area within the previous five year period.

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- Z.** Unreinforced Masonry (URM) means adobe, burned clay, concrete or sand-lime brick, hollow clay or concrete block, hollow clay tile, rubble and cut stone and unburned clay masonry that does not satisfy the definition of reinforced masonry as defined herein. Plain unreinforced concrete shall not be considered unreinforced masonry for the purpose of this Chapter.
- AA.** Unreinforced Masonry Bearing Wall means a URM wall that provides vertical support for a floor or roof for which the total superimposed vertical load exceeds 100 pounds per lineal foot of wall.
- BB.** Unreinforced Masonry Bearing Wall Building means a building that contains at least one URM bearing wall.

24.85.030 Seismic Improvement Standards.

(Amended by Ordinance Nos. 170997 and 178831, effective November 20, 2004.) For changes of occupancy structural additions, building alterations and catastrophic or earthquake damage repair, the design standard shall be the current edition of the OSSC unless otherwise noted by this Chapter.

24.85.040 Change of Occupancy or Use.

(Amended by Ordinance Nos. 169905, 170997, 178831 and 187192, effective July 17, 2015.) The following table shall be used to classify the relative hazard of all building occupancies:

TABLE 24.85-A		
Relative Hazard Classification	OSSC Occupancy Classification	Seismic Improvement Standard
5 (Highest)	A, E, I-2, I-3, H-1, H-2, H-3, H-4, H-5	OSSC or ASCE 41-BPON
4	R-1,R-2, SR, I-1, I-4	
3	B, M	41-BPOE
2	F-1, F-2, S-1, S-2	
1 (Lowest)	R-3, U	

- A.** Occupancy Change to a Higher Relative Hazard Classification. An occupancy change to a higher relative hazard classification will require seismic improvements based upon the factors of changes in the net floor area and the occupant load increases as indicated in Table 24.85-B below. All improvements to either the OSSC or ASCE 41 improvement standard shall be made such that the entire building conforms to the appropriate standard indicated in Table 24.85-B.

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TABLE 24.85-B				
Percentage of Building Net Floor Area Changed		Occupant Load Increase	Required Improvement Standard	Relative Hazard Classification
1/3 of area or less	and	Less than 150	None	1 through 5
More than 1/3 of area	or	150 and above	ASCE 41-BPOE	1, 2, and 3
More than 1/3 of area	or	150 and above	OSSC or ASCE 41-BPON	4 and 5

Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not exceed 1/3 of the building net floor area or add more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.

- B.** Occupancy Change to Same or Lower Relative Hazard Classification. An occupancy change to the same or a lower relative hazard classification or a change in use within any occupancy classification will require seismic improvements using either the OSSC or ASCE 41 improvement standard, as identified in Table 24.85-A above, where the change results in an increase in occupant load of more than 149 people as defined by the OSSC. Where seismic improvement is required, the entire building shall be improved to conform to the appropriate improvement standard identified in Table 24.85-A.

Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not result in the addition of more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.

- C.** Occupancy Change to Live Work Space. Any building occupancy classified as relative hazard category 1, 2, or 3 may undergo a change of occupancy to live/work space provided that:
- 1.** The building shall be improved such that the entire building conforms to the ASCE 41-BPOE improvement standard; and
 - 2.** The building meets the fire and life safety standards of either the FLEEx Guide or the current OSSC.
 - 3.** Any Unreinforced Masonry bearing wall building converted to live/work space, regardless of construction costs, shall be improved such that the entire building conforms to the ASCE 41-BPOE improvement standard.

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- D.** Occupancy Change to Essential Facilities. All structures which are being converted to essential facilities, as defined in the OSSC, shall comply with current state code seismic requirements or ASCE 41-BPON improvement standard, regardless of other requirements in this section.

24.85.050 Building Additions or Structural Alterations.

(Amended by Ordinance Nos. 178831 and 187192, effective July 17, 2015.) An addition that is not structurally independent from an existing building shall be designed and constructed such that the entire building conforms to the seismic force resistance requirements for new buildings unless the following two conditions listed below are met. Furthermore, structural alterations to an existing building or its structural elements shall also meet the following two conditions:

- A.** The addition or structural alteration shall comply with the requirements for new buildings; and
- B.** Any existing lateral load-carrying structural element whose demand-capacity ratio with the addition(s) or structural alteration(s) considered is no more than 10 percent greater than its demand-capacity ratio with the addition(s) or structural alteration(s) ignored shall be permitted to remain unaltered. For purposes of this paragraph, comparisons of demand-capacity ratios and calculation of design lateral loads, forces, and capacities shall account for the cumulative effects of additions and structural alterations since original construction.

24.85.051 Mezzanine Additions.

(Added by Ordinance No. 178831, effective November 20, 2004.) A mezzanine addition shall not require seismic strengthening of the entire building when all of the following conditions are met:

- A.** Entire building strengthening is not required by any other provision contained in this Title;
- B.** The net floor area of the of the proposed mezzanine addition is less than 1/3 of the net floor area of the building;
- C.** The mezzanine addition does not result in an occupant load increase, as defined by the OSSC, of more than 149 people; and
- D.** Subsections 24.85.050 A. - C. shall also apply to mezzanine additions.

24.85.055 Structural Systems Damaged by Catastrophic Events.

(Added by Ordinance No. 170997; amended by Ordinance Nos. 178831 and 187192, effective July 17, 2015.)

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- A.** Building Lateral Load Resisting systems along any principal axis damaged less than or equal to 50 percent.
- 1.** If a building is damaged by a catastrophic event such that less than or equal to 50 percent of the capacity of the existing lateral load resisting system along any principal axis of the building are damaged, only the damaged lateral load resisting components of the building's structural system must be designed and constructed to current provisions of the OSSC. These components must also be connected to the balance of the undamaged lateral load resisting system in conformance with current code provisions. Undamaged components need not be upgraded to current lateral load provisions of the current code, unless required by other provisions of this title.
 - 2.** New lateral system vertical elements must be compatible with any existing lateral system elements, including foundations. In multistory buildings, the engineer shall confirm that the new lateral system vertical elements do not introduce soft or weak story seismic deficiencies, as defined by ASCE 41, where they did not previously exist, or make existing conditions more hazardous.
- B.** Building Lateral Load Resisting systems along any principal axis damaged more than 50 percent. Where a building is damaged by a catastrophic event such that more than 50 percent of the capacity of the existing lateral load resisting system along any principal axis of the building is damaged, all lateral load resisting components of the entire building's structural system along that principal axis must be designed and constructed to the current provisions of the OSSC or ASCE 41-BPON improvement standard.

24.85.056 Structural Systems Damaged by an Earthquake.

(Added by Ordinance No. 178831; amended by Ordinance No. 187192, effective July 17, 2015.) As a result of an earthquake, the Director may determine through either an ATC 20 procedure or through subsequent discovery any structure or portion thereof to be in an unsafe condition as defined by State law. As a result of making this determination, the Director may declare the structure or portion thereof to be a public nuisance and to be repaired or rehabilitation as provided in Subsections 24.85.056 A.-C., or abated by demolition or removal in accordance with Title 29. For the purposes of this Section, an "unsafe condition" includes, but is not limited to any portion, member or appurtenance of a building that has become detached or dislodged or appears likely to fail or collapse and thereby injure persons or damage property; or any portion of a building or structure that has been damaged to the extent that the structural strength or stability of the building is substantially less than it was prior to the damaging event.

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- A.** Buildings built prior to January 1, 1974 with lateral support systems that have unsafe conditions shall be repaired or improved to resist seismic forces such that the repaired lateral system conforms to the ASCE 41-BPOE improvement standard.

 - 1.** Where less than 50 percent of the lateral support system has been damaged, only the damaged elements must be repaired.
 - 2.** Where 50 percent or more of the lateral support system has been damaged, then the entire lateral support system must be repaired to resist seismic forces such that the repaired system conforms to the ASCE 41-BPOE improvement standard.

- B.** Buildings built on or after January 1, 1974 with lateral support systems that have unsafe conditions shall be repaired or improved to resist seismic forces such that the repaired lateral system conforms to the code to which the building was originally designed, but not less than that required to conform to the ASCE 41-BPOE improvement standard.

 - 1.** Where less than 50 percent of the lateral support system has been damaged, only the damaged elements must be repaired.
 - 2.** Where 50 percent or more of the lateral support system has been damaged, then the entire lateral support system must be repaired to resist seismic forces such that the repaired system conforms to the code to which the building was originally designed, but not less than that required to conform to the ASCE 41-BPOE improvement standard.

- C.** New lateral system vertical elements must be compatible with any existing lateral system elements, including foundations. In multistory buildings, the engineer shall confirm that the new lateral system vertical elements do not introduce soft or weak story seismic deficiencies, as defined by ASCE 41, where they did not previously exist, or make existing conditions more hazardous.

24.85.060 Required Seismic Evaluation.

(Added by Ordinance No. 169427; amended by Ordinance Nos. 178831 and 187192, effective July 17, 2015). When an alteration for which a building permit is required has a value (not including costs of mechanical, electrical, plumbing, permanent equipment, painting, fire extinguishing systems, site improvements, eco-roofs and finish works) of more than \$175,000, an ASCE 41 evaluation is required. This value of \$175,000 shall be modified each year after 2004 by the percent change in the R.S Means Construction Index for Portland on file with the Director. A letter of intent to have an ASCE 41 evaluation performed may be submitted along with the permit application. The evaluation must be completed before any future permits will be issued. The following shall be exempted from this requirement:

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- A. Buildings constructed or renovated to seismic zone 2, 2b or 3 under a permit issued after January 1, 1974.
- B. Detached One- and two-family dwellings, and their accessory structures.
- C. Single story, light frame metal and light wood frame buildings, not more than 20 feet in height from the top surface of the lowest floor to the highest interior overhead finish and ground area of 4,000 square feet or less.

A previously prepared seismic study may be submitted for consideration by the Director as equivalent to an ASCE 41 evaluation.

24.85.065 Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings.

(Added by Ordinance No. 169427; amended by Ordinance Nos. 170997, 178831 and 187192, effective July 17, 2015). When any building alterations or repairs occur at an Unreinforced Masonry Bearing Wall Building, all seismic hazards shall be mitigated as set forth in Subsections 24.85.065 A. and B. A previously permitted seismic strengthening scheme designed in accordance with FEMA 178/310/ASCE 31 may be submitted for consideration by the Bureau Director as equivalent to the ASCE 41 improvement standard:

- A. Roof Repair or Replacement. When a roof covering is repaired or replaced, as defined in 24.85.020, the building structural roof system, anchorage, and parapets shall be repaired or rehabilitated such that, at a minimum, the wall anchorage for both in-plane and out-of-plane forces at the roof and parapet bracing conform to the ASCE 41-BPOE improvement standard. In-plane brick shear tests are not required as part of the ASCE evaluation under this subsection.
- B. Additional Triggers.
 - 1. Building alterations or repair. When the cost of alteration or repair work which requires a building permit in a 2 year period exceeds the following criteria, then the building shall be improved to resist seismic forces such that the entire building conforms to the ASCE 41-BPOE improvement standard.

Table 24.85-C	
Building Description	Cost of Alteration or Repair
Single Story Building	\$40 per square foot
Buildings Two Stories or Greater	\$30 per square foot

- 2. Special building hazards. Where an Unreinforced Masonry Building of any size contains any of the following hazards, the building shall be seismically improved if the cost of alteration or repair exceeds \$30 per square foot:

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- a. The Building possesses an Occupancy Classification listed within the Relative Hazard Category 5 as determined in Section 24.85.040 of this Chapter; or
 - b. The building is classified as possessing either vertical or plan irregularities as defined in the OSSC.
3. Exclusions from cost calculations. Costs for site improvements, eco-roofs, mandated FM41 agreements, mandated ADA improvements, mandated non-conforming upgrades under Title 33, mandated elevator improvements and mandated or voluntary seismic improvements or work exempted from permit as described in Chapter 1 of the OSSC will not be included in the dollar amounts listed in Subsections 24.85.065 B.1. and 2.
4. Live/Work spaces in Unreinforced Masonry buildings. See Section 24.85.040 B for requirements when a Unreinforced Masonry building is converted to contain live/work spaces.
5. Automatic cost increase. The dollar amounts listed in Subsections 24.85.065 B.1. and 2. shall be modified each year after 2004 by the percent change in the R.S. Means of Construction Cost Index for Portland, Oregon. The revised dollar amounts will be made available at the Development Services Center.

24.85.067 Voluntary Seismic Strengthening.

(Added by Ordinance No. 178831, effective November 20, 2004.) Subject to permit approval, a building may be strengthened to resist seismic forces on a voluntary basis provided all of the following conditions are met:

- A. Mandatory seismic strengthening is not required by other provisions of this Title;
- B. The overall seismic resistance of the building or elements shall not be decreased such that the building is more hazardous;
- C. Testing and special inspection are in accordance with the OSSC and the City of Portland Administrative Rules;
- D. The standard used for the seismic strengthening is clearly noted on the drawings along with the pertinent design parameters; and
- E. A written narrative shall be clearly noted on the drawings summarizing the building lateral system, seismic strengthening and known remaining deficiencies. The summary information shall reflect the level of analysis that was performed on the building.

24.85.070 Phasing of Improvements.

(Amended by Ordinance No. 178831, effective November 20, 2004.)

- A. The Director may approve a multi-year phased program of seismic improvements when the improvements are pre-designed and an improvement/implementation plan is approved by the Director. The maximum total time allowed for completion of phased improvements shall be ten years. A legal agreement between the building owner and the City of Portland shall be formulated outlining the phased seismic improvements and shall be recorded with the property deed at the County.
- B. Upon review, the Director may extend the maximum time for the phased improvements. The Director shall adopt rules under Section 3.30.035 describing the process for granting an extension.

24.85.075 Egress Through Existing Buildings.

(Added by Ordinance No. 178831, effective November 20, 2004.) The building structure and seismic resistance of an egress path through, under or over an existing building must meet the required seismic improvement standard specified in Section 24.85.040, Table 24.85-A, under any of the following conditions:

- A. The egress path is from an adjacent new building or addition and the new building or addition area equals 1/3 or more of the existing building area; or,
- B. The egress path is from an adjacent existing building that undergoes alterations or a change of occupancy requiring its egress path(s) meet the seismic improvement standards as required by this Chapter; or
- C. The additional occupant load, as determined by the OSSC, using the egress path through the existing building is 150 people or more.

24.85.080 Application of Other Requirements.

(Amended by Ordinance No. 178831, effective November 20, 2004.) Building permit applications to improve the seismic capability of a building shall not trigger: accessibility improvements so long as the seismic improvement does not lessen accessibility; fire life safety improvements so long as the seismic improvement does not lessen the buildings fire resistance or exiting capability; landscape improvements required by Chapter 33; street tree improvements required by Section 20.40.070.

Conformance with these regulations may not exempt buildings from future seismic regulations.

24.85.090 Fee Reductions.

(Amended by Ordinance No. 178831, effective November 20, 2004.) Building permit, plan review and fire life safety review fees for structural work related to seismic strengthening covered by this Chapter will be waived when such fees total less than \$2,500, and will be and reduced by 50 percent when such fees would total \$2,500 or more.

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24.85.095 Appeals.

(Amended by Ordinance No. 178831, effective November 20, 2004.) Because unanticipated circumstances may arise in the enforcement of these requirements for existing buildings, consideration as to the reasonable application of this Chapter may be addressed through the Board of Appeals as provided in Section 24.10.080.

**CHAPTER 24.90 - MANUFACTURED
DWELLING INSTALLATION AND
ACCESSORY STRUCTURES,
MANUFACTURED DWELLING PARKS,
RECREATION PARKS, RECREATIONAL
PARK TRAILER INSTALLATION AND
ACCESSORY STRUCTURES**

(Chapter added by Ordinance No. 169312;
Amended by Ordinance No. 185798 effective
December 12, 2012).

Sections:

- 24.90.010 Purpose.
- 24.90.020 Scope.
- 24.90.030 Adoption of Codes and Regulatory Authority.
- 24.90.040 Definitions.
- 24.90.050 Administration and Enforcement.
- 24.90.060 Special Regulation.
- 24.90.070 Permit Application.
- 24.90.080 Violations.
- 24.90.090 Appeals.

24.90.010 Purpose.

The purpose of this Chapter is to provide minimum standards for the following:

- A. Installation and maintenance of manufactured dwellings and accessory structures.
- B. Development and maintenance of manufactured dwelling parks.
- C. Installation and maintenance of park trailers and recreational vehicle accessory structures.
- D. Development and maintenance of recreational vehicle parks.

24.90.020 Scope.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Regulation under this Chapter covers all installations or alteration of manufactured dwellings, recreational park trailers and other recreational vehicles, and accessory structures. Regulation under this Chapter covers the development and maintenance of manufactured dwelling parks, recreational vehicle parks, recreation parks, picnic parks, and organizational camps.

24.90.030 Adoption of Codes and Regulatory Authority.

(Amended by Ordinance Nos. 176955 and 185798, effective December 12, 2012.)

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- A.** Manufactured Dwelling Installation Specialty Code. The provisions of the State of Oregon, Manufactured Dwelling Installation Specialty Code, 2010 Edition, as developed at the direction of the Building Codes Division of the Oregon Department of Consumer and Business Services through the Residential and Manufactured Structures Board, is hereby adopted by reference. The Manufactured Dwelling Installation Specialty Code is on file in the Development Services Center of the City of Portland.

- B.** Manufactured Dwelling and Park Specialty Code. The following provisions of the State of Oregon, Manufactured Dwelling and Park Specialty Code, 2002 Edition, as developed at the direction of the Oregon Building Codes Division Administrator through the Oregon Manufactured Structures and Parks Advisory Board, a copy of which is on file in the Development Services Center of the City of Portland, are hereby adopted by reference:
 - 1.** All of Chapter One (Administration), except the following:
 - a.** 1-1.4 (Design Loads)
 - b.** 1-2.4 (Energy Conservation Equivalentents)
 - c.** 1-3 (Manufactured Dwellings Sold “As Is”)
 - d.** 1-6.7 (Plot Plans Required)
 - e.** 1-6.8 (Plot Plans Not Required)
 - f.** 1-6.11 (Multiple-family Housing Plans)
 - g.** 1-7.12 (Manufactured Dwelling Installation Permits)
 - h.** 1-8.6 (Visual Inspections)
 - i.** 1-8.7 (Appliance Inspections)
 - j.** 1-8.9 (Alteration Inspections)
 - k.** 1-8.11 (Quality Assurance Inspections)
 - l.** 1-8.13 (Installation Inspections)
 - m.** 1-9 (Insignias and Labels)
 - n.** 1-10 (Certifications), except section 1-10.2.1 (Certificates of Occupancy Required) is adopted

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- o. 1-11 (License Required) –all, except for introductory language and paragraph (h) in 1-11.3 (Electrical) and introductory language and paragraph (i) in 1-11.4 (Plumbing) are adopted
 - 2. All of Chapter Ten (Manufactured Dwelling Park Construction) and the corresponding tables and figures
 - 3. Appendix A (Definitions)
 - 4. Appendix B (Acronyms)
 - 5. Appendix C (Symbols)
- C. The City of Portland through the Bureau of Development Services (“Bureau”) adopts regulatory authority for the installation maintenance and alteration of manufactured dwellings and accessory structures as authorized in ORS 446.250 and 446.253, and OAR 918-500-0055; for the development and maintenance of manufactured dwelling parks as authorized in ORS 446.062 and 446.430 and OAR 918-600-0010; for the development and maintenance of recreation parks, picnic parks and organizational camps as authorized in ORS 455.170; and for the installation, maintenance and alteration of residential park trailers, other recreational vehicles and accessory structures as authorized in ORS 455.170 and OAR 918-525-0370. Nothing contained herein provides regulatory authority when delegation of authority is expressly withheld by the State.

24.90.040 Definitions.

(Amended by Ordinance No. 185798, effective December 12, 2012.) For the purposes of this Chapter definitions contained in Chapter 24.15 shall apply in conjunction with definitions found in ORS 446.003, ORS 455.010, OAR 918-500-0005, OAR 918-525-0005, OAR 918-600-0005 and OAR 918-650-0005. Definitions in ORS or OAR shall take precedence over other conflicting definitions.

24.90.050 Administration and Enforcement.

(Amended by Ordinance Nos. 176955 and 185798, effective December 12 , 2012.) This Chapter shall be administered and enforced in conformance with applicable provisions of the 2010 Edition of the Oregon Manufactured Dwelling Installation Specialty Code, the provisions of the 2002 Edition of the Oregon Manufactured Dwelling and Park Specialty Code adopted by reference in Subsection 24.90.030 B. of this Chapter, and the Oregon Administrative Rules contained in Chapter 918 Division 500, 515, 525, 530, 600 and 650.

24.90.060 Special Regulation.

Manufactured Dwellings and Cabanas installed on a residential lot shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single family dwellings

TITLE 24
BUILDING REGULATIONS

constructed under the state building code. Skirting and permanent enclosures shall be required for all park trailer and cabana installations.

24.90.070 Permit Application.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Permits are required for the establishment, construction, enlargement, alteration or removal of manufactured dwelling parks, recreation parks, and organizational camps. Permit applications, plans and specifications and permit issuance shall conform to Section 24.10.070, and applicable Oregon Administrative Rules. Permits are required for the installation or alteration of manufactured dwellings, recreational park trailers, recreational vehicles as defined in OAR 918-525-0005, and accessory structures. Plans and specifications are required in conformance with Section 24.10.070 and applicable Oregon Administrative Rules except when:

- A. All installation is within an existing manufactured dwelling park and all the installation is performed in accordance with the manufacturer's approved installation instructions.
- B. All installation is within an existing recreational vehicle or combination park, and all installation is performed under OAR 918-530-0005 through 918-530-0120.

When the Director determines special installation or construction requires design by a registered engineer or architect, such design shall be submitted in triplicate and approved by the Bureau prior to commencement or continuance of installation or construction.

24.90.080 Violations.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Any person who violates any provision of this Chapter and/or any codes adopted herein shall be subject to the penalties as prescribed by law.

24.90.090 Appeals.

(Amended by Ordinance Nos. 185798 and 187432, effective December 4, 2015.) Any person aggrieved by a decision of the Bureau related to the application and interpretation of the Codes listed in Section 24.90.030 of this Chapter may request an administrative appeal with the Administrative Appeal Board in accordance with Section 24.10.075. Any person aggrieved by a final decision of the Building Official made under Section 24.10.075 may appeal the decision to the appropriate Board of Appeal described in Sections 24.10.080, 25.07, 26.03.070 and 27.02.031. Within 30 days of the final appeal finding by the Board of Appeal, an appellant who continues to be aggrieved may appeal to the appropriate State Specialty Advisory Board pursuant to ORS 455.690.

**TITLE 24
BUILDING REGULATIONS**

**CHAPTER 24.95 - SPECIAL DESIGN
STANDARDS FOR FIVE STORY
APARTMENT BUILDINGS**

(Chapter repealed by Ordinance No. 185798,
effective December 12, 2012.)

FIGURES & TABLES

BASIC FLOODPLAIN RELATIONSHIPS

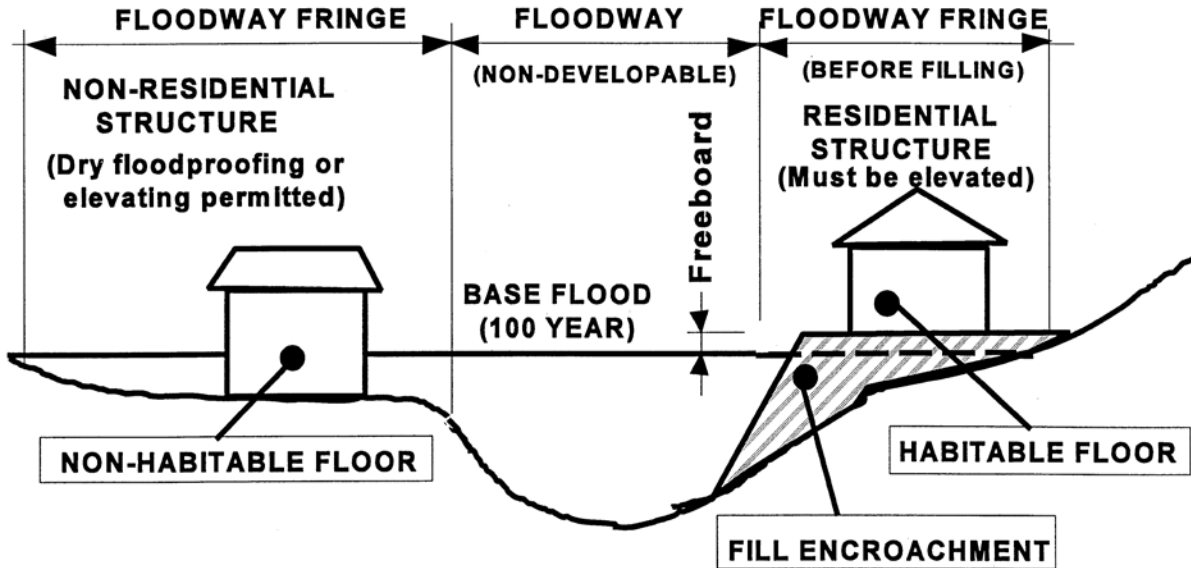


FIGURE 1 (Section 24.50.070)

FIGURE 2 (24.70)

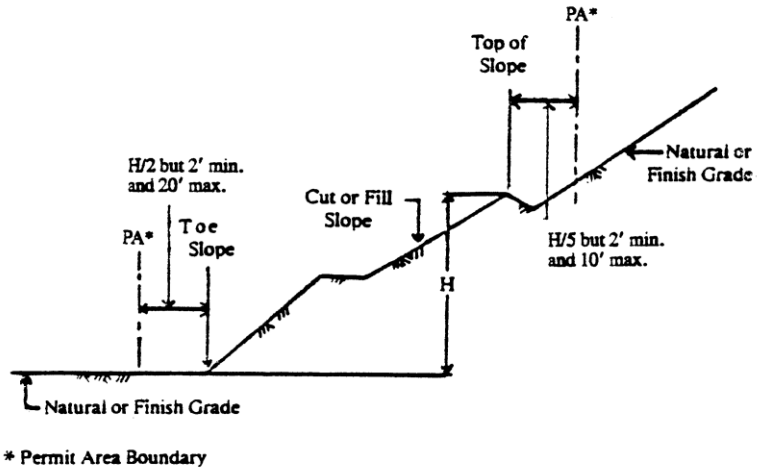


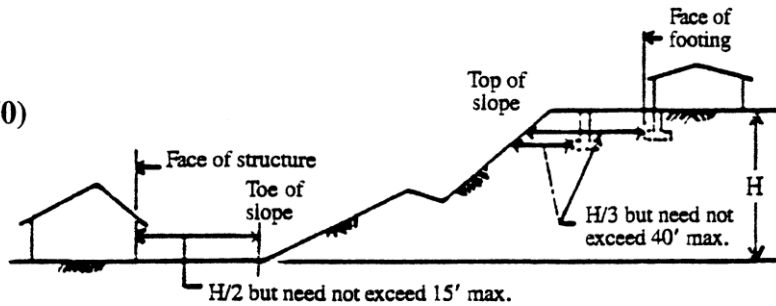
Table No. 24.70-C
Required Setbacks from permit area boundary (in feet)

TABLE 24-70C

H	SETBACKS	
	a	b'
Under 5	0	1
5 - 30	H/2	H/5
Over 30	15	6

Additional width may be required for interceptor drain.

FIGURE 3 (24.70)



TITLE 32 - SIGNS AND RELATED REGULATIONS

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HOW TO USE THIS DOCUMENT

Organization of Title 32

General layout. The sign code is organized as a reference document. It is not intended to be read from cover to cover. Instead, it is organized so you may look up only the parts you need. The list of chapters in the table of contents is, therefore, very important, as are the section listings at the beginning of each chapter. A later portion of this introduction explains how to use the code for commonly asked questions. There are many other ways to use this code, depending on your objectives.

Land Use vs. Structural and Permitting Regulations

This code contains both land use and structural regulations relating to signs. In general, land use processes cannot be applied to structural regulations and structural processes cannot be applied to land use regulations:

- **“Land use” regulations** implement the livability and design-related goals of Portland’s Comprehensive Plan. Adoption or amendment of land use regulations must follow a special legislative specified by state law. In addition, discretionary decisions made under these regulations must go through special quasi-judicial review processes. Chapters 32.30 through 32.38 of this code contain land use regulations. Chapters 32.10 through 32.24 contain additional information, including definitions, that is needed to apply the land use regulations. In most cases land use reviews are found in Title 33, Planning and Zoning.
- **Structural regulations** provide standards to safeguard life, health, property and public welfare. Adoption, amendment, and interpretation of structural regulations must go through a process that is different than that required of land use regulations. Chapters 32.40 through 32.54 contain structural regulations. In most cases, structural review processes are found in Title 24, Building Regulations and Title 26, Electrical Regulations.
- **Permitting and enforcement regulations** describe the administrative procedures that will be used to review sign proposals against the objective land use and structural standards of the code. Chapters 32.60 through 32.68 contain information about sign permitting and enforcement.

References to other Codes

This code is to be used in conjunction with other City Titles, especially Title 33, Planning and Zoning; Title 24, Building Regulations; and Title 26, Electrical Regulations. The Sign Code contains references to regulations, definitions, and review processes in these and other titles that also apply to signs.

10s - Introduction. Chapters 32.10 and 32.12 contain information about the purpose of this code, what is regulated by this code, what is prohibited under the code, what is exempt from regulation, and who has the authority to administer the code.

20s – Measurements and Terms. Chapters 32.20, 32.22, and 32.24 describe methods of measurement for signs and lists definitions and terminology needed to understand the regulatory portion of the code.

30s - Land Use Regulations. Chapters 32.30 through 32.38 contain land use regulations affecting the size, placement, location, and materials of signs by zone, land use, and special district.

40s - Structural Regulations. Chapters 32.40 through 32.44 contain structural and safety-related standards for all signs.

50s - Special Regulations. Chapters 32.50 through 32.54 contain regulations for development features that are not signs, but that are related to the sign regulations. These include awnings and strobe lights.

60s - Administration. Chapters 32.60 through 32.68 contain permitting and enforcement procedures, including application requirements and fees.

Determining the Sign Regulations for a Specific Site

Answering the questions below will help you figure out what regulations apply to your sign.

Is the sign regulated by Title 32? Is the sign prohibited?

Look at Chapter 32.12 to determine whether the sign code applies to the location and type of sign to be installed, and whether the sign type would be prohibited.

What land use standards will apply to the sign?

- ◆ **Step 1:** Look at the Official Zoning Maps to determine the zone, overlay zone, and any plan districts that cover the site where the sign will be installed. Look at the street classification maps of the Transportation Element of the Comprehensive Plan to determine whether the site is within a pedestrian district, and to determine the classifications of streets adjacent to the site.
- ◆ **Step 2:** Determine the use of the site. If the use has not already been determined as part of a land use review, refer to the descriptions of use categories in Chapter 33.920 of the Zoning Code. In the Open Space and Residential zones, as well as in certain plan districts, sign standards are tied to the land use of the site. In addition, some uses must meet special sign standards regardless of the location of the site.
- ◆ **Step 3:** Look at Chapter 32.32 to determine whether the sign is allowed in the zone and what standards will apply based on the type of sign and the base zone of the site.

06/30/18

- ◆ **Step 4:** Check Chapter 32.34 to determine whether there are any special standards that will apply to the sign based on the use or development of the site, or because the site is covered by an overlay zone or plan district.

What construction standards must be met?

Look at Chapters 32.42 through 32.44 to determine what construction standards must be met. In many cases, construction standards are included through reference to the State Building Code.

Will I need a permit or registration with the Office of Planning and Development Review?

Check Chapter 32.62 to determine whether you will need to apply for a permit or register the sign you are proposing.

Will I need to go through any special reviews before I can receive a permit for my sign?

- ◆ Chapters 32.30 through 32.38 indicate whether design review or historic design review will be required. In addition, you may request an adjustment to one or more of the land use standards.
- ◆ Chapters 32.40 through 32.44 indicate whether special structural or electrical review will be required. In addition, you may apply for an alternative methods review in order to install a sign that will differ from one or more of the construction standards.

Format of Title 32

Outline. The format of Title 32 follows the layout of all revised Titles in the City Code. The chapter and section numbers use an expandable decimal numbering system adopted by the City in 1969. Major divisions within the Title are called chapters. Major divisions within chapters are called sections. The format of the divisions in the Title are shown below.

32.XX	
NAME OF CHAPTER	
32.XX.XXX Section	
A. Subsection	
1. Paragraph	
a. Subparagraph	
(1) Subsubparagraph	

Referencing. Within Title 32, references are made as follows:

Outside of the same section. When a reference is to text outside of the same section, the reference number starts with the Title number (i.e. 32), and continues to the appropriate level for the reference. For example, 32.30.010 A. refers to Subsection A. of Section 010, of Chapter 30, of Title 32. The names "Title" and "Chapter" are used if the reference is to an entire Title or Chapter.

Within the same section. When a reference is to text within the same section, the name of the division level is used (i.e. Subsection, Paragraph, Subparagraph, etc.), and the reference "number" starts with the appropriate subsection letter. For example, "See Paragraph D.2., below" refers to Paragraph 2., of Subsection D., of the same section.

Terms

The code has been written in a "plain English" style and the meaning is intended to be clear as read. However, because it is also a legal document and because of the need for terms with specific meanings, the code also provides guidance on how specific terms are used. Chapters 32.20, Applying the Code Language and 32.22, Definitions, define words and phrases that have a specific meaning in this code.

TITLE 32
SIGNS AND RELATED REGULATIONS

- B.** Exception for land use regulations. Amendments to provisions contained in Chapters 32.10 through 32.38 must follow the procedure required under state law as described in Chapter 33.835, Goal, Policy, and Regulation Amendments.

32.10.070 Severability.

If any word, sentence, section, chapter or any other provision or portion of this Title or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

**TITLE 32
SIGNS AND RELATED REGULATIONS**

CHAPTER 32.12 - AUTHORITY AND SCOPE

Sections:

- 32.12.010 Authority.
- 32.12.020 Exemptions.
- 32.12.030 Prohibitions.

32.12.010 Authority.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A.** Responsibility. This Title will be administered and enforced by the Director of the Bureau of Development Services (BDS).
- B.** Administration. The Director will administer the code as set forth under Chapters 32.60 through 32.68. The Director may implement procedures, forms, and written policies for administering the provisions of this Title.

32.12.020 Exemptions.

(Amended by Ordinance Nos. 178946, 182962 and 188959, effective May 24, 2018.) The following are exempt from the regulations of this Title, but may be subject to other portions of the City Code:

- A.** Signs which are not visible from a right-of-way or another property; however signs located within malls and atriums must comply with all provisions of this Title except Chapters 32.30 through 32.38;
- B.** Signs inside a building. However:
 - 1.** In the OS, RF through RH, C11, CR, and IR zones, illuminated signs in windows are not exempt; and
 - 2.** Signs located within malls and atriums must comply with all provisions of this Title except Chapters 32.30 through 32.38;
- C.** Signs carved into a building;
- D.** Signs required by federal or state law if the sign is no more than 32 square feet in area or is painted directly on pavement;
- E.** Flags;
- F.** Signs required by city law if the sign is no more than 32 square feet in area. Such signs include building addresses, development review or construction review public notices, and commercial parking facility postings;
- G.** Painted wall highlights;

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- H.** Illuminated wall highlights;
- I.** Public Art as defined in Chapter 5.74; and
- J.** Permitted Original Art Murals as defined in Title 4.

32.12.030 Prohibitions.

The following are prohibited and existing ones must be removed:

- A.** Signs containing strobe lights;
- B.** Abandoned sign structures;
- C.** Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signs not otherwise allowed by the code;
- D.** Permanent balloon signs;
- E.** Outdoor, portable electric signs;
- F.** Signs that imitate or resemble official traffic lights, signs or signals or signs that interfere with the effectiveness of any official traffic light, sign or signal;
- G.** Signs that focus or flash a beam of light into the eyes of a driver of a motor vehicle upon a right of way within 200 feet from such sign; and
- H.** Signs erected, constructed or structurally altered that are required by Section 32.62.010, Permit or Registration Required to have a permit that were erected, constructed or altered without a permit.

**TITLE 32
SIGNS AND RELATED REGULATIONS**

**CHAPTER 32.20 - APPLYING THE CODE
LANGUAGE**

Sections:

- 32.20.010 General Rules For Reading and Applying the Code Language.
- 32.20.020 Terms.
- 32.20.030 Applying the Code to Specific Situations.

32.20.010 General Rules For Reading and Applying the Code Language.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A.** Reading and applying the code. Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Application of the regulations that are consistent with the rules of Chapters 32.20 through 32.24 are non-discretionary actions of the Director of BDS to implement the code. The action of the Director of BDS is final.
- B.** Situations where the code is silent. Proposals for signs where the code is silent, or where the rules of this chapter do not provide a basis for concluding that the sign is allowed, are prohibited.

32.20.020 Terms.

- A.** Defining words. Words used in the sign code have their dictionary meaning unless they are listed in Chapter 32.22, Definitions. Words listed in the Definitions chapter have the specific meaning stated, unless the context clearly indicates another meaning.
- B.** Tenses and usage.
 - 1.** Words used in the singular include the plural. The reverse is also true.
 - 2.** Words used in the present tense include the future tense. The reverse is also true.
 - 3.** The words "must," "will," and "may not" are mandatory.
 - 4.** "May" is permissive.
 - 5.** "Prohibited" means that an adjustment, conditional use, or other land use review may not be requested in order to allow a modification to the regulation in question.
 - 6.** When used with numbers, "Up to x," "Not more than x" and "a maximum of x" all include x.

CHAPTER 32.30 - GENERAL

Sections:

- 32.30.010 Purpose.
- 32.30.020 Official Zoning Maps.
- 32.30.030 Uses, Use Categories, and Structure Types.

32.30.010 Purpose.

The regulations contained in Chapters 32.30 through 32.38 are land use regulations which work in combination with Title 33, Planning and Zoning, to implement Portland's Comprehensive Plan. The standards contained in Chapters 32.32 through 32.34 encourage signs to be compatible with the distinct character of specific areas of the city by regulating the size, placement, and features of signs by base zone, overlay zone, and plan district. Chapter 32.34 includes standards that encourage signs that further the objectives of certain land use categories.

32.30.020 Official Zoning Maps.

The boundaries and locations of all base zones, overlay zones, plan districts, and historic resource designations referenced in Chapters 32.30 through 32.38 are shown on the City's Official Zoning Maps. See Title 33, Planning and Zoning for additional information.

32.30.030 Uses, Use Categories, and Structure Types.

In some cases, sign regulations are applied based on the land use or use category of a site, or structure type on the site. All of these are described or defined in Title 33, Planning and Zoning.

**TITLE 32
SIGNS AND RELATED REGULATIONS**

**CHAPTER 32.32 - BASE ZONE
REGULATIONS**

Sections:

- 32.32.010 Standards in the Residential Zones, Campus Institution 1, Commercial Residential, and Open Space Zone.
- 32.32.020 Standards in the Commercial/Mixed Use, Campus Institution 2, Employment, and Industrial Zones.
- 32.32.030 Additional Standards in All Zones.

32.32.010 Standards in the Residential Zones, Campus Institution 1, Commercial Residential, and Open Space Zone.

(Amended by Ordinance Nos. 176469 and 188959, effective May 24, 2018.)

- A. General standards. The standards for permanent signs in the RF through RH zones and for the IR, CII, CR and OS zones are stated in Table 1. The sign standards for the RX zone are stated in Table 2. All signs must conform to the regulations of Section 32.32.030.

Table 1 Standards for Permanent Signs in CII, CR, IR, OS and RF Through RH Zones [1]					
Use Category/Structure Type[2]	Number of Signs	Max. Sign Face Area	Types of Signs Allowed	Maximum Sign Height	Additional Signs Allowed [3]
Household Living/ Houses, Duplexes, Attached Houses.	1 per site	1 sq. ft.	Fascia, Painted Wall Freestanding	Top of wall, or 10 ft. whichever is less. 6 ft.	lawn signs, directional signs
Household Living/ Townhouse, Multi-dwelling Group Living, Day Care, Nonresidential category uses not listed below.	1 per building	10 sq. ft.	Fascia, Awning, Painted Wall Freestanding	Top of wall 10 ft.	lawn signs, directional signs
Subdivisions, PUDs, Houseboat Moorages, Mobile Home Parks, Agricultural Uses. [4]	1 per entrance	32 sq. ft.	Monument	10 ft.	lawn signs, directional signs
Parks and Open Areas [5]	1 per street frontage	10 sq. ft.	Monument	10 ft	lawn signs, directional signs
Colleges, Community Service, Medical Centers, Religious Institutions, Schools, Commercial Outdoor Recreation, Major Event Entertainment, and uses in Commercial and Industrial use categories.	The sign standards of the RX zones applies. See Section 32.32.020.				

Notes:

- [1] Temporary signs are regulated by 32.32.030 K, Temporary Signs.
- [2] See 32.30.030, Uses, Use Categories, and Structure Types.
- [3] These signs are allowed in addition to other signs when they meet the standards of 32.32.030 H.-J.
- [4] These signs are allowed in addition to those for individual buildings.
- [5] Signs in, or adjacent to and facing, a sports fields associated with Parks and Open Areas are subject to the standards of the RX zone. See 32.32.020.

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SIGNS AND RELATED REGULATIONS

- B.** Sign features. Signs in the RF through RH zones and in the IR, CI1, CR, and OS zones, except for those subject to the RX zone sign standards, are subject to the standards of this subsection. Illuminated signs placed in windows are subject to these sign regulations. Extensions into the right-of-way are prohibited. Changing image sign features are prohibited and only indirect lighting is allowed.

32.32.020 Standards in the Commercial/Mixed Use, Campus Institution 2, Employment, and Industrial Zones.

(Amended by Ordinance Nos. 176469 and 188959, effective May 24, 2018.)

- A.** General standards and sign features. The standards for permanent signs and sign features in the C, E, and I zones are stated in Tables 2 and 3. All signs must conform to the regulations of Section 32.32.030.

Table 2			
Standards for Permanent Signs in Nonresidential Zones and RX Zone [1]			
		CE, CM3, EG1&2, EX, IG1&2, IH	CI2, CM2, CX CMI, RX
Signs Attached to Buildings			
Size Allocation	<ul style="list-style-type: none"> • 1 sq. ft. per 1 ft. of primary bldg. wall if a freestanding sign is also on the same street frontage • 1-1/2 sq. ft. per 1 ft. of primary bldg. wall if there is no freestanding sign on the same street frontage 	Same	Same
Maximum Number	No limit within size allocation	Same	Same
Maximum Area Per Sign	200 sq. ft.	100 sq. ft.	50 sq. ft.
Min. Guaranteed Sign Area For A Ground Floor Tenant Space	32 sq. ft.	Same	Same
Types Allowed			
Fascia, Awning, Marquee, Pitched Roof, Painted Wall	Yes	Yes	Yes
Projecting	Yes, but no projecting signs if a freestanding sign is also on the same street frontage	Same	Same
Rooftop	No	No	No
Freestanding Signs			
Maximum Number	1 per site or 1 per 300 ft. of arterial street frontage and 1 for each additional 300 ft. or fraction thereof [2].	1 per arterial street frontage [3]	1 per arterial street frontage [3]
When Not Allowed	Not allowed if there is already a projecting sign on the same site frontage, or if existing signs attached to buildings exceed the limit of 1 sq. ft. to 1 ft. of primary building wall	Same	Same
Size Allocation For All Freestanding Signs	1 sq. ft. per 1 ft. of arterial street frontage. Local street frontage can be used if there are not arterial site frontages.	Same	Same
Size Limit	200 sq. ft.	100 sq. ft.	50 sq. ft.
Maximum Height	25 ft. [4]	20 ft. [4]	15 ft. [4]
Additional Signs Allowed [5]			
Directional Signs, Portable Signs, Lawn Signs	See Subsections 32.32.030 G-J		

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SIGNS AND RELATED REGULATIONS

Yes = Allowed
 No = Prohibited

Notes:

- [1] Temporary signs are regulated under 32.32.010 K, Temporary Signs.
- [2] On sites with frontages longer than 300 feet, sign area earned from the first 300 feet may not be used on the second sign. For example, a 350 foot street frontage may have a 200 sq. ft. and a 50 sq. ft. freestanding sign. Regional Trafficways that are not also Major City Traffic Streets are not considered arterial streets for purposes of this Title.
- [3] Where a site has no arterial street frontage, one freestanding sign is allowed.
- [4] This height limit is for the total height of the combined sign face and sign structure.
- [5] These signs may be allowed in addition to signs attached to buildings and freestanding signs when they meet the standards of 32.32.030 G-J.

Table 3 Sign Features for All Signs In Table 2 CE, CI2, CM2, CM3, CX, EG1&2, EX, IG&2, IH		
	Yes [1]	CM1, RX No[2]
Changing Image Sign Features (see 32.32.030.D)	Yes [1]	No[2]
Lighting	Direct, Indirect, or Internal	Same
Maximum Distance Extending Into R-O-W (see 32.32.030.C)	6-1/2 ft. or 2/3 of distance to roadway, whichever is less	Same
Maximum Area Extending into R-O-W (see 32.32.030.C)	30 sq. ft.	Same

Yes = Allowed

No = Prohibited

Notes:

- [1] Changing image sign features are allowed in the CE, CI2, CM2, CM3, CX, EG1 &2, EX, IG1 &2, and IH zones if they meet the standards of 32.32.030 D., Changing image sign features.
- [2] Changing image sign features are prohibited in the RX, CI1, and CM1 zones; except, changing image sign features are allowed in these zones if the sign is in, or adjacent to and facing, a sports field and meets the standards of 32.32.030 C, Changing image sign features.

B. Signs adjacent to freeways or bridges. The following regulations supersede those stated in Tables 2 and 3.

1. Freeways. For purposes of this title, freeways are Regional Trafficways that are not also classified as Major City Traffic Streets by the Transportation Element of the Comprehensive Plan. These are the I-5, I-84, I-205, I-405 freeways, US Highway 30 between I-405 and NW Nicolai, and US Highway 26 west of the I-405 freeway.

- a.** Sign faces that are within 100 feet of a freeway right-of-way, and that are visible from the freeway, may not exceed 200 square feet in area. Adjustments or modifications to the standard of this Subparagraph are prohibited.
- b.** Freestanding signs that are facing and within 100 feet of a freeway right-of-way or its on- and off-ramps are prohibited. Freestanding signs that are beneath the level of the surface of the roadway are allowed.
- c.** Changing image signs that are facing and within 100 feet of a freeway right-of-way or its on-and off-ramps are prohibited.

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Changing image signs that are beneath the level of the surface of the roadway are allowed.

2. Bridges.

- a.** Sign faces within 100 feet of the Willamette River bridges or bridge approach ramps shown in Figures 11a-e, or within 100 feet of the Columbia River or Columbia Slough bridges or bridge approach ramps, and that are visible from the bridge or bridge approach ramp, may not exceed 100 square feet in area.
- b.** Freestanding signs that are within 100 feet of the Willamette River bridges or bridge approach ramps shown in Figures 11a-e, or within 100 feet of the Columbia River and Columbia Slough bridges and bridge approach ramps are prohibited. Freestanding signs that are beneath the level of the surface of the roadway are allowed.
- c.** Changing image signs that are within 100 feet of the Willamette River bridges or bridge approach ramps shown in Figures 11a-e, or within 100 feet of the Columbia River and Columbia Slough bridges and bridge approach ramps are prohibited. Changing image signs that are beneath the level of the surface of the roadway are allowed.

- C. Pedestrian districts.** In pedestrian districts as shown by the Arterial Streets Classification of the Transportation Element of the Comprehensive Plan, the sign standards of the Central Commercial (CX) zone apply.

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Figure 11a
Willamette River Bridges and Approach Ramps

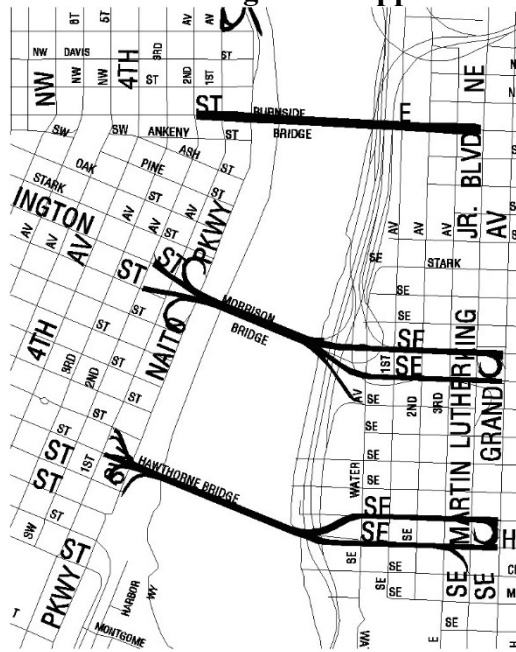


Figure 11b
Willamette River Bridges and Approach Ramps

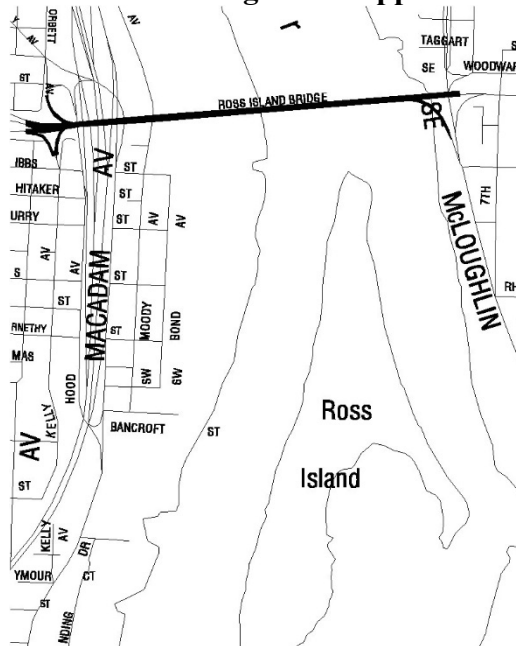


Figure 11c
Willamette River Bridges and Approach Ramps

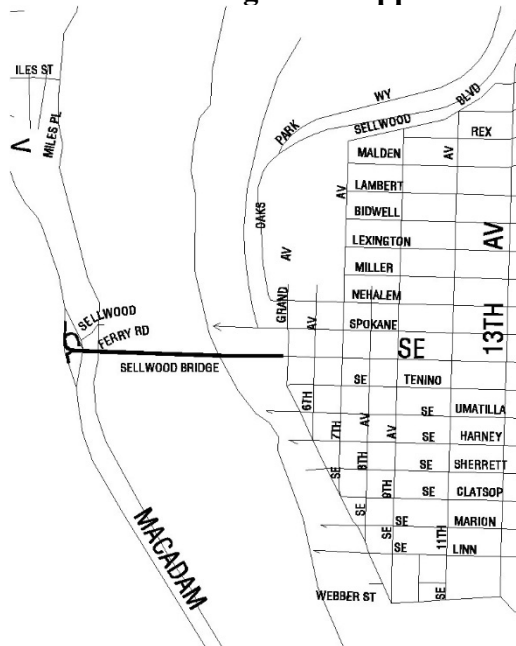
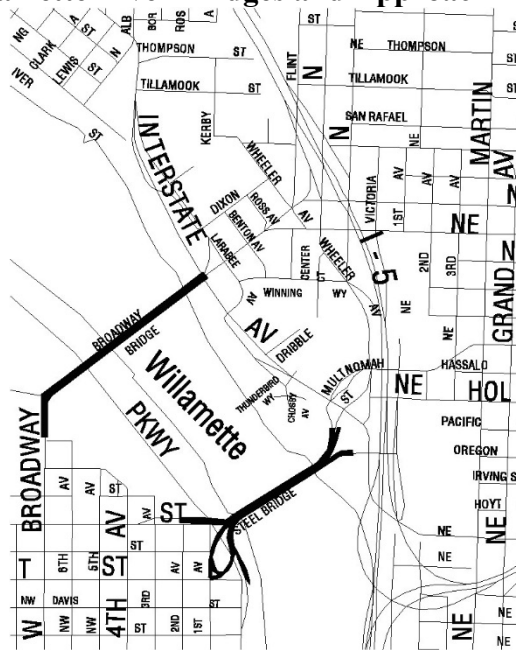
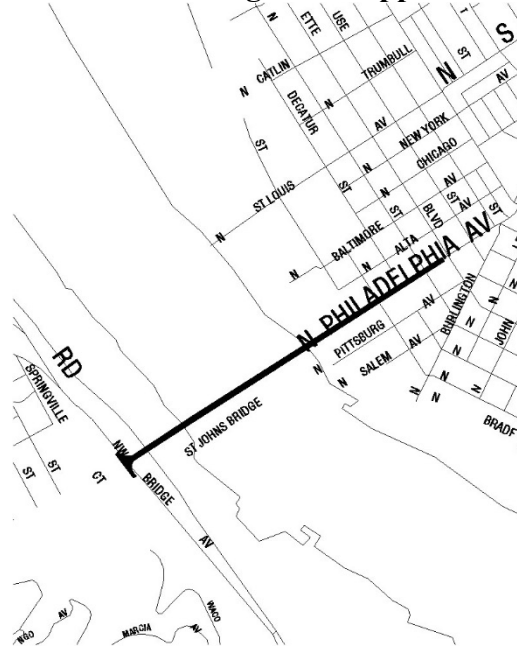


Figure 11d
Willamette River Bridges and Approach Ramps



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**Figure 11e
Willamette River Bridges and Approach Ramps**



32.32.030 Additional Standards in All Zones.

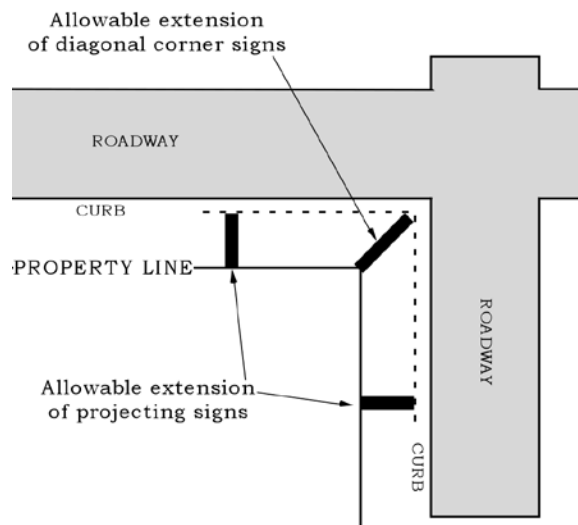
(Amended by Ordinance Nos. 176469, 185915 and 188959, effective May 24, 2018.)

- A. Where these regulations apply. These regulations apply to all signs regulated by this title.
- B. Sign placement. All signs and sign structures must be erected and attached totally within the site except when allowed to extend into the right-of-way by this Title.
- C. Signs extending into the right-of-way. The standards of this subsection apply to permanent signs that are erected on private property and that extend into the right-of-way and portable signs that are in the right-of-way.
 - 1. Projecting signs. Projecting signs that extend into the right-of-way must meet the following standards:
 - a. Distance into the right-of-way.
 - (1) Where allowed, signs may extend into the right-of-way 6 ½ feet or 2/3 of the distance to the roadway, whichever is less. However, in no case may signs extend within 2 feet of the roadway.

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- (2) Diagonal corner signs may extend into the right-of-way to a point that is determined by extending a line from the maximum points allowed for projecting signs on each street frontage. See Figure 12.
 - b. Maximum sign face area in the right-of-way. No more than 30 square feet of a projecting sign face may extend into a right-of-way.
 - c. Blanketing. A projecting sign that extends into the right-of-way more than 3 feet may not be within 20 feet of another projecting or freestanding sign that extends more than 3 feet into the right-of-way if the new sign is within horizontal lines drawn from the top and bottom of the prior sign.
2. Awnings and marquees. Awnings and marquees that contain signs may extend into the right-of-way the same distance as awnings and marquees that do not contain signs. See Chapter 32.52, Awnings.

Figure 12
Diagonal Corner Signs



3. Portable signs. Portable signs may be placed in the right-of-way if they meet the following standards:
- a. The sign is entirely outside the roadway;
 - b. The sign is no larger than 8 square feet in size. The sign face is no wider than 2 ½ feet and no taller than 4 feet;

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- c.** The sign is entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. See Figure 13a;
 - d.** The sign is entirely outside the area of a sidewalk that is between the lines created by extending the edges of any curb ramp across the sidewalk to the property line;
 - e.** The sign is within six inches of the curb. See Figure 13b;
 - f.** The sign does not obstruct a continuous through pedestrian zone of at least six feet in width. See Figure 13b; and
 - g.** The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:

 - (1)** transit stop areas;
 - (2)** designated disabled parking spaces;
 - (3)** disabled access ramps; or
 - (4)** building exits including fire escapes.
 - h.** Physical attachment to public property. Portable signs placed in the right-of-way must remain portable and may not be attached or anchored in any way to trees or to public property including utility or light poles, parking meters, the ground or pavement.
 - i.** Additional placement standards for temporary portable signs. Temporary portable signs placed in the right-of-way must meet the following additional standards:

 - (1)** Where no curb exists, the sign must be placed outside the roadway at least five feet from the edge of the roadway. Temporary portable signs may not be placed in medians, traffic islands, or other areas within the roadway.
 - (2)** Temporary portable signs must not be placed in parking spaces, pedestrian pathways, or bicycle paths.
 - (3)** Where the sidewalk is less than 8 feet in width, temporary portable signs may not be placed on the sidewalk.
- 4.** Removal of signs. The City Engineer may require signs extending into the right-of-way to be modified or moved if streets are widened, or other

improvements made in the right-of-way, which result in the creation of unsafe conditions. The modification or moving will be at the owner's expense. If a nonconforming sign is moved under this requirement, it may be re-erected on the site without being brought into conformance.

Figure 13a
Placement of Portable Signs in the R-O-W

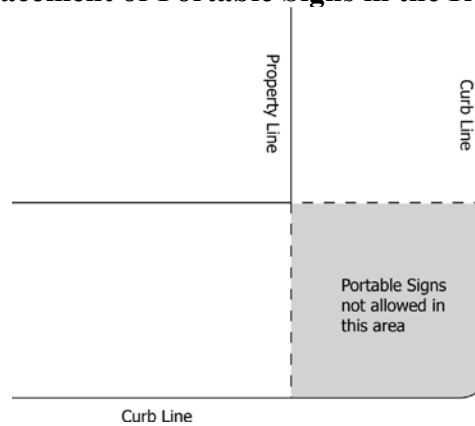
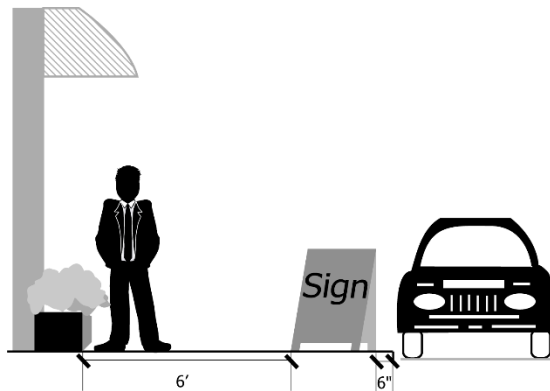


Figure 13b
Placement of Portable Signs in the R-O-W



D. Changing image sign features.

1. Size. Where allowed under this Title, changing image sign features are limited to a total combined area of 20 square feet per site. No single sign may have more than 10 square feet of changing image sign features unless those features cover less than 60 percent of the face of the sign. Each area of changing image feature on each sign face is included in the total for the site. Section 32.24.010 B, Backed Signs, may not be applied to changing image sign features.

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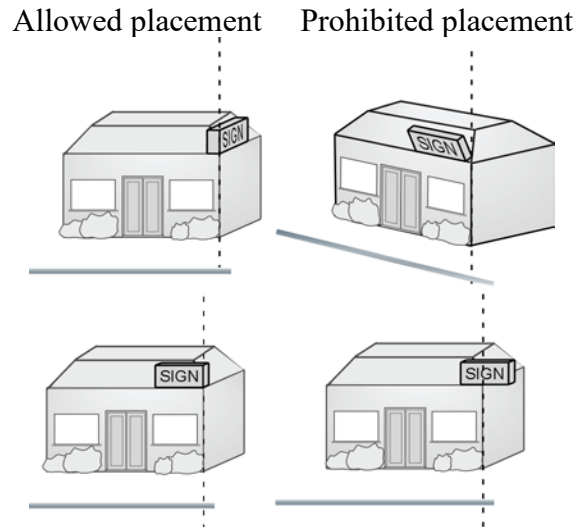
2. Brightness. Changing image sign features are subject to the glare standards of Chapter 33.262, Off-site impacts.
3. Signs subject to the standards of the C11, or CM1 zone. If the sign is subject to the standards of the C11, or CM1 zone, changing image sign features are allowed if the sign meets the standards of a. and b., below. All other changing image sign features are prohibited.
 - a. Location. The sign must be in, or adjacent to and facing, a sports field.
 - b. Duration. The changing image sign features may be turned on no sooner than one hour before scheduled events and must be turned off no later than one hour after scheduled events.
4. Modifications or adjustments to the size standard. Modifications through design review or historic resource review or adjustments to this regulation are prohibited, except as stated in paragraphs 4.b. through 4.d., below:
 - a. Purpose. The character, scale and special communication needs of bright lights districts, sports fields and Major Event Entertainment uses may support the use of changing image sign features that are larger than 20 square feet. The scale, multiple use and special communication needs of sites with major event entertainment uses may support the use of changing image sign features that are substantially larger than 20 square feet.
 - b. Broadway “bright lights” district. In the Broadway “bright lights” Unique Sign District of the Downtown Design District, a modification through design review to allow more than 20 square feet of changing image sign features on a site, or more than 10 square feet of changing image sign features on a sign, may be requested.
 - c. Major Event Entertainment. If the sign is on a site that contains a Major Event Entertainment use, an adjustment or a modification through design review to allow more than 20 square feet of changing image sign features on a site, or more than 10 square feet of changing image sign features on a sign, may be requested.
 - d. Sports field. If the sign is in, or adjacent to and facing, a sports field, an adjustment or a modification through design review to allow more than 20 square feet of changing image sign features on a site, or more than 10 square feet of changing image sign features on a sign, may be requested.

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- E.** Signs attached to buildings or structures.
- 1.** Placement. Signs attached to buildings or structures that are based on the sign rights of a primary building wall may be placed on that primary building wall, on a secondary building wall or on another structure. They may not be placed on another primary building wall.
 - 2.** Awnings and marquees. Signs attached to an awning or marquee that extends into the right-of-way must comply with the pedestrian clearance and right-of-way extension standards of Chapter 32.52. Awnings.
 - 3.** Fascia signs.
 - a.** Vertical extensions. Fascia signs may not extend more than 6 inches above the top of the building wall. Fascia signs attached to other structures may not extend above the top of the structure.
 - b.** Horizontal extensions. A fascia sign may not extend more than 18 inches out from the wall or structure to which it is attached. Fascia signs may not extend beyond the corner of buildings or other structures.
 - 4.** Pitched roof signs.
 - a.** Vertical extensions. The face of pitched roof signs may not extend more than 6 inches above the roofline.
 - b.** Placement and angle. Pitched roof signs must be parallel to the building face. They may not extend beyond the building wall. See Figure 14.
 - c.** Support structures. Support structures must be designed so that there is no visible support structure above the sign.

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**Figure 14
Pitched roof sign placement**



5. Projecting signs

- a.** Vertical extensions. The face of a projecting sign may not extend more than 6 inches above the roof line.
- b.** Placement. The edge of the projecting sign may not be more than 1 foot from the building wall. Projecting signs are not allowed on rooftops or on pitched roofs. Projecting signs that extend over the right-of-way must meet the placement standards of Subsection 32.32.030 C, Signs extending into the right-of-way.
- c.** Support structures. Support structures must be designed so that there is no visible support structure above the sign face.

F. Freestanding signs and monument signs.

1. Setbacks. Freestanding signs are regulated as follows:

- a.** R zones. In R zones and the CR zone, freestanding signs are allowed in required setbacks, however, in required front setbacks they may not be more than 3-1/2 feet tall.
- b.** C, CI, E, and I zones. In C, CI, E, and I zones, freestanding signs are allowed in required setbacks for buildings and parking areas. However, freestanding signs are prohibited in the setback between a property line abutting a residentially zoned site and the building line or parking area setback line.

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2. Frontages. Freestanding signs must be placed on arterial street frontages unless there are none. Freestanding signs that are allowed based on the length of one arterial street frontage may not be placed on another arterial street frontage. Frontage on a freeway is not considered arterial street frontage.
3. Undeveloped sites. Permanent freestanding signs on sites without a primary use are subject to the regulations for Subdivisions shown in Table 1, Standards for Permanent Signs in the IR, OS and RF-RH Zones.
4. Extensions into the right-of-way. Freestanding signs may not extend into the right-of-way.

G. Portable signs.

1. General standards. Portable signs that meet the standards of this subsection are allowed in the RX, C, CI, E and I zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.
2. Number.
 - a. General. One portable sign is allowed per public entrance to buildings.
 - b. Commercial parking. One portable sign is allowed for each vehicle entrance to a commercial parking facility, but in no case more than four portable signs for the facility.
 - c. Tenant spaces without public entrances. Where a ground floor tenant space or portable cart does not have any public entrance and only provides customer service through a window, one portable sign is allowed for each ground floor tenant space or portable cart.
3. Size. Portable signs may be up to 12 square feet in area. Only one side of a portable sign will be counted. The vertical dimension of the sign including support structure may be no greater than 42 inches. Portable signs extending into the right of way must comply with the size standards of Subsection 32.32.030 C, Signs extending into the right-of-way.
4. Features. Electrical signs and changing image sign features are prohibited.
5. Placement. Portable signs must be entirely on private property or they must meet the placement standards of Subsection 32.32.030 B, Signs extending into the right-of-way.

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6. Portable signs that do not meet the standards of this subsection. Portable signs that do not meet the standards of this subsection must meet the standards for freestanding signs or for temporary signs.

H. Directional signs.

1. General standards. Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.
2. Size. Freestanding directional signs may be up to 6 square feet in area and 42 inches in height. Fascia directional signs may be up to 6 square feet in area and 8 feet in height.
3. Sign features. Direct or indirect lighting is allowed. Changing image sign features and extensions into the right-of-way are prohibited.
4. Directional signs that do not meet the standards of this subsection. Directional signs that do not meet the standards of this subsection must meet either the standards for signs attached to buildings or the standards for freestanding signs.

I. Permanent banners.

1. General. Banners used as permanent signs are allowed in all zones and will be included in the total square footage of permanent signage allowed on the site. Temporary banners are regulated under Subsection K., below.
2. Standards. Permanent banners are subject to the standards for either fascia signs or projecting signs depending on how the banner is supported or anchored.

J. Lawn signs.

1. General standards. Lawn signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.
2. Size. Lawn signs may be up to 3 square feet in area.
3. Placement. Lawn signs must be entirely outside the right-of-way.
4. Sign features. Illumination, electric signs, and changing image sign features are prohibited.

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5. Lawn signs that do not meet the standards of this subsection. Lawn signs that do not meet the standards of this subsection must meet the standards for freestanding signs.

K. Temporary signs.

1. Relationship to permanent sign standards. Signs that meet the standards of this subsection are exempt from the standards for permanent signs and are not counted in the total square footage of signage allowed on the site. Signs that do not meet the standards of this subsection are subject to the standards for permanent signs. Adjustments or modifications to this subsection are prohibited.
2. Sign features. Temporary signs may not have direct or internal illumination. Changing image sign features and electronic elements are prohibited.
3. Temporary banners. Temporary banners are subject to the following regulations:
 - a. Banners on lots with houses, duplexes, and attached houses. In all zones, temporary banners are not allowed on sites with houses, duplexes, and attached houses.
 - b. OS, R, CR, CM1 and CI1 zones. In OS, R, CR, CM1 and CI1 zones, up to three banners no larger than 32 square feet in size are allowed per site. Only one of these banners may be hung on each building wall or on each separate structure. Additional banners, or banners larger than 32 square feet in size, must meet the standards for permanent signs.
 - c. CM2, CI2, CM3, and CX zones. In the CM2, CI2, CM3, and CX zones, up to three banners no larger than 32 square feet in size are allowed per site. Only one of these banners may be hung on each building wall or on each separate structure. Additional banners, or banners larger than 32 square feet in size, must meet the following standards:
 - (1) In no case may a site have more than four temporary banners.
 - (2) Up to one temporary banner larger than 32 square feet in size is allowed per site. This banner may be no larger than 50 square feet in size.

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- (3) Banners larger than 32 square feet in size, or in excess of three banners, may be hung for up to 180 days per calendar year.
 - (4) Banners that do not meet the regulations of this subparagraph, must meet the standards for permanent signs.
 - d. CE, E, and I zones. In the CE, E, and I zones, up to three banners no larger than 32 square feet in size are allowed per site. Only one of these banners may be hung on each building wall or on each separate structure. Additional banners, or banners larger than 32 square feet in size, must meet the following standards:
 - (1) In no case may a site have more than four temporary banners.
 - (2) Up to one temporary banner larger than 32 square feet in size is allowed per site. This banner may be no larger than 100 square feet in size.
 - (3) Banners larger than 32 square feet in size, or in excess of three banners may be hung for up to 180 days per calendar year.
 - (4) Banners that do not meet the regulations of this subparagraph, must meet the standards for permanent signs.
- 4. Balloon signs. One balloon sign is allowed per site for a maximum of one week per calendar year in the RX, C, CI, E, and I zones. Temporary balloon signs may be located on a building rooftop. The vertical dimension of the balloon may not exceed 25 feet.
 - 5. Temporary fascia signs. One temporary fascia sign is allowed per street frontage in the RX, C, CI, E, and I zones. Temporary fascia signs may be up to 32 square feet in area. Temporary fascia signs may not extend above roof lines. Extensions into the right-of-way are prohibited. A temporary fascia sign may be hung for two continuous periods of up to 180 days per year. A temporary fascia sign may be installed for an additional 360 days if it meets the registration requirements of 32.62.010.
 - 6. Temporary freestanding signs. One temporary freestanding sign is allowed per site in the RX, C, CI, E, and I zones. However, larger sites may install one temporary freestanding sign per 300 feet of arterial street frontage. Temporary freestanding signs may be up to 32 square feet in area. Temporary freestanding signs may have an additional face up to 32 square feet in size if the angle between the sign faces is less than 90 degrees. Extensions into the right-of-way are prohibited. A temporary freestanding

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sign may be up for two continuous periods of up to 180 days per year. A temporary freestanding sign may be installed for an additional 360 days if it meets the registration requirements of 32.62.010.

7. Temporary portable signs.
 - a. Temporary portable signs are allowed in all zones.
 - b. Size. Temporary portable signs may be up to 4 square feet in area. Only one side of a temporary portable sign will be counted. The vertical dimension of the sign including support structure may be no greater than 24 inches.
 - c. Placement. Temporary portable signs must be entirely on private property or they must meet the placement standards of Subsection 32.32.030 C., Signs extending into the right-of-way.
 - d. Hours of use. Temporary portable signs are allowed only between the hours of six (6) p.m. Friday and eight (8) p.m. Sunday, and the hours of six (6) a.m. and one (1) p.m. on Tuesdays.

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**CHAPTER 32.34 - ADDITIONAL
REGULATIONS FOR SPECIFIC USES,
OVERLAY ZONES, AND PLAN DISTRICTS**

Sections:

- 32.34.010 Additional Standards for Specific Uses.
- 32.34.020 Additional Standards in the Overlay Zones.
- 32.34.030 Additional Standards in the Plan Districts.

32.34.010 Additional Standards for Specific Uses.

- A.** Bed and Breakfast facilities. Sites with Bed and Breakfast facilities must meet the sign regulations for Household Living.
- B.** Short Term Housing. Sites with Short Term Housing or Mass Shelters must meet the sign regulations for Household Living.
- C.** Temporary Activities. Permanent signs associated with Temporary Activities are prohibited. All signs associated with a Temporary Activity must be removed when the activity ends.

32.34.020 Additional Standards in Overlay Zones.

(Amended by Ordinance Nos. 176469, 178172, 179092, 185915 and 188959, effective May 24, 2018.) Overlay zones are shown on the Official Zoning Maps.

- A.** Buffer Overlay Zone
 - 1.** Where this regulation applies. The regulation of this subsection applies to signs within the Buffer Overlay Zone.
 - 2.** Regulation. Signs are prohibited in the Buffer Overlay Zone.
- B.** Design Overlay Zone
 - 1.** Where these regulations apply. The regulations of this subsection apply to exterior signs in excess of 32 square feet within the Design Overlay Zone, and all signs within the South Auditorium plan district. However, signs are not required to go through design review if they meet one of the following standards:
 - a.** The sign is a portable sign, lawn sign, directional sign or temporary sign; or
 - b.** The sign is a part of development exempt from design review under Section 33.420.045, Exempt from Design Review.

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2. Awnings. Awnings within the Design Overlay Zone are subject to Chapter 33.420. Awnings must also meet the requirements of Chapter 32.52 of this Title.
3. Regulations.
 - a. Generally. Signs must either meet the Community Design Standard in Subparagraph B.3.c., below or go through Design Review, as described in this paragraph. The Community Design Standards provide an alternative process to design review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Subparagraph B.3.c., below. If the proposal meets the Community Design Standards, no design review is required. Proposals that are not eligible to use the Community Design Standards, that do not meet the Community Design Standards, or where the applicant prefers more flexibility, must go through the design review process.
 - b. When Community Design Standards may be used. See Chapter 33.420, Design Overlay Zone.
 - c. Community Design Standard for signs. In the C, E, and I zones, signs must meet the sign regulations of the RX zone. Signs with a sign face area of over 32 square feet may not face an abutting regional trafficway or any Environmental Protection Overlay Zone, Environmental Conservation Overlay Zone, or River Natural Greenway Overlay Zone that is within 1,000 feet of the proposed site.

C. Historic Resource Overlay Zone

1. Where these regulations apply. The regulations of this subsection apply to signs on sites with the historic resource overlay zone. However, signs are not required to go through historic resource review if they meet one of the following standards:
 - a. The sign is a portable sign, lawn sign, or temporary sign; or
 - b. The sign is exempt from historic resource review under Sections 33.445.140, Alterations to a Historic Landmark; 33.445.230, Alterations to a Conservation Landmark; 33.445.320, Development and Alterations in a Historic District; or 33.445.420, Development and Alterations in a Conservation District.

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2. Regulations.

- a.** Generally. Signs must either meet the Community Design Standards in Subparagraph C.2.c., below, or go through historic resource review, as described in this paragraph. The Community Design Standards provide an alternative process to historic resource review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through the discretionary historic resource review process set out in Chapter 33.846, Historic Resource Reviews, or to meet the objective standards of Subparagraph C.2.c. If the proposal meets the Community Design Standards, no historic resource review is required. Proposals that are not eligible to use the Community Design Standards, that do not meet the Community Design Standards, or where the applicant prefers more flexibility, must go through the historic resource review process.
- b.** When Community Design Standards may be used. See Chapter 33.445, Historic Resource Overlay Zone.
- c.** Community Design Standard for signs. In the C, E, and I zones, signs must meet the sign regulations of the RX zone. Signs with a sign face area of over 32 square feet may not face an abutting regional trafficway or any Environmental Protection Overlay Zone, Environmental Conservation Overlay Zone, or River Natural Greenway Overlay Zone that is within 1,000 feet of the proposed site.

D. Scenic Resource Overlay Zone

- 1.** Where these regulations apply. The regulations of this subsection apply to signs within Scenic Resource Overlay Zone.
- 2.** Regulations.
 - a.** View corridors. The standards of this subparagraph apply to signs within areas designated as view corridors in the Scenic Resources Protection Plan. All signs within the designated view corridors are subject to the height limits of the base zone, except when a more restrictive height limit is established for the view corridor by the Scenic Resources Protection Plan.
 - b.** Scenic corridors. The standards of this subparagraph apply to signs within areas designated as scenic corridors in the Scenic Resources Protection Plan. The standards of this subparagraph apply within the

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street setback adjacent to the identified resource or within the first 20 feet from the resource if no setback exists. The maximum height of a freestanding sign is 15 feet. The maximum size of a freestanding sign is 100 square feet. Changing image signs are prohibited. When they are more restrictive, the sign standards of the base zone supersede the regulations of this subparagraph.

32.34.030 Additional Standards in Plan Districts.

(Amended by Ordinance Nos. 176469, 179092, 182072 and 188959, effective May 24, 2018.) Plan districts are shown on the Official Zoning Maps.

A. Albina Community plan district.

1. Where this regulation applies. The regulation of this subsection applies to signs in the Albina Community plan district.
2. Sign standard. Signs for commercial uses in the RH zone are subject to the sign regulations for the CX zone.

B. Central City plan district

1. Purpose. Signs in the Open Space zone are limited in keeping with the low intensity of most uses in the zone. However, the more intense uses allowed in Central City plan district Open Space zones necessitate more visible signage. These regulations are tailored to those uses.
2. Sign standards. The following regulations apply to sites in the Open Space zone.
 - a. The sign regulations of the CX zone apply to sites with allowed Major Event Entertainment and Commercial Outdoor Recreation uses.
 - b. The sign regulations of the RX zones applies to sites with allowed Retail Sales and Service uses.

C. Columbia South Shore plan district

1. Purpose. Signs in this plan district should not dominate the landscape or compete with views of streetscapes, view corridors and natural resources. Sign standards are intended to allow for signs to be visible to streets that abut the site, but not to interstate freeways and locations outside the district. Businesses are encouraged to rely on monument signs to identify and communicate their presence.

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2. Where these regulations apply. The regulations of this subsection apply to signs in the Columbia South Shore plan district.
3. Sign standards.
 - a. Signs must conform to the sign standards of the CX zone as modified by the requirements of this subsection. When they are more restrictive, the regulations of the base zone supersede the regulations of this subsection. Adjustments to this subsection are allowed only for the sign height on sites more than 10 feet below the level of the surface of the adjacent roadway. All other sign adjustments are prohibited.
 - b. The following signs are prohibited:
 - (1) Freestanding signs, except monument signs, temporary freestanding signs, and directional signs;
 - (2) Changing image signs; and
 - (3) Awning signs with illumination internal to the awning.
 - c. Monument signs. One monument sign is allowed per street frontage. Monument signs are allowed to a maximum height of 6 feet above the adjacent sidewalk and a maximum of 10 feet in length. The end width of the monument structure may not exceed 2 1/2 feet. Signage may be located on two parallel monument faces.
 - d. Signs along Marine Drive. Signs are prohibited within 200 feet of the toe of the levee slope, except for directional signs. Between 200 and 500 feet from toe of the levee slope, signs that face Marine Drive are limited to 1/2 square foot of sign face area per lineal foot of building wall, with a maximum sign area of 100 square feet.
- D. Hillsdale plan district.
 1. Where this regulation applies. The regulation of this subsection applies to signs in the Hillsdale plan district.
 2. Sign standard. Portable signs are prohibited in the right-of-way in the Hillsdale Plan District.
- E. Macadam plan district
 1. Where these regulations apply. The regulations of this subsection apply to signs in the Macadam plan district.

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2. Standards.
 - a. Freestanding signs are limited to 1/2 square foot of sign face area per lineal foot of arterial street frontage. Signs attached to buildings, marquees, or other structures are limited to 1/2 square foot of sign face area per lineal foot of primary building wall. Maximum sign face area is 100 square feet.
 - b. The maximum height of a freestanding sign is 15 feet.
 - c. Changing image sign features are prohibited.

F. Portland International Raceway plan district

1. Where these regulations apply. The regulations of this subsection apply to signs in the Portland International Raceway (PIR) plan district.
2. Standard. Signs must conform to the sign program of an approved PIR Master Plan. See Chapter 33.564, Portland International Raceway Plan District.

G. South Auditorium plan district

1. Where these regulations apply. The regulations of this subsection apply to the South Auditorium plan district.
2. Standards.
 - a. Design review. Unless exempted under Subparagraphs G.2.f. and g., below, all exterior signs, regardless of size, are subject to design review. See Chapter 33.420, Design Overlay Zone.
 - b. Projecting signs. Projecting signs are prohibited.
 - c. Signs for Retail Sales And Service uses. All signs on sites with Retail Sales And Service uses must be fascia signs. The total square footage of signs per retail tenant space must not exceed 1 square foot of sign for each lineal foot of primary building wall of tenant space.
 - d. Signs for residential-only developments. Sites developed with only residential uses are limited to one fascia sign not exceeding 10 square feet in total area.
 - e. Signs for other uses and developments. The maximum total sign area allowed per frontage for uses or developments not listed in Subparagraphs G.2.c. and d., above is 1 square foot for each 3 lineal

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feet of primary building wall. Only signs attached to buildings are allowed, except in a commercial zone where up to two freestanding signs per arterial street frontage are allowed. One sign is not allowed to exceed 12 feet in height and 100 square feet in area, and the other sign is not allowed to exceed 5 feet in height and 10 square feet in area. The regulations of the base zone supersede the regulations of this subparagraph when they are more restrictive.

- f.** Temporary signs, portable signs, and lawn signs. Temporary signs, portable signs, and lawn signs are exempt from the sign regulations of Subparagraph G.2.a. through e., above. Temporary signs and portable signs are limited to a total combined area of 25 square feet per site.
- g.** Directional signs. Directional signs are exempt from the sign regulations of Subparagraph G.2.c. through e., above.

H. Cascade Station plan district.

- 1.** Where this regulation applies. The regulation of this subsection applies to signs in Subdistrict A of the Cascade Station plan district.
- 2.** Sign standard. When a Cascade Station Sign Program has been approved, signs are exempt from the provisions of Chapter 32.30 through 32.38 of this Code. Until such time as a Sign Program is approved, signs will be subject to the provisions of Chapters 32.30 through 32.38.

I. Hollywood plan district.

- 1.** Where this regulation applies. This regulation applies to signs associated with new development on sites with frontage on the Enhanced Pedestrian Streets shown on Map 536-3 in Chapter 33.536, Hollywood Plan District. Alterations or exterior improvements to existing development are exempt from this regulation.
- 2.** Freestanding signs are prohibited.

J. North Interstate plan district.

- 1.** Purpose. Encouraging retention of the mid-century signs identified in this subsection will represent Interstate Avenue Corridor's rich past as US Route 99, which was the West Coast's major north-south highway before Interstate 5 was built. Because their current locations may preclude desired development, allowing them to move to other locations along the corridor is necessary to ensure preservation.

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2. Where these regulations apply. The regulations of this subsection apply only to signs in the North Interstate plan district listed in Paragraph J.4.
3. Relocation allowed. The special signs listed in Paragraph J.4, below, may be relocated as follows:
 - a. The sign may be moved to another location on the site where it is currently located, or to another location that meets the requirements of this subsection;
 - b. The receiving site must have frontage on North Interstate Avenue between N. Argyle St. and N. Fremont St.;
 - c. The receiving site must be zoned either CI1, CI2, CM2 or CM3;
 - d. Signs removed from their sites may be stored elsewhere before relocation;
 - e. Relocated signs are subject to discretionary Design Review. Design review will consider the location of the sign on the site, the visual relationship of the sign structure to other development on the site, and the visual relationship to North Interstate Avenue; in a content-neutral manner as provided in Section 32.38.010;
 - f. Relocated signs that are nonconforming as to size, height, lighting, or area of changing image do not have to come into conformance with the requirements of Chapters 32.30 through 32.38. However, they may not move further out of conformance with the size, height, and lighting regulations unless an adjustment or modification is approved. Increases to the area of changing image on a relocated sign are only allowed as provided in Section 32.32.030;
 - g. Relocated signs do not count towards the maximum sign allocation on the receiving site; and
 - h. Relocated signs are subject to the other requirements of this Title.
4. Special signs. The signs below may be relocated as specified in this subsection. The signs are:
 - a. Street address 4333 N. Interstate Avenue, also known as “The Westerner Motel sign.”
 - b. Street address 4024 N. Interstate Avenue, also known as “The Alibi sign.”

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- c.** Street address 5226 N. Interstate Avenue, also known as “The Crown Motel sign.”
- d.** Street address 3801 N. Interstate Avenue #4, also known as “The Palms Motel sign.”
- e.** Street address 6701 N. Interstate Avenue , also known as “The Viking Motel sign.”
- f.** Street address 6423 N. Interstate Avenue, also known as “The Nite Hawk sign.”
- g.** Street address 4739 N. Interstate Avenue, also known as “The Budget Motel sign.”
- h.** Street address 5205 N. Interstate Avenue, also known as “The Super Value Motel sign.”
- i.** Street address 6049 N. Interstate Avenue, also known as “The Central Bowl sign.”