UPDATE INFORMATION

Vols. I & II – Portland City Code

December 31, 2020 – Quarterly Update

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

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

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

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

Previous Update Packet September 30, 2020

CODE OF THE CITY OF PORTLAND, OREGON
Insertion Guide for Code Revisions
Office of the City Auditor 503-823-4082
4th Quarter 2020 (December 31, 2020)

TITLE	REMOVE OLD PAGES	INSERT NEW PAGES	NEXT PAGE IS	NOTES
3	Table of Contents	Table of Contents	Title Page	Ordinance No. 190145 & 190172
	143 – 146	143 – 146	147	
	197 – 200	197 – 200	201	
	219 – 222	219 – 222	223	
5	Table of Contents	Table of Contents	Title Page	Ordinance Nos. 190197 and 190240
	3 – 4	3 – 4	5	
	17 – 18	17 – 18	19	
	323 – 392	323 – 396	End of Title	
6	53 – 54	53 – 54	55	Ordinance No. 190167
7	Table of Contents	Table of Contents	Title Page	Ordinance No. 190129
	1 – 8	1 – 8	9	
	15 – 42	15 – 42	43	
11	49 – 60	49 – 60	61	Ordinance No. 190200
17	Table of Contents	Table of Contents	Title Page	Ordinance Nos. 190132 and 190166
	17.08 – 1 - 16	17.08 – 1 - 17	End of Chapter	
	17.38 – 1 - 15	17.38 – 1 - 12	End of Chapter	
24	59 – 116	59 – 113	End of Title	Ordinance Nos. 190126 and 190134
30	33 – 38	33 – 38	39	Ordinance No. 190145

TITLE 3 - ADMINISTRATION

TABLE OF CONTENTS

Chapter 3.02 COUNCIL ORGANIZATION AND PROCEDURE

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

Chapter 3.04 SUBPOENA POWERS

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

Chapter 3.05 CITY AUDITOR'S AUDIT SERVICES DIVISION

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

Chapter 3.06 DEPARTMENTS, BUREAUS AND DIVISIONS GENERALLY

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

Chapter 3.08 TREASURER

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

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

Chapter 3.10 OFFICE OF CITY ATTORNEY
3.10.010 Office of City Attorney.
3.10.030 Duties and Responsibilities.
3.10.040 Chief Deputy City Attorney.
3.10.050 Records.
3.10.060 Attorney-Client Relationship.
3.10.070 Settlements.
3.10.080 Outside Counsel Conflicts of Interest.

Chapter 3.12 BUREAU OF TRANSPORTATION
3.12.010 Organization.

Chapter 3.13 BUREAU OF ENVIRONMENTAL SERVICES
3.13.010 Purpose.
3.13.020 Organization.
3.13.030 Mission.
3.13.040 Administrative Rules and Procedures.
3.13.050 Permitting Authority.

Chapter 3.15 OFFICE OF MANAGEMENT AND FINANCE
3.15.010 Purpose.
3.15.020 Definitions.
3.15.030 Organization.
3.15.040 Functions.
3.15.050 Powers and Duties of the Chief Administrative Officer.
3.15.060 Office of the Chief Administrative Officer.
3.15.070 Bureau of Revenue and Financial Services.
3.15.080 Bureau of Human Resources.
3.15.090 Bureau of Technology Services.

Chapter 3.16 CITY BUDGET OFFICE
3.16.010 Organization.
3.16.020 Authority of Council.

Chapter 3.18 RULES OF CONDUCT FOR CITY PROPERTY
3.18.010 Designation of Persons-in-Charge.
3.18.020 Rules of Conduct at City Property.
3.18.030 City Property Exclusions.

Chapter 3.20 BUREAU OF POLICE
3.20.010 General Organization.
3.20.020 Council to Organize and Make Rules and Regulations.
3.20.030 Authority of Chief of Police.
3.20.040 Duties of the Chief of Police.

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

Chapter 3.21 CITY AUDITOR'S INDEPENDENT POLICE REVIEW
3.21.010 Purpose.
3.21.020 Definitions.
3.21.030 Independent Police Review.
3.21.040 Director Selection.
3.21.050 Staff and Delegation.
3.21.060 Office Facilities and Administration.
3.21.070 Powers and Duties of IPR.
3.21.080 Citizen Review Committee.
3.21.090 Powers and Duties of the Committee.
3.21.100 Council Role.
3.21.110 Intake.
3.21.120 Handling Complaints.
3.21.130 Communications.
3.21.140 Filing Requests for Review.
3.21.150 Case File Review.
3.21.160 Hearing Appeals.
3.21.170 Monitoring and Reporting.
3.21.180 Increasing Public Access.
3.21.190 Response of Chief.
3.21.200 Limitation on Power.
3.21.210 Subpoenas.
3.21.220 Bureau Witnesses.

Chapter 3.22 PORTLAND FIRE & RESCUE
3.22.010 General Organization.
3.22.020 Organized by Council - Subject to Civil Service.
3.22.030 Council Powers.
3.22.040 Care of Property by Council.
3.22.050 Duties of Chief Engineer.
3.22.060 Destroying Buildings to Check Fire.
3.22.070 Appointment of Temporary Employees.
3.22.080 Assignment of Disabled Members.
3.22.090 Rules and Regulations and Administrative Orders.
3.22.100 Uniforms.
3.22.110 Fire Suppression and/or Prevention Contracts.
3.22.120 Renewal Notices.
3.22.130 Contract Form to be Approved by City Attorney.
3.22.140 Mutual Assistance Agreements.
3.22.150 Use of Fire Boats for Pumping Water Out of Boats and Barges.
3.22.160 Fees for Pumping Water from Imperiled Vessels.
3.22.170 Distribution of Awards Earned by Members of Portland Fire & Rescue.
3.22.180 Forested and Wildland Interface Areas Fire Protection Plan.

Chapter 3.24 PORTLAND WATER BUREAU
3.24.010 Organization.
3.24.020 Administration.
3.24.030 Customer Service Group.
3.24.040 Engineering Services Group.
3.24.050 Finance and Support Services Group.
3.24.060 Maintenance and Construction Group.
3.24.070 Operations Group.
3.24.080 Resources Protection and Planning Group.

Chapter 3.26 BUREAU OF PARKS
3.26.010 Organization Generally.
3.26.020 Executive and Clerical Division.
3.26.030 Park Maintenance and Operation Division.
3.26.040 Nursery and Planting Division.
3.26.050 Public Recreation Division.
3.26.080 Sale or Exchange of Surplus Animals, Birds or Reptiles.
3.26.090 Solar Friendly Trees.

Chapter 3.27 PORTLAND PARKS AND RECREATION BOARD
3.27.010 Purpose.
3.27.020 Definitions.
3.27.030 Members and Terms.
3.27.040 Organization and Meetings.
3.27.050 Duties.
3.27.060 Staff Liaison and Support.

Chapter 3.28 BUREAU OF HEALTH
3.28.010 Transfer of Functions.
3.28.020 Executive and Clerical Division.
3.28.030 Communicable Disease Control Division.
3.28.040 Tuberculosis Control Division.
3.28.050 Venereal Disease Control Division.
3.28.060 Laboratory Division.
3.28.070 School Hygiene Division.
3.28.080 Emergency Hospital Division.
3.28.090 Pure Food Sanitation Division.
3.28.100 Division of Mental Health.
3.28.110 Division of Home Health Care.

Chapter 3.30 BUREAU OF DEVELOPMENT SERVICES
3.30.005 Organization.
3.30.010 Duties of the Bureau of Development Services.
3.30.020 Responsibility for the Development Services Center and Development Review.
3.30.030 Development Review Advisory Committee.
3.30.040 Administration and Enforcement.
3.30.045 Administrative Rulemaking Procedures.
3.30.050 Special Jurisdiction.
3.30.060 Nuisance Abatement Contracts.
3.30.070 Inspections.
3.30.080 Stop Work Orders.

Chapter 3.33 BUREAU OF PLANNING AND SUSTAINABILITY
3.33.010 Purpose.
3.33.020 Organization.
3.33.030 Functions.

Chapter 3.36 PORTLAND HOUSING BUREAU
3.36.010 Purpose.
3.36.020 Organization.
3.36.030 Functions.

Chapter 3.38 PORTLAND HOUSING ADVISORY COMMISSION (PHAC)
3.38.010 PHAC Established.
3.38.020 PHAC Mission.
3.38.030 Duties.
3.38.040 Membership.
3.38.050 Staffing.
3.38.060 Consolidated Plan Consortium.
3.38.070 Cooperation.

Chapter 3.46 **BUREAU OF INSECT CONTROL**
3.46.010 County to Perform Duties.

Chapter 3.54 **LOSS CONTROL AND PREVENTION**
3.54.010 Definitions.
3.54.020 OMF Risk Management Division Responsibility and Authority.
3.54.030 Bureau Responsibility and Authority.

Chapter 3.62 **BOXING COMMISSION**
3.62.010 Certain City Officials to Render Certain Services.

Chapter 3.67 **PERFORMING ARTS ADVISORY COMMITTEE**
3.67.010 Creation and Organization.
3.67.020 Procedure and Rules of Committee.
3.67.030 Duties.

Chapter 3.68 **FORMAL JAPANESE GARDEN COMMISSION**
3.68.010 Created.
3.68.020 Powers and Duties.
3.68.030 Meetings.
3.68.040 Officers.
3.68.050 Rules - Quorum.
3.68.060 Vacancy - Removal.

Chapter 3.70 **PITTOCK MANSION ADVISORY COMMISSION**
3.70.010 Created - Terms.
3.70.030 Special Committees and Services.
3.70.050 Officers.
3.70.060 Rules - Quorum.
3.70.070 Vacancy.

Chapter 3.72 **COMMITTEE ON CLAIMS**
3.72.010 Created - Members - Meetings.
3.72.020 Presentation of Claims.
3.72.030 Consideration of Claims Not Covered by Insurance.

Chapter 3.74 **OATHS OF OFFICE**
3.74.010 Persons Required to Take Oath.
3.74.020 Form of Oath for Mayor, Commissioner and City Auditor.
3.74.030 Form of Oath for Non-Elected City Employees.
3.74.040 Administering Oaths.

Chapter 3.76 **PUBLIC RECORDS**
3.76.010 Definitions.
3.76.020 Purpose.
3.76.030 Archives and Records Management Program Creation and Administration.
3.76.040 Authority and Duties of the Archives and Records Management Program.

3.76.050 Duties of Elected Officials and the Managers of City Agencies.
3.76.060 Care of Records.
3.76.070 Destruction of Records.
3.76.080 Use of Copies.
3.76.090 Public Access to Records.

Chapter 3.77 OFFICE OF THE OMBUDSMAN
3.77.010 Purpose.
3.77.020 Definitions.
3.77.030 Office of the Ombudsman.
3.77.040 Ombudsman Selection.
3.77.050 Qualifications and Prohibitions.
3.77.060 Reserved.
3.77.070 Removal.
3.77.080 Staff and delegation.
3.77.090 Reserved.
3.77.100 Office Facilities and Administration.
3.77.110 Powers and Duties.
3.77.120 Investigations of Complaints.
3.77.130 Communications with Agency.
3.77.140 Communications with Complainant.
3.77.150 Procedure after Investigation.
3.77.160 Informing Citizens.
3.77.170 Reports.
3.77.180 Reserved.
3.77.190 Duty to Cooperate.
3.77.200 Ombudsman Immunities.
3.77.210 Reprisals Prohibited.
3.77.220 Relationship to Other Laws.
3.77.230 Effective Date.

Chapter 3.78 ACQUISITION OF COUNTY PROPERTY FOR PARK PURPOSES
3.78.010 Authorization for Payment.
3.78.020 Title Reports.
3.78.030 Clearing of Title.
3.78.040 Retaining Property with Cloud on Title.

Chapter 3.80 SPECIAL PERMITS
3.80.010 Operations to Cease Upon Expiration of Permit.
3.80.020 Use of Park Property for Private Gardening Purposes.

Chapter 3.82 OFFICER AND EMPLOYEE BONDS
3.82.010 Exceptions.
3.82.020 Bond of the City Treasurer.
3.82.030 City Auditor's Bond.

Chapter 3.84 **CITY OWNED MOTOR VEHICLE ACCIDENT REPORTS**
3.84.010 Filing of Accident Report.
3.84.020 Form of Report.
3.84.030 Repair Shop Report.
3.84.040 Repair.
3.84.050 Billing of Charges.

Chapter 3.86 **GOLF ADVISORY COMMITTEE**
3.86.010 Created - Organization.
3.86.020 Procedure and Rules.
3.86.030 Duties.

Chapter 3.88 **INVESTMENT ADVISORY COMMITTEE**
3.88.010 Created - Organization.
3.88.020 Procedure and Rules.
3.88.030 Duties.

Chapter 3.96 **OFFICE OF COMMUNITY & CIVIC LIFE**
3.96.010 Purpose.
3.96.020 Definitions.
3.96.030 Neighborhood Associations.
3.96.040 Functions of District Coalitions.
3.96.050 Responsibility of City Agencies.
3.96.060 Responsibilities of the Office of Community & Civic Life.

Chapter 3.98 **TOWING BOARD OF REVIEW**
3.98.010 Created - Organization.
3.98.020 Procedure and Rules.
3.98.030 Staff.
3.98.040 Contracts - Rates.
3.98.050 Eligibility.
3.98.060 Powers of Board.
3.98.080 Appeals.

Chapter 3.99 **FAIR WAGE POLICIES**
3.99.005 Policy.
3.99.010 Covered Services and Agreements.
3.99.015 Compliance.
3.99.020 Adjustments.
3.99.030 Documentation of Fair Wage in Contracts.

Chapter 3.100 **EQUAL OPPORTUNITY**
3.100.005 City Policies Relating to Equal Employment Opportunity, Affirmative Action and Civil Rights.
3.100.030 Contractor Equal Employment Opportunity Program.
3.100.041 Contracts with City.

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

Chapter 3.101 PROPERTY TAX EXEMPTION FOR LOW INCOME HOUSING HELD BY CHARITABLE NON-PROFIT ORGANIZATIONS

3.101.010 Definitions.
3.101.020 Eligible Organizations.
3.101.030 Eligible Property.
3.101.040 Application Procedure.
3.101.050 Review of Application.
3.101.060 Annual Application Renewal.
3.101.070 Assessment Exemption.
3.101.080 Termination.
3.101.090 Implementation.

Chapter 3.102 PROPERTY TAX EXEMPTION FOR NEW CONSTRUCTION OF SINGLE-UNIT HOUSING IN HOMEBUYER OPPORTUNITY AREAS

3.102.010 Purpose.
3.102.020 Definitions.
3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.

3.102.040 Exemption Requirements.
3.102.050 Application Review and Approval.
3.102.060 Compliance.
3.102.080 Termination of the Exemption.
3.102.090 Implementation.

Chapter 3.103 PROPERTY TAX EXEMPTION FOR MULTIPLE-UNIT HOUSING DEVELOPMENT
3.103.010 Purpose.
3.103.020 Definitions.
3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.
3.103.040 Program Requirements.
3.103.050 Application Review.
3.103.060 Application Approval.
3.103.070 Rental Project Compliance.
3.103.080 For-Sale Unit Compliance.
3.103.100 Termination of the Exemption.
3.103.110 Implementation.

Chapter 3.106 EXPOSITION-RECREATION COMMISSION
3.106.010 Commission Action.
3.106.020 Filing Copies of Resolutions with City Auditor.
3.106.030 Council Review.
3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.
3.106.050 Council Initiation of Exposition - Recreation Commission Action.
3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.

Chapter 3.107 WATER QUALITY ADVISORY COMMITTEE
3.107.010 Created - Appointments.
3.107.020 Duties.
3.107.030 Meetings.
3.107.040 Chairperson.
3.107.050 Rules - Quorum.
3.107.060 Staff.

Chapter 3.110 BUREAU OF HYDROELECTRIC POWER
3.110.010 Creation and Function.
3.110.020 Jurisdiction.

Chapter 3.114 OFFICE FOR COMMUNITY TECHNOLOGY
3.114.010 Creation.
3.114.020 Functions.
3.114.030 Jurisdiction.
3.114.040 Policy.
3.114.050 Administration.

Chapter 3.115 **MT. HOOD CABLE REGULATORY COMMISSION**
3.115.010 Definitions.
3.115.020 Cable Regulatory Commission.
3.115.030 General Powers & Duties.
3.115.040 Portland Community Media.
3.115.060 Annexations.
3.115.070 Cable Television Consumer Protection.
3.115.080 Definitions.
3.115.090 Local Office and Office Hours.
3.115.100 Telephone Answering Standard.
3.115.110 Installations, Disconnections, Outages And Service Calls.
3.115.120 Notice Requirements.
3.115.130 Billing.
3.115.140 Reporting.

Chapter 3.116 **WATERWAYS ADVISORY COMMITTEE**
3.116.010 Created - Organization.
3.116.020 Procedures and Rules.
3.116.030 Duties.

Chapter 3.122 **ECONOMIC IMPROVEMENT DISTRICTS**
3.122.010 Purpose.
3.122.020 Definitions.
3.122.030 Council Control.
3.122.040 Statutory Provisions Applicable.
3.122.050 Preliminary Institution of Economic Improvement District
3.122.060 Final Plan and Ordinance Preparation.
3.122.070 Consideration of Final Plan and Ordinance.
3.122.080 Notice to Owners.
3.122.090 Exemption Process.
3.122.100 Hearing and Resolution Establishing District.
3.122.110 Preparation and Notice of Assessments.
3.122.120 Hearing on Assessments.
3.122.130 Amendments to Ordinance.
3.122.140 Limitation on Assessments.
3.122.150 Limitation on Boundaries.
3.122.160 Continuation of Assessments.
3.122.170 Expenditure of Moneys.
3.122.180 Cost of Administration.
3.122.190 Limitation on Expenditures.
3.122.200 Administration
3.122.210 Early Termination.
3.122.220 Surplus.
3.122.230 Entry and Collection of Assessments.

Chapter 3.123 PORTLAND UTILITY BOARD
3.123.010 Created - Purpose.
3.123.020 Scope.
3.123.030 Membership.
3.123.040 Appointments - Composition.
3.123.050 Terms.
3.123.060 Standing Committees.
3.123.070 Staffing.
3.123.080 Meeting Schedule.
3.123.090 By-Laws.
3.123.100 Annual Report and Work Session.

Chapter 3.124 PORTLAND BUREAU OF EMERGENCY MANAGEMENT
3.124.010 Definitions.
3.124.020 Portland Bureau of Emergency Management.
3.124.030 Purpose.
3.124.040 Organization.
3.124.050 Director's Powers and Duties.
3.124.060 Staff and Delegation.
3.124.070 Neighborhood Emergency Team Program.
3.124.080 Neighborhood Emergency Teams.
3.124.090 Neighborhood Emergency Team Leaders.

Chapter 3.125 DISASTER POLICY COUNCIL
3.125.010 Disaster Policy Council.
3.125.020 Duties.
3.125.030 Membership.
3.125.040 Procedures.
3.125.050 Staff Support to Disaster Policy Council.

Chapter 3.126 EMERGENCY MANAGEMENT STEERING COMMITTEE
3.126.010 Emergency Management Steering Committee.
3.126.020 Duties.
3.126.030 Membership.
3.126.040 Staff Support to the Emergency Management Steering Committee.

Chapter 3.127 BUREAU OF PORTLAND FIRE AND POLICE DISABILITY AND RETIREMENT
3.127.010 Bureau of Portland Fire and Police Disability and Retirement.
3.127.020 Purpose.
3.127.030 Organization.
3.127.040 Director's Powers and Duties.
3.127.050 Staff and Delegation.

Chapter 3.128 OFFICE OF EQUITY AND HUMAN RIGHTS
3.128.010 Creation and Organization.

3.128.020 Purpose.
3.128.030 Director’s Powers and Duties.
3.128.040 Administrative Rulemaking Procedures.

Chapter 3.129 HUMAN RIGHTS COMMISSION
3.129.010 Staffing and Membership.
3.129.020 Mission.
3.129.030 Jurisdiction.

Chapter 3.130 ADMINISTRATIVE APPEALS
3.130.010 Definitions.
3.130.020 Timely and Adequate Notification of Right to Appeal Required.

Chapter 3.131 NEW PORTLANDERS POLICY COMMISSION
3.131.010 Mission.
3.131.020 Membership and Staffing.
3.131.030 Purpose.
3.131.040 Organization and Meetings.

Chapter 3.132 Community Involvement Committee for legislative projects under the Comprehensive Plan.
3.132.010 Purpose.
3.132.020 Membership, Meetings, and Organization.

Chapter 3.133 RENTAL SERVICES COMMISSION (RSC)
3.133.010 Rental Services Commission Established.
3.133.020 Mission.
3.133.030 Duties.
3.133.040 Membership.
3.133.050 Meetings.
3.133.060 Quorum.
3.133.070 Chairperson.
3.133.080 Committees.
3.133.090 Staffing.
3.133.100 Cooperation.

Chapter 3.134 OFFICE OF THE PORTLAND CHILDREN’S LEVY
3.134.010 Creation, Organization, and Purpose.
3.134.020 Director’s Powers and Duties.
3.134.030 Duration and Dissolution.

CHAPTER 3.53 - BUREAU OF RISK MANAGEMENT

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

CHAPTER 3.54 - LOSS CONTROL AND PREVENTION

(Chapter replaced by Ordinance No. 190172, effective November 20, 2020.)

Sections:

3.54.010 Definitions.
3.54.020 OMF Risk Management Division Responsibility and Authority.
3.54.030 Bureau Responsibility and Authority.

3.54.010 Definitions.

Unless the context indicates otherwise, words used in this Chapter shall have the following meanings:

A. **"Bureau"** means all City bureaus or offices, including the offices of elected officials.

B. **"Loss Prevention Policy"** and **"Policy"** mean a Citywide policy for bureaus to identify risks related to occupational health and safety, including workers' compensation exposures, achieve regulatory compliance, and promote a culture of safety.

3.54.020 OMF Risk Management Division Responsibility and Authority.

The OMF Risk Management Division shall have the following responsibility and authority in the area of City loss control and prevention:

A. Develop a Loss Prevention Policy that outlines expectations and create a template to assist bureaus in developing a Loss Prevention Plan;

B. Review bureau Loss Prevention Plans based on the Loss Prevention Policy and template;

C. Advise and assist bureaus in the completion and implementation of their Loss Prevention Plans; and

D. Monitor bureau loss prevention efforts and report information on City accomplishments to City leadership.

3.54.030 Bureau Responsibility and Authority.

Each City bureau shall have the following responsibility and authority:

A. Develop a written Loss Prevention Plan using Risk Management's template. Utilize Risk Management's consulting services to assist with plan development, as necessary. Provide the proposed plan to Risk Management for review;

B. Implement the bureau's Loss Prevention Plan and track bureau loss prevention effort accomplishments using Risk Management's reporting form; and

C. Annually review the bureau's Loss Prevention Plan. Consult with Risk Management to update the Plan in accordance with the Loss Prevention Policy.

CHAPTER 3.57 - INDUSTRIAL INJURY RETURN TO WORK POLICY

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

3.100.021 Identification of Handicapped.
(Repealed by Ordinance No. 165383, effective April. 29, 1992.)

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

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

3.100.030 Contractor Equal Employment Opportunity Program.
(Caption added under authority of PCC Subsection 1.01.035 B. on November 4, 2020: Sections 3.100.041 through 3.100.045 contain regulations addressing Contractor Equal Employment Opportunity Program.)

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

3.100.032 Contracts with the City.
(Repealed by Ordinance No. 171418, effective July 23, 1997.)

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

3.100.034 Certification of Contractors.
(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.035 Rules and Regulations.
(Repealed by Ordinance No. 171418, effective July 23, 1997.)

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

3.100.037 Denial or Revocation of Certification.
(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.038 Compatibility with Other Rules.
(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.039 State of Emergency.
(Repealed by Ordinance No. 171418, effective July 23, 1997.)

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

3.100.041 Contracts with City.
(Added by Ordinance No. 171418, effective July 23, 1997.)

A. **Equal Opportunity Employer**. An "Equal Employment Opportunity Employer" ("EEO Employer") is one who does not engage in the discrimination prohibited by Section 3.100.005 of this Code and who is certified by the Bureau of Purchases as an EEO Employer.

B. **Contracts with EEO Employers.** The City has a compelling governmental interest to ensure that it is neither an active nor passive participant in legally prohibited discrimination. Therefore, the City will award contracts only to EEO Employers and will require that any subcontract to such contract be awarded to an EEO Employer. Any person, vendor, contractor, or entity of any type must be certified as an EEO Employer in order to be eligible to be awarded any contract from the City, unless the amount of all their contracts with the City total less than $2,500 in any single fiscal year or unless the contractor has been exempted from such requirements as determined by the Bureau of Purchases. As used in the Code provisions regarding EEO Employers, the term "contractor" shall include all persons, contractors, vendors and entities who are required to obtain certification. In addition, all persons, vendors or entities that wish to be subcontractors on City awarded contracts shall be certified as EEO Employers unless the total of their subcontracts is less than $2,500 in any single fiscal year or unless the subcontractor has been exempted from such requirements as determined by the Bureau of Purchases.

C. **Contracts Voidable.** Any contract between the City and a contractor who is not EEO certified or exempt from EEO certification requirements is voidable at the option of the City, regardless of whether the contractor was EEO certified when the contract was awarded or executed. Similarly, a contract is voidable if the contractor subcontracts a portion of the work to a subcontractor or supplier that is not EEO certified or exempt from EEO certification requirements.

3.100.042 Certification of Contractors.

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

3.100.043 Information Required.

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

3.100.044 Compliance Review.

(Added by Ordinance No. 171418, effective July 23, 1997.) If the Bureau of Purchases receives a complaint filed by any person or entity that alleges prohibited discrimination by

a Contractor or Subcontractor, or when information comes into its possession indicating that a Contractor or Subcontractor may have engaged in prohibited discrimination, the Bureau may conduct a Compliance Review to determine whether the complaint or the information is correct. The purpose of the Compliance Review is to determine whether an EEO Certification should be revoked or suspended or whether a request for certification or recertification should be denied.

3.100.045 Denial, Suspension, Revocation.

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

A. Actions by Bureau. The Bureau may deny, suspend or revoke an EEO certification of the contractor or subcontractor if:

1. Employs a workforce that shows underutilization of minorities and women, as reflected by their availability in the workforce, and thereafter fails to take positive steps to diversify its workforce after notification from the Bureau that such steps are required to maintain the EEO certification. Underutilization determinations shall be based on federal Title VII standards including the "Four-Fifths Rule" and "Manifest Imbalance" concepts;

2. Engages in discrimination prohibited by state, federal or local law;

3. Refuses to provide information to the Bureau of Purchases to determine whether it should be EEO certified or recertified;

4. Refuses to provide information when the Bureau is conducting a Compliance Review;

5. Intentionally provides false information to the Bureau in regard to its EEO certification or in response to the Bureau's request for information; or

6. Intentionally employs subcontractors that are not EEO certified.

B. Appeal. EEO certification that has been denied, suspended or revoked may be appealed to the City Council by filing a written notice with the City Auditor within 10 days after the date of denial, suspension, or revocation. Action on such appeal shall be as directed by the City Council.

C. Enforcement. If no appeal to the City Council is filed within the time allowed, or if the appeal is denied by the City Council, the decision of the Bureau immediately shall go into effect.

3.100.050 Nondiscrimination in Contracting.

(Added by Ordinance No. 180077, effective May 19, 2006)

3.100.051 Policy regarding Benefits.

(Added by Ordinance No. 180077, effective May 19, 2006) It is the City's intent, through its contracting practices outlined herein, to spend public money through its contracts to equalize, to the extent possible, the total benefits between similarly situated employees with spouses and employees with domestic partners.

3.100.052 Definitions.

(Added by Ordinance No. 180077, effective May 19, 2006) As used in this Chapter unless the context requires otherwise:

A. "Bureau" means the Bureau of Purchases.

B. "Contract" means all formal solicitation contracts for Public Improvements and Construction Services authorized and executed pursuant to PCC Chapter 5.34, and all formal solicitation contracts for Goods and Services authorized and executed pursuant to PCC Chapter 5.33 and all formal solicitation contracts for Professional, Technical and Expert services (PTE) authorized and executed pursuant to PCC Chapter 5.68.

C. "Director" or “Purchasing Agent” means the Director of the Bureau of Purchases or that person to whom those duties have been properly delegated.

D. "Domestic Partner" means any person who is registered with his or her employer as a domestic partner, or, in the absence of an employer-provided registry, is registered as a domestic partner with a governmental body pursuant to state or local law authorizing such registration and who is in fact a current domestic partner with the person with whom that person was registered. Any internal employer registry of domestic partnership must comply with criteria for domestic partnerships specified by rule by the Bureau.

E. "Employee benefits" means any plan, program or policy provided by an employer to its employees as part of the employer’s total compensation package. This includes but is not limited to the following types of benefits: bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts; moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits given to employees, provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

3.100.053 Discrimination in the provision of benefits prohibited.

(Added by Ordinance No. 180077, effective May 19, 2006)

CHAPTER 3.103 - PROPERTY TAX EXEMPTION FOR MULTIPLE-UNIT HOUSING DEVELOPMENT

(Chapter replaced by Ordinance No. 187283, effective August 5, 2015.)

Sections:

3.103.010 Purpose.
3.103.020 Definitions.
3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.
3.103.040 Program Requirements.
3.103.050 Application Review.
3.103.060 Application Approval.
3.103.070 Rental Project Compliance.
3.103.080 For-Sale Unit Compliance.
3.103.100 Termination of the Exemption.
3.103.110 Implementation.

3.103.010 Purpose.

A. The City of Portland adopts the provisions of Oregon Revised Statutes 307.600 through 307.637, and administers a property tax exemption program for multiple-unit housing development authorized under those provisions.

B. In addition to meeting the legislative goals set forth in ORS 307.600, the program also seeks to accomplish the following additional core goals:

1. Stimulate the inclusion of affordable housing where it may not otherwise be made available.

2. Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau’s Strategic Plan.

3. Provide transparent and accountable stewardship of public investments.

3.103.020 Definitions.

(Amended by Ordinance No. 188163, effective February 1, 2017.) As used in this Chapter:

A. **“Administrative Rules”** means the tax exemption program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth the program requirements, processes, and procedures.

B. **“Applicant”** means the individual or entity who is either the owner or a representative of the owner who is submitting an application for the tax exemption program.

C. **“Regulatory Agreement”** means a low-income housing assistance contract recorded agreement between the owner and the Portland Housing Bureau stating the approval and compliance criteria of a project’s tax exemption.

D. **"Multiple-unit housing"** has the meaning set forth in ORS 307.603(5).

E. **“Owner”** means the individual or entity holding title to the exempt project and is legally bound to the terms and conditions of an approved tax exemption, including but not limited to any Regulatory Agreement and any compliance requirements under this Chapter.

F. **“Project”** means property on which any multiple-unit housing is located, and all buildings, structures, fixtures, equipment and other improvements now or hereafter constructed or located upon the property.

3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.

A. Multiple-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.612 and the Administrative Rules.

B. However, the maximum amount of estimated foregone tax revenue provided as a benefit of the exemption under this Chapter may not exceed the amount approved by Council.

3.103.040 Program Requirements.
(Amended by Ordinance Nos. 188163, 189302 and 190145, effective October 23, 2020.) In order to be considered for an exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the project meets the following program requirements as further described in the program Administrative Rules:

A. Financial need for the exemption

1. Rental projects. The project would not include low to moderate-income units because it would not be financially feasible without the benefit provided by the property tax exemption.

2. For-sale projects. The units receiving tax exemption will be sold to buyers meeting the affordability requirements contained in this Section.

B. Property eligibility

1. Projects must be located within the taxing jurisdictions of the City of Portland and Multnomah County.

2. Projects must conform to City of Portland's zoning and density requirements.

3. Projects must include 20 or more units.

C. Affordability

1. For rental projects, for applications received on or before December 31, 2018, during the term of the exemption, a minimum of 15 percent of the number of units or bedrooms must be affordable to households earning 80 percent or less of the area median family income, or a minimum of 8 percent of the number of units or bedrooms must be affordable to households earning 60 percent or less of the area median family income. For applications received after December 31, 2021, during the term of the exemption, a minimum of 20 percent of the number of units or bedrooms must be affordable to households earning 80 percent or less of the area median family income, or a minimum of 10 percent of the number of units or bedrooms must be affordable to households earning 60 percent or less of the area median family income. The units meeting the affordability requirements must match the unit mix in the project as a whole in terms of number of bedrooms.

2. For projects containing for-sale units, those units receiving the exemption must not exceed the maximum price established under City Code Section 3.102.040 at initial sale and must sell to an initial homebuyer who income qualifies and occupies the unit as established under City Code Section 3.102.040. During the term of the exemption, the unit must be occupied by a homebuyer as established under City Code Section 3.102.040.

D. Accessibility. At least 5 percent of the affordable units in the project must be built to be Type A as defined in the Oregon Structural Specialty Code.

3.103.050 Application Review.

A. The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.621.

B. Applications for tax exemption must be submitted and approved prior to issuance of the project's building permit.

C. Applications must include an application processing fee, to be established annually by the Portland Housing Bureau, including the fee to be paid to Multnomah County.

3.103.060 Application Approval.
(Amended by Ordinance No. 188163, effective February 1, 2017.)

A. Applications will be considered based on the Inclusionary Housing Program requirements as per City Code Section 30.01.120.

B. Portland Housing Bureau will take applications to City Council for approval in the form of an ordinance and deliver a list of the approved applications to Multnomah County within the timeframe set forth in ORS 307.621.

C. If construction of an approved project is not completed or an application for exemption is not received within the timeframe described in ORS 307.637, Portland Housing Bureau may extend the deadline consistent with ORS 307.634.

3.103.070 Rental Project Compliance.
(Amended by Ordinance No. 188163, effective February 1, 2017.)

A. The owner of a rental project approved for exemption will be required to sign a Regulatory Agreement to be recorded on the title to the property.

B. During the exemption period, the owner or a representative shall submit annual documentation of tenant income and rents for the affordable units in the project to the Portland Housing Bureau.

3.103.080 For-Sale Unit Compliance.

A. Approved applicants must execute a document to be recorded on title of the project requiring Portland Housing Bureau verification of homebuyer affordability and owner-occupancy qualification prior to the sale of each for-sale unit to an initial homebuyer.

B. For-sale units which sell to homebuyers who do not meet the affordability or owner occupancy qualifications at initial sale will have the tax exemption removed as of the next tax year.

C. For-sale units which sell over the established sale price at initial sale will have the tax exemption terminated according to Section 3.103.100 and require the owner to repay any exempted taxes consistent with ORS 307.631.

3.103.090 Extension of the Exemption for Low Income Housing Projects.
(Repealed by Ordinance No. 188163, effective February 1, 2017.)

3.103.100 Termination of the Exemption.
If the Portland Housing Bureau determines that the project fails to meet any of the provisions of ORS 307.600 to 307.637 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.627.

TITLE 5 - REVENUE AND FINANCE

TABLE OF CONTENTS

Chapter 5.04 FUNDS

5.04.010 Provisions Made For.
5.04.020 Sundry Trusts Fund.
5.04.030 Trustees' Fund.
5.04.040 Parking Meter Fund.
5.04.050 Golf Fund.
5.04.070 Bonded Debt Interest and Sinking Fund.
5.04.140 Parking Facilities Fund.
5.04.150 Parking Facilities Bond Redemption Fund.
5.04.170 Revenue Sharing Fund.
5.04.175 State Revenue Sharing Fund.
5.04.180 CityFleet Operating Fund.
5.04.185 Facilities Services Operating Fund.
5.04.200 Printing and Distribution Services Operating Fund.
5.04.210 Improvement Warrant Sinking Fund.
5.04.220 Economic Development Trust Fund.
5.04.230 Insurance and Claims Operating Fund.
5.04.240 Worker's Compensation Self Insurance Operating Fund.
5.04.250 System Development Charge Sinking Fund.
5.04.270 Washington County Water Supply Construction Fund.
5.04.280 Washington County Water Supply Bonded Debt Service Sinking Fund.
5.04.290 Water Growth Impact Charge Trust Fund.
5.04.300 Bull Run Fund.
5.04.310 St. Johns Landfill End Use Plan Fund.
5.04.320 Sewer Revolving Loan Fund.
5.04.330 Environmental Remediation Fund.
5.04.400 Sewer System Operating Fund.
5.04.410 Sewer System Construction Fund.
5.04.420 Sewer System Debt Redemption Fund.
5.04.430 Sewer System Debt Proceeds Fund.
5.04.440 Sewer System Rate Stabilization Fund.
5.04.450 Sewer System Safety Net Fund.
5.04.460 Use of Sewage Disposal Fund.
5.04.470 Portland Police Fitness Room Trust Fund.
5.04.480 Property Management License Fund.
5.04.490 Graffiti Nuisance Abatement Trust Fund.
5.04.500 Technology Services Fund.
5.04.510 Arts Education and Access Fund.
5.04.515 Recreational Cannabis Tax Fund.
5.04.520 Mt. Hood Cable Regulatory Commission Agency Fund.
5.04.530 Inclusionary Housing Fund.

5.04.540 Housing Property Fund.
5.04.550 Housing Capital Fund.
5.04.560 Portland Clean Energy Community Benefits Fund.
5.04.570 Affordable Housing Development Fund.
5.04.580 Fire Capital Fund.
5.04.590 Citywide Obligations Reserve Fund.
5.04.600 2020 Parks Local Option Levy Fund

Chapter 5.08 PAYMENT OF SALARIES, WAGES AND EXPENSES
5.08.010 Biweekly Pay Period.
5.08.020 Preparation and Certification of Biweekly Time Reports.
5.08.030 Computing Daily and Hourly Rates of Pay.
5.08.040 When Bureau of Human Resources to Draw Checks.
5.08.060 Safety Glasses.
5.08.070 Clothing Allowance.
5.08.075 Year Defined.
5.08.105 Reimbursement to Employees in Educational Programs Authorized by Council.
5.08.110 Bus Fare for Meter Readers.
5.08.120 Payment of Salaries and Wages at Other than Times Specified.
5.08.130 Salaries Chargeable to More than One Fund.
5.08.140 Salary Deductions.
5.08.150 State Tax Street Fund.
5.08.160 Delivery of Checks Payable to Deceased Persons.
5.08.170 Hold Harmless Agreements.
5.08.180 Effect of Death Upon Assignments and Levies.

Chapter 5.09 DEFERRED COMPENSATION PLAN
5.09.005 Title.
5.09.010 Definitions.
5.09.020 Purpose.
5.09.030 Administration.
5.09.035 Education.
5.09.040 Participation in the Plan.
5.09.050 Compensation Deferral.
5.09.055 Catch-up Provisions.
5.09.056 Excess Deferrals.
5.09.060 Deferred Compensation Records.
5.09.070 Payment Options.
5.09.080 Distribution of Benefits Generally.
5.09.090 Qualified Domestic Relations Orders (QDRO).
5.09.100 Determination of Benefits Upon Death.
5.09.120 Unforeseeable Emergency.
5.09.130 Non-Assignability.
5.09.140 Amendment and Termination.
5.09.150 Transfers from other Code Section 457 (b) Plans.

5.09.155 Rollovers to Plan.
5.09.156 Rollovers From the Plan.
5.09.157 Purchase of Service Credits.
5.09.160 Unclaimed Assets.
5.09.170 Disclaimers.

Chapter 5.10 CITY CHARITABLE CAMPAIGN
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.

Chapter 5.12 ASSIGNMENT OR GARNISHMENT OF SALARIES, WAGES OR CLAIMS
5.12.010 Unlawful to Assign Salary or Wages.
5.12.020 Bureau of Human Resources Not to Recognize Assignment.
5.12.030 Exceptions.
5.12.040 Penalty.
5.12.050 Garnishments.

Chapter 5.16 EMERGENCY CHECKS
5.16.010 Issued When.
5.16.020 Extraordinary Circumstances Requiring Emergency Checks.

Chapter 5.20 BUDGET PROCEDURE
5.20.010 Budget Procedure.
5.20.020 Reimbursable Expenditures Account.

Chapter 5.24 REVENUE DIVISION'S RECORDS AND REPORTS
5.24.010 Permanent Records to be Kept by Revenue Division.
5.24.020 Revenue Division to Report on Balance in Appropriation.

Chapter 5.30 COLLECTIONS AND FORECLOSURE PROCESS
5.30.010 Purpose.
5.30.020 Definitions.
5.30.030 Applicability and Foreclosure Options.
5.30.040 Authorities and Responsibilities.
5.30.050 Collection Process.
5.30.060 Adjustment of Open Lien Amounts.
5.30.070 Catch-up Payment Program.
5.30.080 Hardship Payment Program
5.30.090 Negotiation of Bonded Lien Payment Contracts.
5.30.100 Preparation of Foreclosure List.
5.30.110 Council Action on Foreclosure List.
5.30.120 Purchase of Property by the City.

5.30.130 Recording Notice of Foreclosure Sale.
5.30.140 Notice to Persons on Foreclosure List of Foreclosure Action.
5.30.150 Payment of Lien.
5.30.160 Presale and Sale Conditions.
5.30.170 Conduct of Foreclosure Sale.
5.30.180 Waste, Improvements to the Property, and Nuisance Abatement Procedures.
5.30.190 Certificate of Sale and Notice of Sale to Property Owner.
5.30.200 Entry of Collections and Sales.
5.30.210 Redemption.
5.30.220 Issuance of Deed.
5.30.230 Payment of Taxes.
5.30.240 Sale of Property Purchased by City.

Chapter 5.31 COLLECTIONS & FORECLOSURE PROCESS FOR DELINQUENT SEWER SAFETY NET LIENS

5.31.005 Purpose.
5.31.010 Definitions.
5.31.015 Applicability and Foreclosure Options.
5.31.020 Authorities and Responsibilities.
5.31.025 Collection Process.
5.31.027 Renegotiation of Installment Payment Contracts.
5.31.030 Preforeclosure Process and Review for Delinquent Tax Accounts.
5.31.035 Preparation of Preforeclosure List.
5.31.045 Review of Final Foreclosure List.
5.31.050 Council Action on Final Foreclosure List; Recording of Notice.
5.31.055 Notice to Persons on Final Foreclosure List of Foreclosure Action.
5.31.060 Purchase of Property by the City.
5.31.065 Payment of Lien and Presale and Sale Conditions.
5.31.070 The Sale.
5.31.075 Certificate of Sale and Notice to Property Owner.
5.31.080 Lien Docket Entry.
5.31.085 Redemption.
5.31.090 Issuance of Deed.
5.31.095 Waste, Improvements to the Property, Nuisance Abatement.
5.31.100 Payment of Taxes.
5.31.105 Sale of Property.

Chapter 5.33 GOODS AND SERVICES

5.33.010 Definitions.
5.33.020 City Council as Local Contract Review Board.
5.33.030 Application of Purchasing Code.
5.33.040 Authority of Chief Procurement Officer.
5.33.060 Authority of Directors.
5.33.065 Authority for Stormwater Improvements.
5.33.070 Purchasing Goods, Services and Public Improvements from City Employees.

5.33.075 Affirmative Action.
5.33.076 Equal Employment Opportunity.
5.33.077 Equal Benefits.
5.33.080 Sustainable Procurement.
5.33.085 Preference for Goods Fabricated or Processed within State or Services Performed Within State.
5.33.090 Use of Price Agreements.
5.33.100 Overview of Source Selection and Contractor Selection.
5.33.105 Feasibility and Cost Analysis.
5.33.110 Qualified Rehabilitation Facilities.
5.33.120 Sole-Source Procurements.
5.33.130 Emergency Procurements.
5.33.135 Declaration of State of Emergency or Disaster.
5.33.140 Cooperative Purchasing.
5.33.145 Rules on all types of Cooperative Procurements.
5.33.150 Joint Cooperative Procurements.
5.33.160 Permissive Cooperative Procurements.
5.33.170 Interstate Cooperative Procurements.
5.33.180 Small Procurements.
5.33.190 Intermediate Procurements.
5.33.200 Competitive Sealed Bidding.
5.33.205 Multi-Step Sealed Bididing.
5.33.210 Competitive Sealed Proposals, (RFP's).
5.33.211 Procedures for Competitive Range, Multi-Tiered and Multi-Step Proposals.
5.33.220 Special Procurements.
5.33.300 Public Notice of Solicitation for Contracts over $150,000.
5.33.310 Specifications and Brand Names.
5.33.320 Bids or Proposals are Offers.
5.33.340 Electronic Procurement.
5.33.350 Reverse Auctions.
5.33.360 Contract Conditions.
5.33.400 Offer Preparation.
5.33.410 Bid or Proposal Security.
5.33.420 Pre-Offer Conferences.
5.33.430 Addenda to Solicitation Document.
5.33.440 Request for Clarification or Change.
5.33.450 Offeror Submission.
5.33.460 Pre-Closing Modification or Withdrawal of Offers.
5.33.470 Receipt, Opening and Recording of Offers.
5.33.480 Late Offers, Late Withdrawals and Late Modifications.
5.33.490 Mistakes.
5.33.495 Time for City Acceptance.
5.33.500 Responsibility of Offerors.
5.33.505 Qualified Products Lists.
5.33.510 Prequalification of Prospective Offerors; Pre-Negotiation of Contract Terms and Conditions.

5.33.530 Debarment of Prospective Offerors.
5.33.540 State of Oregon COBID Certified firms Prohibited Conduct; Sanctions; Appeals.
5.33.610 Offer Evaluation and Award.
5.33.620 Negotiation With Offerors Prohibited.
5.33.625 Contract Preferences.
5.33.630 Reciprocal Preferences.
5.33.635 Contract Preferences: Recycled Materials.
5.33.640 Rejection of All or Part of an Offer.
5.33.645 Rejection of All Offers.
5.33.650 Notice of Intent to Award.
5.33.660 Cancellation, Delay or Suspension of Solicitation.
5.33.670 Disposition of Offers if Solicitation Canceled.
5.33.675 Documentation of Award.
5.33.685 Availability of Award Decisions.
5.33.690 Performance and Payment Security; Waiver.
5.33.695 Notification to State of Nonresident Contractor.
5.33.700 Protests and Judicial Review of Special Procurements.
5.33.710 Protests and Judicial Review of Sole-Source Procurements.
5.33.720 Protests and Judicial Review of Multi-Tiered Solicitations.
5.33.730 Protests and Judicial Review of Solicitation Documents and the Procurement Process.
5.33.740 Protests and Judicial Review of Contract Award.
5.33.750 Protests of Other Violations.
5.33.760 Review of Prequalification and Debarment Decisions.
5.33.770 Procurement Board of Appeals.
5.33.780 Powers of the Board.
5.33.790 Appeal to Board.
5.33.900 Social Equity Contracting and Employment Programs.
5.33.920 Records Maintenance; Right to Audit Records.
5.33.930 Right to Inspect Plant or Place of Business.
5.33.940 Contract Cancellation, Contractor Termination Procedures.
5.33.950 Unsolicited Proposal Policy.

Chapter 5.34 PUBLIC IMPROVEMENTS AND CONSTRUCTION SERVICES
5.34.010 Definitions.
5.34.020 Application and Authority.
5.34.040 Affirmative Action.
5.34.060 Contracts for Construction Other than Public Improvements.
5.34.100 Overview of Source Selection and Contractor Selection.
5.34.110 Emergency Contracts; Bidding and Bonding Exemptions.
5.34.120 Selection of Substitute Contractor.
5.34.130 Joint Cooperative Purchasing.
5.34.140 General Rules for Joint Cooperative Procurements; Fees.
5.34.150 Competitive Bidding Requirement.
5.34.160 Intermediate Procurements.

5.34.300 Solicitation Documents; Required Provisions; Assignment or Transfer.
5.34.310 Notice and Advertising Requirements; Posting.
5.34.320 Specifications and Brand Names.
5.34.340 Electronic Procurement.
5.34.410 Bid or Proposal Security.
5.34.420 Pre-Offer Conferences.
5.34.430 Addenda to Solicitation Documents.
5.34.440 Request for Clarification or Change.
5.34.450 Offer Submissions.
5.34.460 Pre-Closing Modification or Withdrawal of Offers.
5.34.470 Receipt, Opening and Recording of Offers.
5.34.480 Late Bids, Late Withdrawals and Late Modifications.
5.34.490 Mistakes.
5.34.493 First-Tier Subcontractors; Disclosure and Substitution.
5.34.500 Responsibility of Offerors.
5.34.510 Prequalification of Offerors.
5.34.520 Eligibility to Bid or Propose; Registration or License.
5.34.530 Disqualification of Persons.
5.34.535 COBID Certified Firm Prohibited Conduct; Sanctions; Appeals.
5.34.600 Bid or Proposal Evaluation Criteria.
5.34.610 Offer Evaluation and Award; Determination of Responsibility.
5.34.620 Negotiation With Bidders Prohibited.
5.34.625 Contract Preference; Resident Bidders.
5.34.630 Reciprocal Preferences.
5.34.640 Negotiation When Bids Exceed Cost Estimate.
5.34.645 Rejection of Offers.
5.34.650 Notice of Intent to Award.
5.34.660 Cancellation, Delay or Suspension of Solicitation.
5.34.670 Disposition of Offers if Solicitation Canceled.
5.34.675 Documentation of Award.
5.34.680 Time for City Acceptance; Extension.
5.34.685 Availability of Award Decisions.
5.34.690 Performance and Payment Security; Waiver.
5.34.695 Notification to State of Nonresident Contractor.
5.34.700 Protests and Judicial Review of Individual and Class Exemptions.
5.34.710 Protests and Judicial Review of Multi-Tiered Solicitations.
5.34.720 Protests and Judicial Review of Solicitation Documents and the Solicitation Processes other than Multi-Tier Processes.
5.34.725 Administrative Reconsideration as a Result of Rejection for Failure to Meet DBE Requirements.
5.34.730 Protest of Contractor Selection, Contract Award.
5.34.740 Protests of Other Violations.
5.34.760 Procurement Board of Appeals.
5.34.770 Powers of the Board.
5.34.780 Appeal to Board.
5.34.800 Purpose.

5.34.810 Definitions for Alternative Contracting Methods.
5.34.820 Use of Alternative Contracting Methods.
5.34.830 Findings, Notice and Hearing.
5.34.840 Competitive Proposals; General Procedures.
5.34.845 Requests for Qualifications (RFQ)
5.34.850 Requests for Proposals (RFP).
5.34.860 RFP Pricing Mechanisms.
5.34.870 Design-Build Contracts.
5.34.880 Energy Savings Performance Contracts (ESPC).
5.34.890 Construction Manager/General Contractor Services (CM/GC Services).
5.34.900 Required Contract Clauses.
5.34.910 Waiver of Delay Damages Against Public Policy.
5.34.915 BOLI Public Works Bond.
5.34.920 Retainage.
5.34.930 Social Equity Contracting and Employment Programs.
5.34.940 Public Works Contracts.
5.34.950 City Payment for Unpaid Labor or Supplies.
5.34.960 Records Maintenance; Right to Audit Records.
5.34.970 Right to Inspect Plant or Place of Business.
5.34.980 Contract Cancellation, Contractor Termination Procedures.

Chapter 5.35 - COMMUNITY OPPORTUNITIES AND ENHANCEMENTS PROGRAM
5.35.010 Purpose.
5.35.020 Definitions.
5.35.030 Citizen Advisory Committee.
5.35.040 Effective Dates.
5.35.050 Dedication.
5.35.060 Administrative Rules.
5.35.070 Roles and Responsibilities.
5.35.080 Legislative Authority.

Chapter 5.36 PROPERTY CONTROL
5.36.001 Surplus Property Policy.
5.36.010 Disposition of Surplus Property.
5.36.015 Disposition of Unclaimed and Found Personal Property.
5.36.020 Sale of Buildings for Removal from City Property.
5.36.025 Purchase and Resale by the City of Tax-Foreclosed Property.
5.36.030 Loans of Personal Property Owned by City.
5.36.035 Lost or Stolen City Property.
5.36.040 Parking Meter Fund Equipment.
5.36.050 Use of City Automobiles for Transporting Firing Squads.
5.36.060 Use of Water Bureau Property by Bureau of Shops.
5.36.080 Zoological Specimens.
5.36.090 Gifts and Loans of Property.
5.36.100 Use of City Property for Elections.
5.36.110 Use of City Property for Air Quality Measuring Stations.

Chapter 5.40 DEMANDS AND DISBURSEMENTS

5.40.010 Drawing Checks in Payments of Claims.
5.40.020 Certain Demands to be Submitted to Council.
5.40.030 Appropriation to be Charged for All Demands.
5.40.040 Requisitions Required.
5.40.070 Funds Held for Benefit of Police Contributions Committee.
5.40.080 Requisition of Funds for Purchasing Police Evidence.

Chapter 5.48 CHARGES FOR SERVICES PERFORMED

5.48.010 Authorization.
5.48.020 Application and Deposit.
5.48.030 Accounting Procedure.
5.48.035 Bureau of Emergency Communications - Recordings - Rates.
5.48.036 Office of City Attorney and OMF Risk Management Division - Records - Rates.
5.48.040 Collection of Money Due the City.
5.48.050 Improvements Without Assessment.
5.48.060 Interdepartmental Services Authorized.
5.48.070 Accounting Procedure for Interdepartmental Services.

Chapter 5.50 COLLECTIONS SECTION

5.50.010 Collections Section.
5.50.020 Compromise Authorization.
5.50.030 Money Collected.

Chapter 5.52 PETTY CASH AND CHECKS

5.52.010 Petty Cash and Change Accounts.
5.52.020 Cancellation of Checks and Issue of in Lieu Checks.
5.52.030 Cancellation of City Assessments on Mortgage records.
5.52.040 When Checks Are to Be Canceled.
5.52.050 Drawing Checks on Charter Appropriations.

Chapter 5.56 AMBULANCE SERVICE

5.56.010 Police Radio Dispatch Service.
5.56.020 Acceptance by Ambulance Companies.

Chapter 5.60 MISCELLANEOUS CHARGES

5.60.010 Charges For Architectural Services.
5.60.040 Employee Lists Furnished by Accounting Division Manager.
5.60.050 Licensees' Lists Furnished by License Bureau.
5.60.110 Driving City Cars to and from Work
5.60.120 Lien Accounting System Access.

Chapter 5.64 MISCELLANEOUS FISCAL PROVISIONS

5.64.010 Fiscal Agency in New York City.

5.64.020	Appointment of Deputy Auditors.
5.64.030	Treasurer to Cash Credit Union Checks.
5.64.040	Bureau of Water Works Accounts.
5.64.050	Execution of Releases from Claims for Damages.
5.64.060	Cancellation of Refund Checks.
5.64.070	Refunds.
5.64.090	Investment of Available Funds.
5.64.100	Determination of City's Subrogation for Time Loss Payments.
5.64.110	Procedure upon Obtaining Real Property with Outstanding Liens, Assessments or Accumulated Interest.
Chapter 5.68	**PROFESSIONAL, TECHNICAL AND EXPERT SERVICE CONTRACTS**
5.68.010	Definitions.
5.68.015	General Requirements – PTE Manual.
5.68.020	Special Procurements.
5.68.030	Public Announcement of Requirements.
5.68.035	Authority to Obligate City for Professional, Technical or Expert Services.
5.68.050	Review by City Attorney.
5.68.060	Outside Legal Services.
5.68.070	Procedure for Selection of Bond Counsel.
5.68.080	Consultant's Compliance with Workers' Compensation Requirements.
Chapter 5.72	**ECONOMIC DEVELOPMENT PROJECTS**
5.72.010	Purpose.
5.72.020	Definitions.
5.72.030	Economic Development - Applications.
5.72.040	Economic Development - Initial Review, Standards.
5.72.050	Housing - Applications.
5.72.060	Housing - Initial Review, Standards.
5.72.070	Initial Determination of Eligibility, Final Approval, Appeals.
5.72.080	General Conditions; Document Preparation and Review.
5.72.090	Application Processing, Financial Considerations.
5.72.100	Administrative Fees.
5.72.110	Bond Issuance.
5.72.120	Reporting Requirements.
Chapter 5.73	**ART EDUCATION AND ACCESS INCOME TAX**
5.73.010	Definitions.
5.73.020	Tax Imposed.
5.73.030	Net Revenues Distribution.
5.73.040	Intergovernmental Agreements.
5.73.050	Citizen Oversight Committee.
5.73.060	Audits.
5.73.070	Effective Dates.
5.73.080	Revenue Bureau Responsibilities.

5.73.090 Limitation on Costs.
5.73.100 Confidentiality.
5.73.110 Frivoulous Filing, False Filing and Hacking.

Chapter 5.74 ACQUISITION OF ART
5.74.010 Purpose.
5.74.020 Definitions.
5.74.030 Dedication.
5.74.040 Public Art Trust Fund.
5.74.045 Funds for Creative Space.
5.74.050 Siting.
5.74.060 Guidelines.
5.74.070 Ownership.
5.74.080 Decisions.
5.74.090 Implementation.

CHAPTER 5.75 CLAIMS UNDER ORS CHAPTER 197
5.75.010 Purpose.
5.75.020 Definitions.
5.75.030 Filing an Amended Claim.
5.75.040 Review of Amended Claim by Program Manager.
5.75.050 Hearing on Amended Claim by City Council.
5.75.060 Filing a New Claim.
5.75.070 Review of New Claim by Program Manager.
5.75.080 Hearing on New Claim by City Council.
5.75.090 Claim Processing Fee.
5.75.100 Determination of Common Law Vested Right.
5.75.110 Hearing on a Common Law Vested Right By City Council.

CHAPTER 5.04 - FUNDS

Sections:

5.04.010 Provisions Made For.
5.04.020 Sundry Trusts Fund.
5.04.030 Trustees' Fund.
5.04.040 Parking Meter Fund.
5.04.050 Golf Fund.
5.04.070 Bonded Debt Interest and Sinking Fund.
5.04.140 Parking Facilities Fund.
5.04.150 Parking Facilities Bond Redemption Fund.
5.04.170 Revenue Sharing Fund.
5.04.175 State Revenue Sharing Fund.
5.04.180 CityFleet Operating Fund.
5.04.185 Facilities Services Operating Fund.
5.04.200 Printing and Distribution Services Operating Fund.
5.04.210 Improvement Warrant Sinking Fund.
5.04.220 Economic Development Trust Fund.
5.04.230 Insurance and Claims Operating Fund.
5.04.240 Worker's Compensation Self Insurance Operating Fund.
5.04.250 System Development Charge Sinking Fund.
5.04.270 Washington County Water Supply Construction Fund.
5.04.280 Washington County Water Supply Bonded Debt Service Sinking Fund.
5.04.290 Water Growth Impact Charge Trust Fund.
5.04.300 Bull Run Fund.
5.04.310 St. Johns Landfill End Use Plan Fund.
5.04.320 Sewer Revolving Loan Fund.
5.04.330 Environmental Remediation Fund.
5.04.400 Sewer System Operating Fund.
5.04.410 Sewer System Construction Fund.
5.04.420 Sewer System Debt Redemption Fund.
5.04.430 Sewer System Debt Proceeds Fund.
5.04.440 Sewer System Rate Stabilization Fund.
5.04.450 Sewer System Safety Net Fund.
5.04.460 Use of Sewage Disposal Fund.
5.04.470 Portland Police Fitness Room Trust Fund.
5.04.480 Property Management License Fund.
5.04.490 Graffiti Nuisance Abatement Trust Fund.
5.04.500 Technology Services Fund.
5.04.510 Arts Education and Access Fund.
5.04.515 Recreational Marijuana Tax Fund.
5.04.520 Mt. Hood Cable Regulatory Commission Agency Fund.
5.04.530 Inclusionary Housing Fund.

5.04.540 Housing Property Fund.
5.04.550 Housing Capital Fund.
5.04.560 Portland Clean Energy Community Benefits Fund.
5.04.570 Affordable Housing Development Fund.
5.04.580 Fire Capital Fund.
5.04.590 Citywide Obligations Reserve Fund.
5.04.600 Parks Local Option Levy Fund.

5.04.010 Provisions Made For.

In addition to funds created in accordance with the provisions of the Charter, there shall be the funds set forth in this Chapter and such other funds as from time to time may be provided for by ordinance.

5.04.020 Sundry Trusts Fund.

(Amended by Ordinance Nos. 173369 and 189452, effective May 10, 2019.) The Sundry Trusts Fund, created by Ordinance No. 118746, passed by the Council July 1, 1964, shall contain accounts for trust monies which neither belong in the Trustees' Fund nor require an individual trust fund. The following accounts are authorized for the Sundry Trusts Fund:

A. Animals for zoo account. (Repealed by Ordinance No. 150375, effective September 11, 1980.)

B. Civic Emergency Account. This account shall receive the City's share of the annual allocation from the Civic Emergency Fund under ORS 463.170. Expenditures shall be limited to athletic, recreational, educational, or charitable purposes. The Accounting Division on behalf of the Mayor and the Auditor is authorized to draw on this account when requisitions are presented approved by the Mayor, and one other Commissioner;

C. Elephant Purchase Account. (Repealed by Ordinance No. 150375, effective September 11, 1980.)

D. Health Protection Account. (Repealed by Ordinance No. 150375, effective September 11, 1980.)

E. Recreation Account. (Repealed by Ordinance No. 150375, effective September 11, 1980.)

F. Rose Test Garden Account. This account shall be administered in accordance with Ordinance No. 110776; passed by the Council September 23, 1959. The Accounting Division on behalf of the Mayor and the Auditor is authorized to draw checks on this account when requisitions are presented approved by the Commissioner In Charge of the Bureau of Parks;

G. Oaks Pioneer Park Museum Account. This account shall be administered in accordance as hereinafter provided:

affordable housing projects, primarily from proceeds from General Obligation Bonds approved under measure 26-179 and resources provided by other governmental entities.

5.04.580 Fire Capital Fund.

(Added by Ordinance No. 189560, effective June 12, 2019.) The Fire Capital Fund is hereby created to support the repair, replacement, and renewal of Portland Fire & Rescue's capital assets, including facilities, apparatus, and equipment.

5.04.590 Citywide Obligations Reserve Fund.

(Added by Ordinance No. 189808, effective December 18, 2019.) The Citywide Obligations Reserve Fund is hereby created to create a reserve for known Citywide obligations and allow the City to better plan for these costs.

5.04.600 2020 Parks Local Option Levy Fund

(Added by Ordinance No. 190240, effective December 16, 2020.) The 2020 Parks Local Option Levy Fund is hereby created to support park operations, including but not limited to maintenance, safety, environmental stewardship, and providing equitable access to recreation programs.

CHAPTER 5.08 - PAYMENT OF SALARIES, WAGES AND EXPENSES

Sections:

5.08.010 Biweekly Pay Period.
5.08.020 Preparation and Certification of Biweekly Time Reports.
5.08.030 Computing Daily and Hourly Rates of Pay.
5.08.040 When Bureau of Human Resources to Draw Checks.
5.08.060 Safety Glasses.
5.08.070 Clothing Allowance.
5.08.075 Year Defined.
5.08.105 Reimbursement to Employees in Educational Programs Authorized by Council.
5.08.110 Bus Fare for Meter Readers.
5.08.120 Payment of Salaries and Wages at Other than Times Specified.
5.08.130 Salaries Chargeable to More than One Fund.
5.08.140 Salary Deductions.
5.08.150 State Tax Street Fund.
5.08.160 Delivery of Checks Payable to Deceased Persons.
5.08.170 Hold Harmless Agreements.
5.08.180 Effect of Death Upon Assignments and Levies.

5.08.010 Biweekly Pay Period.

All officers and employees of the City shall be paid for time earned and allowed under provisions of this Code. Such payments shall be biweekly. A pay period shall hereafter comprise 14 calendar days. Thursday, October 1, 1953, will be the first day and Wednesday, October 14, 1953, will be the last day of the first pay period; thereafter, each pay period will commence on Thursday and extend through the Wednesday of the second week.

5.08.020 Preparation and Certification of Biweekly Time Reports.

(Amended by Ordinance Nos. 132896, 136888, 147197, 180917 and 189452; effective May 10, 2019.)

A. It shall be the duty of the head of each appropriation unit to cause to be prepared, to approve, and to certify biweekly time reports for employees whose time deviates from standard biweekly hours and standard cost centers or when an employee is not to be paid, and cause the same to be transmitted to Central Payroll.

Biweekly time reports are not necessary for employees who worked their standard hours and whose time gets charged to the standard cost center. A payroll warrant will be automatically written for active employees whose standard time gets charged to their standard cost centers. However, each bureau manager shall submit a certification to the Accounting Division to the effect that all employees who will be paid and for whom no time report is submitted, did in fact, render the services to be paid.

CHAPTER 5.35 - COMMUNITY OPPORTUNITIES AND ENHANCEMENTS PROGRAM

(Chapter added by Ordinance No. 190197, effective December 12, 2020.)

Sections:

5.35.010 Purpose.
5.35.020 Definitions.
5.35.030 Citizen Advisory Committee.
5.35.040 Effective Dates.
5.35.050 Dedication.
5.35.060 Administrative Rules.
5.35.070 Roles and Responsibilities.
5.35.080 Legislative Authority.

5.35.010 Purpose.

It is the purpose of this Chapter and the Policy of the City of Portland to set aside and dedicate 1 percent of the total Hard Construction Costs of City of Portland Public Improvement Contracts for the Community Opportunities and Enhancements Program (COEP).

COEP funds will be dedicated to the support of greater equity in public contracting through the provision of Business Technical Assistance for Certified Firms and Firms Seeking Certification and the recruitment, training and retention of a diverse Workforce.

Use of Bureau of Environmental Services and Portland Water Bureau ratepayer funds for the COEP shall be reasonably related to the provision of water and sewer services in accordance with the City of Portland Charter.

5.35.020 Definitions.

A. **Business Technical Assistance:** Those activities that provide business support and development services to increase the ability of the organization to bid on, perform and complete public services contracts.

B. **Certified Firms and Firms Seeking Certification:** Companies that have been certified, or which are actively pursuing certification, by the State of Oregon Certification Office for Business Inclusion and Diversity (COBID), or its successor, as a minority-owned, woman-owned, emerging or a service-disabled veteran owned business. The City recognizes the following certifications: Disadvantaged Business Enterprise (DBE), Minority-owned Business Enterprise (MBE), Women-owned Business Enterprise (WBE), Emerging Small Business Enterprise (ESB), and Service-Disabled-Veteran-owned Business Enterprise (SDVBE).

C. **Community Benefits Agreement (CBA):** The CBA is applied to projects over $25 million that use an alternative contracting method and is an agreement between the City of Portland (City), the Project Contractor (on behalf of all contractors and subcontractors of all tiers), the signatory unions, and the signatory community-based organizations with a strong record of accomplishment of serving racial and ethnic minorities, women and low income people and state approved pre-apprenticeship programs (CBOs).

D. **Community Equity and Inclusion Plan (CEIP):** A contractual document that is applied to all Public Improvement Contracts that utilize alternative contracting methods and have an estimated contract value between $10 million to $25 million. The CEIP addresses the historical disparities in contracting and provides a variety of strategies to increase opportunities for DBE/MBE/WBE/ESB/SDVBE firms and to increase opportunities and retention of a diverse Workforce.

E. **Community Equity and Inclusion Committee (CEIC):** The independent body that reviews the performance of City projects subject to a CEIP, provides guidance and advice to contractors to increase utilization, and advises the City on the Contractor's and Subcontractors' equity efforts to achieve the CEIP goals. The CEIC also advises the City on developing funding priorities for use of the COEP funding.

F. **COEP Fee:** The amount due, based upon 1 percent of the total Hard Construction Costs, as calculated using the methodology defined in Portland Policy Documents (PPD) Administrative Rule 1.25.

G. **Contractor:** A company with whom the City executes a contract for a Public Improvement.

H. **Hard Construction Costs:** The total original value of the Public Improvement Contract executed between the City of Portland and the Contractor.

I. **Labor-Management-Community Oversight Committee:** The Labor-Management-Community Oversight Committee discusses and advises on issues and/or concerns related to the implementation of Community Benefits Agreement.

J. **Participating Bureau**: A City of Portland Bureau that executes a Public Improvement Contract and which must contribute COEP Fees as required by this Chapter.

K. **Partners:** Organizations that will receive funding to implement the goals of the COEP.

L. **Public Improvement:** A project for construction, reconstruction or major renovation on real property by or for the City. Public Improvements do not include:

1. Projects for which no funds of the City are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection, or

2. Emergency work, minor alterations, ordinary repair or maintenance necessary to preserve a Public Improvement.

M. **Public Improvement Contract:** A contract for a Public Improvement.

N. **Workforce:** The individuals in the construction trades, or who are seeking to join the construction trades, in trades that are typically utilized on Public Improvements.

5.35.030 Citizen Advisory Committee.

A. The City's Chief Administrative Officer, in coordination with the City's Director of the Office of Equity and Human Rights (OEHR) and one director from a Participating Bureau, must establish and appoint the CEIC as an independent advisory committee to serve as a review body and a resource for the City, its Contractors and the broader community.

B. The CEIC will be representative of the City's diverse communities and include community organizations, Certified Firms and non-COBID certified construction firms, building and contracting trades (union and non-union), trade associations and training providers for the construction trades.

C. The CEIC will review compliance and performance of City Public Improvement Contracts subject to a CEIP and provide guidance and advice to contractors' and subcontractors' regarding their equity efforts to achieve the CEIP goals.

D. The CEIC will also review projected Public Improvements and make recommendations to the Office of Management & Finance (OMF) and OEHR regarding how to generally prioritize the expenditure of COEP Fees on eligible activities, such as Business Technical Assistance and Workforce assistance.

5.35.040 Effective Dates.
The COEP is effective beginning July 1, 2020 and shall apply to Public Improvement Contracts executed after July 1, 2020.

5.35.050 Dedication.

A. Participating Bureaus are required to budget the full anticipated cost of the COEP Fees in the fiscal year in which it is anticipated those COEP Fees will be due.

B. The Office of Management and Finance (OMF) is required to budget the full cost of the COEP Fees backed and balanced against the COEP Fees budgeted by

Participating Bureaus. OMF shall adopt administrative rules and procedures to implement this Section.

C. Compliance with the payment requirements defined in the Administrative Rules is required for Public Improvement Contracts to proceed and for the costs of those projects to be capitalized at the end of the project.

5.35.060 Administrative Rules.

OMF shall, after consultation with OEHR and Participating Bureaus, develop Administrative Rules to:

A. Provide for annual reporting to City Council on outcomes of the COEP;

B. Provide a method for the appointment of representatives to the CEIC;

C. Provide for the transactional process that Participating Bureaus need to follow to remit COEP Fees to OMF; and

D. Set forth any other matter appropriate for the administration of this Chapter.

5.35.070 Roles and Responsibilities.

OMF and OEHR shall be the responsible parties for administering the COEP on behalf of the City in close coordination with the City Attorney's Office and Participating Bureaus. Notwithstanding the above, the Chief Administrative Officer, in consultation with City Council, the Participating Bureaus and the Director of OEHR, has exclusive decision-making authority over the COEP. OMF may, after consultation with City Council, Participating Bureaus, and OEHR, decide to partner with other organizations to implement the COEP. Partnerships with other organizations for implementation of the COEP shall be bound by contract or intergovernmental agreement.

5.35.080 Legislative Authority.

Nothing in this Chapter, or in any administrative rules adopted hereunder, shall limit the authority of the City Council to waive the requirements of this Chapter or related administrative rules.

CHAPTER 5.36 - PROPERTY CONTROL

Sections:

5.36.001 Surplus Property Policy.
5.36.010 Disposition of Surplus Property.
5.36.015 Disposition of Unclaimed Found Personal Property.
5.36.020 Sale of Buildings for Removal from City Property.
5.36.025 Purchase and Resale by the City of Tax-Foreclosed Property.
5.36.030 Loans of Personal Property Owned by City.
5.36.035 Lost or Stolen City Property.
5.36.040 Parking Meter Fund Equipment.
5.36.050 Use of City Automobiles for Transporting Firing Squads.
5.36.060 Use of Water Bureau Property by Bureau of Shops.
5.36.080 Zoological Specimens.
5.36.090 Gifts and Loans of Property.
5.36.100 Use of City Property for Elections.
5.36.110 Use of City Property for Air Quality Measuring Stations.

5.36.001 Surplus Property Policy.

(Replaced by Ordinance No. 179813, effective January 6, 2006.) It is the policy of the City to dispose of surplus property in the most efficient and cost-effective manner possible in accordance with the guidelines in this Chapter and any related administrative rules or policies. Temporary, full-time and part-time City employees, persons acting on the employee's behalf, and any business with which a City employee is associated, as defined by Chapter 5.33, may not purchase or receive surplus property unless offered for public sale.

5.36.010 Disposition of Surplus Property.

(Replaced by Ordinance No. 179813; Amended by Ordinance Nos. 181483, 187165 and 189452, effective May 10, 2019.)

A. Definition:

1. "Surplus Property" means: tangible personal property owned by the City, including equipment and materials, which is no longer needed by the City Bureau or Office that owns it. Examples include inventoried and non-inventoried office furniture, specialized equipment, and items that are obsolete or overstocked.

B. City Capital Asset Disposal Documentation: The bureau initiating the transfer, donation, sale, or disposal of surplus property that has been inventoried as a capital asset, shall comply with City Accounting Administrative Rules regarding disposal of capital assets, which establish minimum standards for the disposal of capital assets and subsequent reporting in the financial records.

C. City Assets Procured with the Proceeds of Tax-Exempt Bonds: The bureau initiating the transfer, donation, sale, or disposal of surplus property that was procured with the proceeds of tax-exempt bonds should contact the City's debt management office prior to disposal of the property to determine what, if any, limitations exist on the disposal of such property and the use of any revenue derived from such disposal.

D. Usable Surplus Property: Whenever a Commissioner-In-Charge, or designee, determines that surplus property exists, the property may be disposed of in one of the following ways:

1. Inter-Bureau Transfer or Sale - Surplus property may be transferred or sold to another City bureau upon written request from the director of the bureau that has a use for it.

2. Negotiated Direct Sale - Surplus property with an individual or aggregate current market value under $5,000 may be sold as follows:

a. The bureau obtains three written or verbal price quotations prior to final sale;

b. The bureau negotiating the sale keeps written records of the price quotations, the amounts, and if necessary, the reason why three quotations could not be obtained;

c. The bureau sells the surplus property to the highest bidder meeting all conditions of the sale; and

d. The bureau applies the proceeds of the sale to its property disposition expenses in the following order: storage, transportation, publication fees and other costs of safekeeping and sale, and then to the City fund owning the property at the time of sale unless otherwise directed by the City Council.

3. Public Sale - The City Council may authorize the sale of surplus property through an external auction service. If the City does not have a contract with an external auction service, the bureau may conduct a public auction subject to the following conditions:

a. The bureau shall give notice of such public auction at least once within ten days prior to the date of the auction in a newspaper of general circulation published in the City; such notice shall give the time and place of the auction;

b. The bureau shall sell the surplus property to the highest bidder meeting all conditions of the sale; and

c. The bureau applies the proceeds of the sale to its property disposition expenses in the following order: storage, transportation, publication fees and other costs of safekeeping and sale, and then to the City fund owning the property at the time of sale unless otherwise directed by the City Council.

4. Public Sale through State - Surplus property may be sold pursuant to an established intergovernmental agreement with the State of Oregon Surplus Property Program. When surplus property is sent to the State Surplus Program for sale on behalf of the City, a minimum sale price shall first be established when appropriate. Any revenue received from the sale of surplus property through the State Surplus Program shall be credited to the bureau that owned the surplus property.

5. Donation - Surplus property may be donated to the State of Oregon Surplus Property Program, other public agencies, or to charitable organizations certified under the Internal Revenue Code Section 501(c)(3) as follows:

a. Donations with an individual or aggregate current market value of $5,000 or less must be approved by the Commissioner-In-Charge, or designee, of the bureau that owns the property.

b. Donations with an individual or aggregate current market value of more than $5,000 must be approved by the City Council, by ordinance.

c. The City shall provide the recipient of donated property with appropriate documentation transferring ownership of the property to the recipient. The recipient shall agree to hold harmless, defend and indemnify the City of Portland, its officers, agents and employees from any claims, demands, actions and suits (including attorney fees) arising from its use or receipt of the surplus property.

d. The Director of the Bureau or Office that owned the surplus property shall complete and retain a donation form for each donation made during the fiscal year and submit all forms to the City Office of Management & Finance at the end of the fiscal year. The donation form shall contain:

(1) A description of the surplus property donated; and,

(2) The name of the recipient of the surplus property; and,

(3) The originating bureau; and,

(4) The estimated market value of the surplus property at the time of donation.

E. Unusable Surplus Property: A Commissioner-In-Charge, or designee, may dispose of surplus property if it is determined that the surplus property is unusable, inoperable or not reasonably repairable, hazardous, or is of insufficient value to warrant a transfer, sale, or donation as prescribed in this Section. In addition to disposing of unusable property in accordance with existing federal, state, or local disposal regulations, every effort shall be made to recycle or otherwise dispose of property in an environmentally sound manner.

F. Exempt Property. The following surplus property, whether usable or unusable, shall not be transferred, donated, sold, or otherwise disposed of without Council approval or as otherwise provided by City code, policy, or procedure.

1. Vehicles or Vehicle Equipment.

2. Corporately-Owned Communications Equipment.

3. Contraband.

4. Firearms.

5. Intangibles.

6. Hazardous items.

7. Items of historical value.

8. Any other item deemed appropriate for exemption from this Section by the Commissioner-In-Charge of the bureau that controls the property.

G. Vehicles and Vehicle Equipment: The Manager of OMF Business Operations Division is authorized to dispose of vehicles and related equipment when the vehicle is no longer needed by the City. The manner of disposal shall be the most efficient and cost-effective as determined by the Manager. This includes, but is not limited to, competitive written bids, public auction, negotiated sales, or exchange. Any and all revenue, less costs of sale, received from the sale of City-owned vehicles or vehicular equipment shall be credited to the replacement account for the originating bureau.

H. Corporately-Owned Communications Equipment: The Chief Technology Officer is authorized to dispose of corporately-owned communications equipment maintained by the Bureau of Technology Services when such equipment is no longer needed by the City. The manner of disposal shall be the most efficient and cost-effective as determined by the Director. This includes, but is not limited to,

competitive written bids, public auction, negotiated sales, or exchange. Any and all revenue, less costs of sale, received from the sale of corporately-owned communications equipment shall be credited to the replacement account for the originating bureau.

I. Artificial Turf: The Chief Administrative Officer (CAO) is authorized to donate or arrange for recycling of artificial turf from City-owned spectator facilities when such turf no longer meets venue performance standards. The CAO shall comply with the provisions of this Section for all other means of disposing of the artificial turf.

5.36.011 Donations of Surplus Personal Property.
(Repealed by Ordinance No. 179813, effective January 6, 2006.)

5.36.015 Disposition of Unclaimed and Found Personal Property.
(Added by Ordinance No. 153293; amended by Ordinance No. 167825, effective June 22, 1994.)

A. Unclaimed Property: Unless directed otherwise by State law or a specific provision of this Code, all tangible personal property not owned by the City, that is under the control of a bureau and not reclaimed after notice has been sent, by the bureau in possession, to all parties who reasonably appear to have an interest in such property, of their right to claim such property within a specified period of time, shall become the property of the City, designated as surplus property, and, shall be disposed of as provided by this Chapter.

B. Found Property: All tangible personal property not owned by the City that is found by a bureau member and turned into the bureau, shall not become the property of the City until the requirements of the state law regarding the rights and duties of finders and owners of lost property are satisfied. After the requirements of State law are satisfied, found property shall be retained by the bureau which found it if the property is usable by the bureau. If the property is not usable by the bureau which found it, the bureau shall dispose of the property as surplus property as provided by this Chapter.

5.36.020 Sale of Buildings for Removal from City Property.
Whenever a Commissioner determines that a building or other structure assigned to a bureau under his control must be removed, he may authorize the Purchasing Agent to sell such building or other structure for removal by the purchaser. The Purchasing Agent shall use the method of sale which he finds most in the public interest. The Purchasing Agent shall specify terms and conditions of sale, except that such terms shall not include credit, and he shall fix the amount of bond or cash deposit to be given by the purchaser to guarantee removal of the building or structure and clearance of debris from the premises.

5.36.025 Purchase and Resale by the City of Tax-Foreclosed Property.

(Added by Ordinance No. 162023; Amended by Ordinance Nos. 179813 and 181483, effective January 18, 2008.)

A. The provisions of this Section apply to property which meets each of the following conditions:

1. Property that has outstanding City liens;

2. Property that has been foreclosed by a county for collection of delinquent taxes; and

3. Property that has been purchased by a bidder at a county sheriff's sale.

B. The OMF Business Operations Division may purchase and sell property described in this Section without public notice or sale provided:

1. The Council adopts an ordinance authorizing the OMF Business Operations Division to purchase property. The ordinance shall include a legal property description; the total amount of outstanding taxes and costs; the total amount of outstanding city liens, accrued interest, penalties and costs; and the source of funds to be used to purchase the property;

2. Property will be sold to the successful bidder at a county sheriff's sale; and

3. The Council adopts an ordinance authorizing the property sale and setting forth sale terms. The ordinance shall include the name and address of the successful bidder at the county sheriff's sale and the terms of the City sale. The Council may adopt sale terms and provisions as a part of the ordinance authorizing the purchase of property.

C. Sale contracts and other legal documents related to the sale shall be reviewed and approved by the City Attorney prior to the sale. Upon approval as to form by the City Attorney, the Mayor and City Auditor shall be authorized to sign a deed transferring title to the property.

D. Proceeds from the sale shall be deposited in the City fund which incurred the expense of purchasing the property from the county unless otherwise directed by the Council in the ordinance authorizing the purchase and sale of the property.

E. The OMF Business Operations Division is authorized to adopt administrative rules and procedures necessary to carry out the provisions of this Section.

5.36.030 Loans of Personal Property Owned by the City.

(Amended by Ordinance No. 180917, effective May 26, 2007.) Each Commissioner and each officer or employee of the City is and shall be hereby prohibited from loaning any

personal property owned by the City to any other person either gratuitously or for a consideration, without the consent of the Council expressed by ordinance. However, in the event of extraordinary circumstances involving hazard to the general public occasioned by fire, flood, earthquake, or other public disaster, the Commissioner of any department may permit equipment in his department to be used without the consent of the Council during such extraordinary circumstances upon the written order of the Commissioner; provided that the Chief of Portland Fire & Rescue may lend or rent to the owner or operator of property damaged by fire, flood, earthquake or other public disaster such equipment of Portland Fire & Rescue as may be temporarily needed to prevent further damage to such property, and such owner or operator so borrowing or renting such equipment, shall agree with the City:

A. To hold the City, its officers, agents and employees harmless for any loss or damage caused to the person or property of third persons while such equipment is in the possession of such owner or operator;

B. To waive any claim for damage to the person or property of such owner or operator arising in whole or in part from the use of such equipment; and

C. To return such equipment to Portland Fire & Rescue in as good condition as when received, reasonable wear and tear excepted. Such agreement shall be in writing on forms approved by the City Attorney and shall be filed with the Auditor of the City. Any rentals collected by Portland Fire & Rescue under such agreements shall be transmitted by Portland Fire & Rescue to the City Treasurer within 24 hours after receipt by the Bureau, the rentals to be credited to the General Fund.

5.36.035 Lost or Stolen City Property.

(Added by Ordinance No. 151849; effective June 25, 1981.) Any City employee charged with the care or having custody of any City property which is lost or stolen shall immediately, upon discovery that such property has been lost or stolen, report such loss or theft in writing to his bureau or division head. The bureau or division head shall upon receipt of such report, immediately notify the Accounting Division in writing of such loss or theft. The Accounting Division shall make such investigation and report and recommendation as may be deemed appropriate.

5.36.040 Parking Meter Fund Equipment.

All vehicles, equipment, and other things heretofore purchased or which may be purchased in the future from the Parking Meter Fund for the use of any bureau having service to perform in connection therewith, are and shall be assigned to the bureau where used. They shall be inventoried in connection with and as a part of the vehicles, articles, and equipment of such bureau.

5.36.050 Use of City Automobiles for Transporting Firing Squads.

The Commissioner In Charge of any bureau or department having an automobile available shall have the authority to make use of the same in transporting firing squads for veteran's funerals.

5.36.060 Use of Water Bureau Property by Bureau of Shops.

The Bureau of Shops shall have the use of the following described property owned by the Bureau of Water:

Lots 1, 2, 3, 4, 10, 11, and the west 40.92 feet of Lot 14; also that portion of Lot 5 lying west of a line drawn from the southeast corner to the northwest corner of said Lot 5; also a portion of Woodward Avenue now vacated, more particularly described as follows:

Beginning at a point in the north line of Lot 14, Water Bureau Addition, said point being north 73 degrees 35'45" west a distance of 26.19 feet from the southeast corner of said Lot 5; thence north 73 degrees 35'45" west 29.91 feet; thence south 89 degrees 44'30" west 92.29 feet to the northwest corner of Lot 10; thence north 0 degrees 15'30" west 50 feet to the southwest corner of Lot 4; thence north 89 degrees 44'30" east 80 feet to the southeast corner of Lot 4; thence south 73 degrees 35'45" east 40 feet to the southeast corner of Lot 5; thence to the point of beginning, all in Water Bureau Addition, in the City of Portland, Multnomah County, State of Oregon, according to the duly recorded plat thereof on file in the office of the clerk of said county and state.

The General Fund shall pay to the Bureau of Water the sum of $1 per year for the use of such property and the Bureau of Shops shall have the right to construct a building on such real property and maintain the same.

5.36.070 Equipment Pool Rotary Account.

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

5.36.080 Zoological Specimens.

The Director of the City Zoo be, and he hereby is, invested with the authority to accept for and on behalf of the City such gifts and donations of zoological specimens hereafter tendered as in his judgment will be beneficial to the Zoo and of interest to the public; all such gifts and donations and the acceptance thereof to be in writing, signed by the giver or donor and by the Director of the Zoo, substantially as shown in Exhibit "A" hereto attached and by reference made a part hereof. The past actions of the Director as respects the authority herein given, are hereby ratified and adopted.

Exhibit "A"
PORTLAND ZOOLOGICAL PARK
Zoological Specimen Release

IN CONSIDERATION OF THE CITY'S ACCEPTANCE OF THE SPECIMEN HEREIN DESCRIBED, I HEREBY GIVE AND DONATE TO THE CITY OF PORTLAND, FOR THE PURPOSES OF THE MUNICIPAL ZOO, THE FOLLOWING ANIMAL:

Species. . . . . Sex. . . . .Age. . . . .
Physical Condition . . . .

How Long in Possession . . . .
Where Obtained . . . .
. . . .
Special Remarks. . . . .
. . . .
. . . .
. . . .
AND I HEREBY RELINQUISH ALL CLAIM TO SAID SPECIMEN AND/OR ITS PROGENY:
Signed . . . .
Address . . . .
Date . . . .
Accepted for the Zoo by:
Signed . . . .
Date . . . .
Object Number . . . .

5.36.090 Gifts and Loans of Property.

A. Whenever any real or personal property or the use thereof shall be offered to the City by way of donation, gift, grant, lease, loan or any other manner made available to the City by any person, firm, or corporation for the purpose of bestowing a gift or benefit upon the City, the Mayor hereby is authorized to accept any and all such real or personal property or the use thereof. The Mayor also hereby is authorized to execute any necessary agreement or document and to agree to any reasonable terms and conditions for the gift, grant, lease, loan or other use of such real or personal property. Provided, however, that any such grant, lease or loan by which the City shall be obligated in an amount exceeding $250 shall first be approved by the Council by special ordinance.

B. It shall be the duty of all bureau chiefs to promptly report to the Commissioner In Charge, the receipt of any gift, contribution, donation or other use of personal property from any person, firm or corporation for and on behalf of the City so that the Commissioner may cause such property to be promptly included in the City inventory.

5.36.100 Use of City Property for Elections.

The Commissioner In Charge of any property or premises of the City hereby is authorized to permit the use of such premises or facilities as polling places for any election held by the State, county or any municipal corporation.

5.36.110 Use of City Property for Air Quality Measuring Stations.

The Commissioner In Charge of any particular parcel of real property owned by the City is hereby authorized to grant permission in writing to any governmental body to install on said real property on a temporary basis an air quality measuring station; provided, however,

that no such written permission shall be granted unless and until the requesting governmental body has stated in writing that the temporary installation will be accomplished without injury or damage to the City property and that said governmental body will reimburse City for all costs or expenses to City incident to the installation.

5.36.115 Designation of "Persons In Charge" for Purposes of Excluding Persons From City Property.

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

CHAPTER 5.40 - DEMANDS AND DISBURSEMENTS

Sections:

5.40.010 Drawing Checks in Payments of Claims.
5.40.020 Certain Demands to be Submitted to Council.
5.40.030 Appropriation to be Charged for All Demands.
5.40.040 Requisitions Required.
5.40.070 Funds Held for Benefit of Police Contributions Committee.
5.40.080 Requisition of Funds for Purchasing Police Evidence.

5.40.010 Drawing Checks in Payments of Claims.

(Amended by Ordinance Nos. 139226, 173369 and 189452, effective May 10, 2019.) The Accounting Division on behalf of the Mayor and the Auditor shall have the authority to draw checks on City funds upon approved requisition, duly executed contract, or order of the Council when the Accounting Division has determined that payment is legally due and payable.

5.40.020 Certain Demands to be Submitted to Council.

(Amended by Ordinance Nos. 173369 and 189452, effective May 10, 2019.) All demands for expenses of litigation, damages, relief and other demands of like character, except as hereinafter provided, shall be examined by the Accounting Division and submitted to the Council with any recommendations, explanations or information the Accounting Division may deem pertinent thereto. When the demands are approved by the Council, checks shall be drawn in payment thereof.

5.40.030 Appropriation to be Charged for All Demands.

(Amended by the Ordinance No. 189452, effective May 10, 2019.) The Accounting Division hereby is directed to charge all demands for the furnishing of supplies, materials, equipment, etc. to appropriations therefor.

5.40.040 Requisitions Required.

(Amended by the Ordinance No. 189452, effective May 10, 2019.) Before any obligation is incurred under the provisions of this Chapter, except emergency purchases as provided in Section 5.32.030 and except specific payments directed by the Council, a requisition properly signed shall be presented to the Accounting Division in order that the Accounting Division may determine that the proposed expenditure is budgeted and that appropriation is available therefor. Each requisition shall state in detail the articles or services to be purchased and appropriation accounts proposed to be charged.

5.40.050 Payment of the City's Contribution to the Public Employees Retirement Board and the State Industrial Accident Commission.

(Repealed by Ordinance No. 139226, effective January 20, 1975.)

5.40.070 Funds Held for Benefit of Police Contributions Committee.

No money held by the City Treasurer in the Trustee Fund for the benefit of Police Contributions Committee shall be disbursed by him except on written request of the Chief of Police who shall first be advised in writing by the Secretary of the Affirmative Action of the above-named Committee to pay a sum certain to a particular named donee. The Treasurer shall, not later than January 15th of each year, furnish to the Chief of Police a statement showing the amounts received by him for the benefit of the Police Contributions Committee and the amounts paid out by him, if any, and to whom paid. The Chief of Police shall immediately advise the Committee of the contents of the report of the City Treasurer. The Committee shall, not later than January 31st of each year, advise each donor as to the portion of his donation that is tax deductible.

5.40.080 Requisition of Funds for Purchasing Police Evidence.

The Chief of Police is hereby authorized to requisition funds in advance of expenditure for the purchase of evidence against the illegal sale of liquor, gambling or other violations of laws. Each advancement shall be on a memorandum requisition approved by the Commissioner In Charge of the Bureau of Police and charged to the appropriation of the Bureau of Police for evidence procurement. The requisition shall be accompanied by an affidavit signed by the Chief of Police which shall state that the amount of cash to be advanced will be used only for the purpose of evidence against the illegal sale of liquor, gambling or other violations of laws. There shall be no further formal accountability for such funds beyond the affidavit. However, the Chief of Police shall maintain sufficient confidential records to be able to provide a confidential accounting to the Commissioner In Charge on his request.

CHAPTER 5.44 - EXECUTION OF CONTRACTS AND BONDS

(Chapter repealed by Ordinance Nos. 174509 and 174904, effective January 1, 2001.)

CHAPTER 5.48 - CHARGES FOR SERVICES PERFORMED

Sections:

5.48.010 Authorization.
5.48.020 Application and Deposit.
5.48.030 Accounting Procedure.
5.48.035 Bureau of Emergency Communications - Recordings - Rates.
5.48.036 Office of City Attorney and OMF Risk Management Division - Records - Rates.
5.48.040 Collection of Money Due the City.
5.48.050 Improvements Without Assessment.
5.48.060 Interdepartmental Services Authorized.
5.48.070 Accounting Procedure for Interdepartmental Services.

5.48.010 Authorization.

Each Commissioner shall have authority to direct his subordinate employees to perform duly authorized services for private persons or other governmental agencies for all of which services a reasonable charge shall be made as provided in Section 5.48.030.

5.48.020 Application and Deposit.

Before any department or bureau of the City shall perform any service for a private person or other governmental agency, it shall be the duty of the department or bureau to obtain wherever practicable an application in writing requesting such service. A deposit may be required when in the judgment of the head of the department or bureau it shall be deemed necessary to guarantee the payment of the service to be performed. The application shall be retained by the department or bureau performing such services.

5.48.030 Accounting Procedure.

(Amended by Ordinance Nos. 132116, 137528, 138042 and 182377, effective December 26, 2008.) Unless the charge for services performed for private persons or governmental agencies other than the City is specifically fixed by the Charter or by action of the Council, all such services shall be charged for on the basis of actual costs, which shall be computed as follows:

A. Labor.

1. The amount for salaries and wages shall be either:

a. Actual time computed at the applicable hourly payroll rate when the services being provided require less than the full time of an employee on an annual basis, or

b. Annual salary including vacation, sick leave, holiday and other leave with pay when the services being provided require the full time of an employee on an annual basis.

2. To the amount for salaries and wages computed under paragraph A.1.a. above, add for the indirect cost of vacation, sick leave, holiday and other leave with pay and for the cost of disability, retirement and insurance as follows:

a. For other than sworn police personnel add 39 percent of salaries and wages.

b. For sworn police personnel add 42 percent of salaries and wages for labor provided at straight time. Add only 15 percent for labor provided at overtime rates.

3. To the amount for salaries and wages computed under paragraph A.1.b. above, add only for disability, retirement and insurance as follows:

a. For other than sworn police personnel add 21 percent of salaries and wages.

b. For sworn police personnel add 23 percent of salaries and wages provided at straight time only.

B. Materials consumed shall be at actual cost including delivery to the City. The Bureau of Water Works shall charge an additional 5 percent for stock handling.

C. Services from other City bureaus shall be at actual cost determined in accordance with Section 5.48.070.

D. Services provided from non-City sources shall be at actual cost to the City.

E. Motorized equipment, trailers, etc., shall be actual time at rates for each particular class of equipment established by the Commissioner In Charge.

5.48.035 Bureau of Emergency Communications-Recordings-Rates.
(Added by Ordinance No. 143377; effective March 30, 1977.) The Bureau of Emergency Communications is authorized to charge the following rates or the rate established by a court in a particular case for services rendered in locating and delivering particular segments of tape recordings for court use:

A. Labor.

1. Ten dollars per hour (straight time) for staff time expended for salaries and wages. After FY 1976-77 this rate shall be set equal to the 4-year rate for a police sergeant as approved in the official compensation plan of the City of Portland.

2. Plus 42 percent of the foregoing straight time amount or 15 percent of the foregoing for labor provided at overtime rates for indirect costs for the vacation, sick leave, holiday and leave with pay, and for the cost of disability, retirement and insurance.

B. Material Costs.

1. In addition to the foregoing amount, there shall be charged for material costs, $6.22 per hour for the time City's recording equipment is in use.

C. General Overhead.

1. To the total of the above there shall be added 10 percent for general overhead.

5.48.036 Office of City Attorney and OMF Risk Management Division - Records - Rates.

(Added by Ordinance No. 151447; Amended by Ordinance No. 181483, effective January 18, 2008.) In making public records available for inspection by members of the public and in providing the members of the public with copies thereof, the office of City Attorney and the OMF Risk Management Division shall charge therefor on the basis of actual costs of making available and copying the records, as set out in Section 5.48.030. This Section shall not apply to those cases in which the charge would be $5 or less, in which cases the charge shall be the amount set out in Section 5.60.020.

5.48.040 Collection of Money Due the City.

(Amended by Ordinance Nos. 147159, 149198, 165955, 181483 and 189413; effective March 6, 2019.) The Office of Management and Finance of the City shall bill for all services performed for other persons by the City and for all City accounts receivable, contracts receivable and grants receivable except for bills and statements regularly sent by the Bureau of Water Works, the City Treasurer, the OMF Risk Management Division, the Revenue Division and payments made under leases managed by the OMF Business Operations Division.

It shall be the duty of the officers of various departments, bureaus and divisions of the City to furnish the Office of Management and Finance, daily, a list or journal of all charges that are to be billed, together with supporting data.

If payment of a City bill sent by the Office of Management and Finance is not received within 30 days after the date of billing, it shall be delinquent. It shall be the duty of the Office of Management and Finance to pursue collection of these delinquent accounts using appropriate collection methods. When collection efforts do not result in payment, invoices will be forwarded to the City Attorney for collection, or in appropriate cases to the Revenue Division to submit to the Council an ordinance assessing the unpaid bill upon property chargeable therewith. The Director of the Bureau of Administrative Services may select delinquent accounts to refer to a collection agency if the director deems such referral appropriate.

Interest of 1 percent per month shall be charged on all bills which remain unpaid for 30 days or more after the invoice billing date. Interest shall be computed from the invoice date and compounded monthly.
The Director of the Bureau of Administrative Services may add a rebill charge to delinquent accounts. The rebill charge shall be the greater of $5.00 or 25 percent of the amount which is delinquent, up to a maximum charge of $25.00. The rebill charge may be reassessed every 60 days, until the account is paid, assessed, canceled or waived.
The Director of the Bureau of Administrative Services may offer an early payment incentive discount of up to 2 percent on any or all invoices paid within 10 days of the billing date.

5.48.050 Improvements Without Assessment.
(Amended by Ordinance Nos. 144020 and 189413, effective March 6, 2019.)

A. Whenever the City is requested to construct an improvement without using assessment procedures, and the improvement is to be constructed under contract in the name of the City, the person or agency submitting the request shall make an advance deposit into the Trustee Fund to protect the City against loss on account of obligations to be assumed in connection with the improvement. The advance deposit shall cover the following items:

1. Estimated amount of the contract for the improvement;

2. A fee for engineering and superintending equal to the engineer's estimate of the cost of providing such services. Use accounting procedure 5.48.030.

3. Overhead of City in advertising for bids, preparing the contract, disbursing funds, etc., at 1/2 percent of the estimated contract amount with a minimum of $100.

Additional deposits may be required by the Commissioner In Charge at any time he may deem necessary to protect the City.

B. Advertising for bids and executing contract shall be authorized only by the City Council. In no event shall a contract be awarded for more than 93 percent of the funds on deposit.

C. The deposited funds shall be disbursed by the City Treasurer on order of the Commissioner In Charge of the improvement project and after approval by the Revenue Division. Disbursements shall be made as follows:

1. Contract payments shall be paid directly to the contractor;

2. Engineering fees and overhead shall be paid to the appropriate fund as revenue after the final cost of the contract has been determined.

3. Prior to the issuance of the certificate of completion by the City Engineer the fees charged to the permittee will be adjusted to agree with the actual costs of services as recorded by the City Engineer. The remaining balance, if any, after payment of all costs shall be returned to the permittee. If additional funds are required of the permittee, they shall be paid prior to the issuance of the certificate of completion.

5.48.060 Interdepartmental Services Authorized.

(Amended by Ordinance No. 182377, effective December 26, 2008.) Each Commissioner shall have power and authority, in the direction of activities of their department, to use the officers, employees, material, and equipment in different bureaus or divisions of such department whenever in their judgment the most efficient and economical administration of the affairs of their department requires. Each Commissioner shall also have authority to direct their subordinate employees to perform duly authorized services for other bureaus or departments. The appropriations carrying the cost of such services shall be reimbursed by calculating the cost of such services.

5.48.070 Accounting Procedure for Interdepartmental Services.

(Amended by Ordinance No. 182377, effective December 26, 2008.) Unless a specific charge for interdepartmental services is fixed, reduced or waived by the Council, through ordinance or policy, all such services shall be charged on the same basis as work performed for private persons as provided in Section 5.48.030, except that stock handling costs under Subsection 5.48.030 B. shall not be added.

CHAPTER 5.50 - COLLECTIONS SECTION

(Chapter added by Ordinance No. 147159, effective February 1, 1979.)

Sections:

5.50.010 Collections Section.
5.50.020 Compromise Authorization.
5.50.030 Money Collected.

5.50.010 Collections Section.

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

A. A Collections Section shall be established within the OMF Risk Management Division. This Section shall be responsible for the investigation, billing, collection and compromise of accounts receivable generated by losses suffered by the City including, but not limited to, vehicle accidents, street light and traffic accidents, property damage for vandalism or negligence and theft, and claims by the City for services rendered without a formal contract including, but not limited to property board ups, but not any claim for which the City may impose a lien. If necessary, the Collections Section may assign individual accounts to outside collection agencies. This Section shall also be responsible for gathering cumulative data necessary for establishing methods to remove or reduce the causes of such losses in the future.

B. The bureau sustaining the loss or damage shall send a report to the Collections Section within 2 working days from the date of loss or damage. The bureau shall supply all information relating to the loss to the Collections Section and shall cooperate with and assist the Collections Section in the investigation and collection of such loss or damage.

C. The Collections Section shall recommend that the City Attorney institute suit in appropriate cases. The City Attorney shall institute legal proceedings for the City in any court or tribunal upon direction of the Council or with the approval of the Commissioner of Finance and Administration and for good cause shown.

D. Nothing in this Chapter shall be applicable to accounts receivable arising under any contract.

5.50.020 Compromise Authorization.

The Collections Section with the approval of the Commissioner of Finance and Administration is authorized and directed to effect compromises in all cases where in the judgment of the collections Section, substantial justice can thus be achieved. These compromises are authorized in all cases involving an original claim of $5,000 or less.

Where the amount of the original claim is greater than $5,000 but less than $10,000, the Collections Section with the approval of the Commissioner of Finance and Administration is authorized to accept compromises which provide for payment to the City of not less than 50 percent of the amount of the original claim. Where the amount of the original claim is greater than $10,000, the Collections Section with the approval of the Commissioner of Finance and Administration is authorized to effect compromises which provide for payment to the City of not less than 75 percent of the original claim. Where the amount of the original claim is greater than $5,000, lesser amounts than herein specified may be accepted in compromise only with Council approval. The Collections Section with the approval of the Commissioner of Finance and Administration is authorized to cancel accounts receivable invoices of under $5,000 in amount or accept promissory notes or confessions of judgment where in the judgment of the Collections Section, substantial justice can thus be achieved.

All compromises shall be in writing utilizing forms approved by the City Attorney.

5.50.030 Money Collected.

All monies collected by the Collections Section will be credited to the appropriate City fund less a service charge of 15 percent for all claims for damages to its property against any third party tort-feasors arising out of an accident or incident. A 25 percent service charge will be required if necessary to assign to an outside collection agency. This service charge will be credited to the Insurance and Claims Fund. Financial records of amounts recovered will be cumulated and maintained by the Collections Section indicating the bureau and fund for which such amounts are recovered.

CHAPTER 5.52 - PETTY CASH AND CHECKS

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

Sections:

5.52.010 Petty Cash and Change Accounts.
5.52.020 Cancellation of Checks and Issue of in Lieu Checks.
5.52.030 Cancellation of City Assessments on Mortgage records.
5.52.040 When Checks Are to Be Canceled.
5.52.050 Drawing Checks on Charter Appropriations.

5.52.010 Petty Cash and Change Accounts.

(Amended by Ordinance Nos. 135063, 138943, 141163, 146673, 152320, 162106; 169321 and 177676, effective July 9 2003.)

A. Council by ordinance has authorized various offices of the City government to have petty cash and change funds. The Chief Administrative Officer shall approve establishment, closure, and administer changes to these funds, effective July 9, 2003. Petty cash accounts shall be for incidental expenditures and change cash accounts shall be for the purpose of making change at authorized locations and activities.

B. The amount of each purchase from petty cash accounts shall not exceed $100 unless approved in writing by the Bureau Manager.

C. A petty cash account exceeding $1,000 may be maintained as a checking account designated "City of Portland, Bureau of ___________, (Title of Account.)" Such accounts shall be the responsibility of the individual bureaus/agencies, which will:

1. Authorize in writing three signatures for each account.

2. Require two signatures on each check.

3. Establish a dollar limit for each check.

4. Establish a control system for the account.

5. Provide for audit procedures.

The City Treasurer shall provide technical assistance to the bureaus/agencies in the establishment of such accounts.

D. Reimbursement from petty cash accounts may be made to employees for the purchase of safety shoes and/or rain gear as provided in labor contracts with the

City. Such reimbursements for these specific purchases shall be restricted to the $100 limitation for petty cash purposes.

5.52.020 Cancellation of Checks and Issue of in Lieu Checks.

(Amended by Ordinance Nos. 173369 and 189452, effective May 10, 2019). The Accounting Division on behalf of the Mayor and Auditor shall have the authority to cancel any City check issued for the payment of money and to issue in lieu thereof one or more checks; provided, that in lieu checks shall be drawn against the same fund and shall not exceed in the aggregate the amount of the check cancelled; and provided further, that such in lieu checks shall state on the face thereof the numbers and date of the check in lieu of which they are issued. In the event that a check is claimed to have been lost, stolen, or destroyed the payee or holder shall promptly give notice to the City Treasurer to stop payment and file with the Accounting Division a request for a new check which shall include a statement of facts concerning the claimed loss, theft or destruction of the check. The Accounting Division on behalf of Mayor and the Auditor shall have the authority to issue a new check in place of the lost check; provided, however, that before delivery of the substitute check, the Accounting Division shall require from the payee a document relieving the City, its officers and employees from all harm in connection with the drawing and delivery of the substitute check, which document shall be approved as to form by the City Attorney.

5.52.030 Cancellation of City assessments on Mortgage Records.

(Amended by Ordinance No. 189413, effective March 6, 2019.) The Revenue Division is hereby authorized and empowered to cancel when paid, any and all assessments which have been or may be entered in the mortgage records for the cost of constructing sewers, drains, and all works necessary therefor by the City. Such cancellations may be made by endorsing a cancellation on the margin of the record as in case of release of mortgage or by executing and acknowledging a formal instrument of cancellation. Such cancellation shall be made only where payment has been duly received by the City Treasurer and duplicate copy of the receipt for such payment has been presented to the Revenue Division.

5.52.040 When Checks Are to Be Canceled.

(Amended by Ordinance Nos. 173369 and 189452, effective May 10, 2019.) At the close of each fiscal year the Accounting Division is hereby authorized and directed to cancel all checks the date of which shall be in excess of 6 years prior to the time of such cancellation.

5.52.050 Drawing Checks on Charter Appropriations.

(Amended by Ordinance Nos. 173369 and 189452, effective May 10, 2019.) The Accounting Division on behalf of the Mayor and the Auditor shall draw checks on the appropriations provided for by Section 2-108 and Section 2-105 (a)(14) of the Charter when a memorandum requisition for funds has been submitted to the Accounting Division, which has been signed personally by the Commissioner of Finance and Administration. The proceeds from the checks shall be held by the Commissioner of Finance and Administration for disbursement.

5.52.060 Establishing Checking Account and Providing for Payment of Certain Refunds by Check.

(Repealed by Ordinance No. 177676, effective July 9, 2003.)

CHAPTER 5.56 - AMBULANCE SERVICE

Sections:

5.56.010 Police Radio Dispatch Service.
5.56.020 Acceptance by Ambulance Companies.

5.56.010 Police Radio Dispatch Service.

In order to prevent a duplication or multiplicity of ambulance service at the scene of any emergency or disaster, the Bureau of Police Radio Dispatcher will notify by direct phone furnished by the ambulance operator, the ambulance nearest the emergency or disaster scene. In consideration for the emergency dispatching service herein provided for, the private ambulance operators shall pay to the City the sum of $600 per month. Each ambulance operator shall pay monthly a sum equal to $600 divided by the number of ambulance companies participating in the dispatching service.

All monies due the City by the terms of this Section shall be paid by the 10th day of the month following the month in which dispatching service was furnished. All such money received by the City shall be credited to the General Fund Revenue Account, police charges, Code 432.

5.56.020 Acceptance by Ambulance Companies.

No monies shall be paid out or received by the City under the authority contained in this Chapter until the ambulance company requesting payment from the City or offering payment to the City shall have executed an acceptance of the terms of this Chapter in writing in form approved by the City Attorney.

CHAPTER 5.60 - MISCELLANEOUS CHARGES

Sections:

5.60.010 Charges For Architectural Services.
5.60.040 Employee Lists Furnished by Accounting Division Manager.
5.60.050 Licensees' Lists Furnished by License Bureau.
5.60.110 Driving City Cars to and from Work
5.60.120 Lien Accounting System Access.

5.60.010 Charges For Architectural Services.

(Replaced by Ordinance No. 136092; effective March 1, 1973.) Services performed by the Bureau of Architectural Planning for a service financed from a City fund other than the General Fund or by another governmental agency shall be charged for at the rate of 165 percent of the salary rates of the individuals working on the project. Services which are to be provided shall be undertaken only on approval of the Commissioner In Charge. Services to be charged for shall be authorized only after it has been determined that funds are available for payment.

5.60.020 Public Records Copy Charges.

(Repealed by Ordinance No. 156910, effective December 26, 1984.)

5.60.040 Employee Lists Furnished by the Accounting Division Manager.

(Amended by Ordinance No. 155770, effective April 4, 1984.)

A. Upon written application, the Accounting Division Manager may furnish to any applicant a list of names of City employees.

B. The Accounting Division Manager may charge a fee for providing such information with such fee determined by the Accounting Division Manager to be reasonable and approximating the cost to the City of providing the information.

C. The information provided by the Accounting Division Manager pursuant to this Section shall be limited to names of employees only, and shall not include addresses, or phone numbers.

D. This Section is not intended to prevent, nor is it related to, the verification of personal information provided voluntarily by employees to others.

5.60.050 Licensees' Lists Furnished by License Bureau.

Upon written application accompanied by the fee hereinafter set out, the Bureau of Licenses may furnish to any applicant a list of licensees. The fee for such list shall be as follows:

A. For any list containing the names of not more than 15,000 licensees, the fee shall be $250;

B. For any list containing the names of more than 15,000 licensees, the fee shall be in addition to the above, $1 for each 100 names or fraction thereof.

No list of names of licensees shall be furnished to any person not a City employee without the prior approval of the City Licenses Director.

5.60.110 Driving City Cars to and from Work.

(Amended by Ordinance Nos. 141835, 142504, 154639, 157641; 168313, 173369, and 176872, effective August 28, 2002.)

A. Employees authorized to drive City vehicles to and from their place of residence shall pay to the City a rental charge for each accounting period of use.

If there is more than one City employee commuting in the same vehicle, the charge to the passenger will be equal to that of the driver. It shall be the responsibility of bureaus to report to the Accounting Division vehicles used as commuting vehicles.

Payroll deductions for rental charges shall be made from the employee's second payroll check of the month. Submission of the Personal Use of City Vehicle form is required upon vehicle assignment, cancellation, or when reduction is requested by Friday of the payroll submission week.

B. Credit will be given when total consecutive working days of nonuse exceed working days.

C. Requests for authorization to drive City vehicles to and from work must be approved by the employee's bureau manager and the employee's Commissioner In Charge.

5.60.120 Lien Accounting System Access.

(Added by Ordinance No. 159619; amended by Ordinance Nos. 176577 and 189413, effective March 6, 2019.) Access to the City's automated Lien Accounting System shall be provided by internet access. Fees for use of the System by internet will be assessed on a per search basis. The Revenue Division shall set the fee per search and the fee may be adjusted annually. Agencies and individuals not affiliated with the City of Portland shall be billed monthly for searches on the System.

CHAPTER 5.64 - MISCELLANEOUS FISCAL PROVISIONS

Sections:

5.64.010 Fiscal Agency in New York City.
5.64.020 Appointment of Deputy Auditors.
5.64.030 Treasurer to Cash Credit Union Checks.
5.64.040 Bureau of Water Works Accounts.
5.64.050 Execution of Releases from Claims for Damages.
5.64.060 Cancellation of Refund Checks.
5.64.070 Refunds.
5.64.090 Investment of Available Funds.
5.64.100 Determination of City's Subrogation for Time Loss Payments.
5.64.110 Procedure upon Obtaining Real Property with Outstanding Liens, Assessments or Accumulated Interest.

5.64.010 Fiscal Agency in New York City.

The National Bank of New York, New York City, State of New York, shall be the fiscal agency in New York City for the City.

5.64.020 Appointment of Deputy Auditors.

The Auditor of the City shall have the authority to appoint as his deputies with power to act for and in his behalf any and all persons employed in the Office of the Auditor of the City. The authority hereby conferred shall in no way affect the classifications or salaries of employees so appointed, the authority being conferred merely for the purpose of facilitating the transactions of business in the office of the City Auditor.

5.64.030 Treasurer to Cash Credit Union Checks.

The City Treasurer is hereby authorized and directed to accept and cash checks properly drawn by the City Employees' Credit Union, signed by the Treasurer and countersigned by the President and Vice President. It shall be the duty of the Secretary of the City Employees' Credit Union to file with the City Treasurer annually at the time of election of officers of the credit union a certificate showing the name of the President, Vice-president and Treasurer of the Credit Union. In the event any change is made in the organization of the Credit Union whereby any other officers or individuals are authorized to sign or countersign checks, the same shall be immediately transmitted to the City Treasurer by the Secretary by the filing with the City Treasurer of a certificate so stating. In the event any change in officers is made at any time during the year the same shall be immediately transmitted to the City Treasurer in like manner.

5.64.040 Bureau of Water Works Accounts.

The Auditor of the City is hereby directed to exercise the same supervision and authority over the accounts and financial affairs of the Bureau of Water Works as he is authorized, directed, and required by the Charter and ordinances of the City to exercise over other bureaus.

5.64.050 Execution of Releases from Claims for Damages.

The City Treasurer, or Deputy Treasurer, in the absence or inability to serve of the City Treasurer, is hereby authorized upon receiving payment in full of claims for damages, to execute and deliver on behalf of the City a formal release and discharge of and from any further liability upon such claim; provided, that such release be first approved by the City Attorney.

5.64.060 Cancellation of Refund checks.

The City Treasurer shall cancel outstanding refund checks after 6 years. The amount represented by such checks shall be transferred from the refund account to the General Fund. In order that persons having refunds due which are represented by outstanding refund checks may not be precluded from establishing their right to such refund in the future, any person entitled to a refund, for which refund a check has been issued and has not been presented for payment within 6 years, and which refund has been canceled under the provisions of this Section, may petition the Council at any time for the allowance of such refund. The Council may after hearing upon such claim allow and pay the amount of such refund from the General Fund. Such payment however shall be made only by ordinance.

5.64.070 Refunds.

(Amended by Ordinance Nos. 173369 and 189452, effective May 10, 2019.)

A. The Accounting Division on behalf of the Mayor and Auditor is authorized to draw checks making refunds for any purpose except as provided in Subsection B below. A check may be drawn when a properly signed memorandum requisition is presented which contains a statement showing the necessity for the refund and the amount thereof, or which is supported by such statement. The statement shall bear the approval of the bureau head responsible for determining the amount of refund, who shall initiate the necessary requisition. A refund in any amount may be paid from petty cash if funds are available and if the required statement is submitted.

B. The Mayor and Auditor are authorized to draw checks for the refund of assessments paid in error after such refunds have been properly recorded in the Auditor’s refund register, provided that no refund shall be made on account of assessments paid where the description of property assessed is found to be erroneous unless such refund is first authorized by Council.

C. A refund shall be charged against appropriations if the amount to be refunded was previously credited to a budgetary fund. It shall be charged to the fund receipts previously credited if the amount to be refunded was credited to a nonbudgetary account.

5.64.090 Investment of Available Funds.

(Corrected under authority of PCC Section 1.01.035 on May 15, 2017.) The City Treasurer hereby is authorized to invest any uninvested surplus balance to the credit of the General

Fund or any sinking fund or special fund in interest bearing securities such as may be lawfully held by the City under Section 7-108 of the City Charter. The Treasurer may purchase such securities on the open market and may bid on new issues of such securities. The Treasurer may sell such securities on the open market, if there is an established market therefor, as necessary to meet the cash needs of the various funds.

The authority herein granted to the Treasurer may only be exercised with the approval of the Commissioner of Finance and Administration and, in the case of the investment of sums held in special funds or sinking funds, with the approval of Commissioner In Charge of the budget of such sinking fund or special fund.

5.64.100 Determination of City's Subrogation for Time Loss Payments.

The City Attorney shall determine the amount of any City claim under Charter Section 2-608 for time loss payments made to any officer or employee of the City. In making such determination the City Attorney shall consider the amount of time loss paid by the City, the amount of recovery, the nature and degree of the injury, the costs and expenses incident to the injury or to the recovery of damages, the testimony and evidence insofar as the same is conveniently available, the legal factors involved and all other facts and circumstances which he finds relevant to the particular situation. A tentative determination of the City claim may be made prior to recovery if the City Attorney finds it to be appropriate to assist in settlement of the claim of the officer or employee against another person. Such determination by the City Attorney on the basis of settlement or adjudication of the claim of the officer or employee shall in each case be deemed the amount of the City's claim by subrogation.

5.64.110 Procedure Upon Obtaining Real Property with Outstanding Liens, Assessments or Accumulated Interest.

In all cases where the City acquires a parcel of real property by purchase, gift, trade or otherwise, and the City is obligated to pay an outstanding lien and/or assessment with or without accumulated interest, the officer or Commissioner In Charge of the department or bureau acquiring the real property shall be responsible for the payment of the outstanding lien and/or assessment with accumulated interest, if any, from the appropriate fund at the time of acquisition.

CHAPTER 5.68 - PROFESSIONAL, TECHNICAL AND EXPERT SERVICE CONTRACTS

(Chapter replaced by Ordinance No. 177244, effective July 1, 2003.)

Sections:

5.68.010 Definitions.
5.68.015 General Requirements – PTE Manual.
5.68.020 Special Procurements.
5.68.030 Public Announcement of Requirements.
5.68.035 Authority to Obligate City for Professional, Technical or Expert Services.
5.68.050 Review by City Attorney.
5.68.060 Outside Legal Services.
5.68.070 Procedure for Selection of Bond Counsel.
5.68.080 Consultant's Compliance with Workers' Compensation Requirements.

5.68.010 Definitions.

(Amended by Ordinance Nos. 182213, 184427, 185065, 187373 and 189878, effective March 4, 2020.) In addition to the definitions in PCC 5.33, the following definitions apply:

A. For the purposes of this Chapter, "professional, technical and expert" refers to any individual or group, excluding regular City employees, who, for a fee, provides services or gives professional advice regarding matters in the field of their special knowledge or training, such as, but not limited to: architects, engineers, lawyers, accountants, doctors, owner's representatives, and counselors in investments or insurance. The Chief Procurement Officer has authority to classify services not specifically addressed in this provision as professional services if those services require professional advice in a field of special knowledge or training similar to those listed above.

B. "Estimated Fee" means City's reasonably projected fee to be paid for a Consultant's services under the anticipated Contract, excluding all anticipated reimbursable or other non-professional fee expenses. The Estimated Fee is used solely to determine the applicable Contract solicitation method and is distinct from the total amount payable under the Contract.

5.68.015 General Requirements – PTE Manual.

(Amended by Ordinance Nos. 182213, 184427 and 189878, effective March 4, 2020.) The Chief Procurement Officer of Procurement Services shall create and publish a Professional, Technical and Expert (PTE) Services Manual that shall govern selection and award of PTE Contracts. The Chief Procurement Officer may amend the PTE Manual to ensure that the interests of the public and PTE Consultants are fully served and that the process promotes accountability and competition among all segments of the citizens of Portland. The PTE

Manual shall include procedures providing for adequate notice of contract award to potential Consultants and shall provide the exclusive means by which selection decisions may be protested before the Contract is executed.

5.68.020 Special Procurements.

(Amended by Ordinance Nos. 179802, 182213, 184427, 187373 and 189878, effective March 4, 2020.)

A. This Chapter applies to City procurement of professional, technical and expert services.

B. The following services are designated as classes of Special Procurements, and are exempt from the selection process outlined in the City's Professional, Technical and Expert Services Manual and can be made by direct appointment under this Chapter:

1. Processing of any claim for workers' compensation benefits;

2. Physician or medical personnel to determine any prospective or current City employee's ability to work or return to work;

3. Determining any reasonable accommodation that may be made to any job classification in the City; and

4. Veterinary physician, specialist, or medical personnel required to determine any prospective or current City-owned service animal's ability to work or return to work, or providing general medical upkeep to a City-owned service animal;

5. Golf Course Management Agreements (including concessions and club house operations) of a duration not to exceed five years for the parks under the jurisdiction of the City of Portland Bureau of Parks and Recreation.

6. Modifications, including updates, upgrades, and enhancements by the licensor of intellectual property licensed to the City; or an authorized provider if the licensor does not directly provide the services.

7. The City Attorney's retention of expert witnesses and Consultants to assist the City Attorney's Office in providing legal advice to the City, and outside legal counsel.

C. If any emergency exists, as defined in PCC 5.33.130, the Chief Procurement Officer may authorize selection of a Consultant in accordance with PCC 5.33.130.

D. If the services or expertise required for a project are only available from a "sole source" as defined in the PTE Manual, then the Chief Procurement Officer may

authorize selection of a contractor without following the requirements of this Chapter or any Chapter of Portland City Code, but subject to the procedures outlined in the PTE Manual.

E. The Chief Procurement Officer shall include all emergency and sole source Contracts in periodic reports to the City Council.

F. If professional, technical or expert services are required in conjunction with the acquisition of goods, services, public improvements, construction services or some combination thereof, the Chief Procurement Officer may permit the acquisition of such services through the provisions of Chapter 5.33 or 5.34 of this Code instead of this Chapter.

5.68.030 Public Announcement of Requirements.

(Amended by Ordinance Nos. 182213, 184427 and 189878, effective March 4, 2020.) The PTE Manual shall set forth the procedures to be followed by all bureaus in announcing and advertising City PTE Solicitations. The procedures in the PTE Manual shall be designed to make information about such solicitations readily available to interested PTE Consultants, including firms certified by the State of Oregon Certification Office for Business Inclusion and Diversity (COBID) as Disadvantaged, Minority owned, Women owned, Emerging Small Businesses, and Service-disabled Veteran owned Business Enterprises (D/M/W/ESB/SDVB) as defined in ORS 408.225(hereafter referred to collectively as COBID Certified Firms). From time to time, the City may adopt programs designed to promote competition, enhance economic opportunity and stimulate hiring among all of Portland's citizens. When such programs are adopted, the Chief Procurement Officer shall take steps to ensure that PTE Consultants wishing to enter into contracts with the City are aware of the requirements for such programs.

5.68.035 Authority to Obligate City for Professional, Technical or Expert Services.

(Amended by Ordinance Nos. 182213, 184427 and 189451, effective April 10, 2019.)

A. All professional, technical or expert services contracts or purchase orders shall be in writing in a form approved by the City Attorney as provided in Section 5.68.050. The Chief Procurement Officer, or designee, is authorized to execute contracts, including Price Agreements, for PTE services required by the City in any amount not exceeding $1,000,000 without the need for an ordinance specifically authorizing the contract if the contract is included within the current fiscal year budget of the bureau seeking the contract.

B. The Chief Procurement Officer has authority to execute amendments for Contracts and Price Agreements that were originally executed in accordance with Chapters 5.68 as follows:

1. Amendments not exceeding 25 percent of the original Contract Amount.

2. Amendments exceeding 25 percent of the original Contract Amount, provided that the amended Contract Amount does not exceed $1,250,000 and the director of the bureau in whose behalf of the Contract was issued concurs.

3. Execute amendments to Price Agreements if the yearly estimated cost to the City is $1,250,000 or less.

4. Amendments whenever an ordinance approved by the City Council grants additional authority to the Chief Procurement Officer beyond that stated in these rules.

C. The Chief Procurement Officer is authorized, but not required, to waive any procedural irregularities in the PTE selection process provided the irregularities had no material effect on the selection of the proposed contractor.

D. The provisions of Section 5.68.035 also apply to the procurement of services and contracts for services referenced in Subsection 5.68.020 B.

5.68.040 Process for Services Costing Under and Over The Formal Bid Threshold.
(Repealed by Ordinance No. 182213, effective September 24, 2008.)

5.68.050 Review by City Attorney and Chief Procurement Officer.
(Amended by Ordinance Nos. 182213, 184427, 187373 and 189878, effective March 4, 2020.)

A. The Chief Procurement Officer or designee shall review and approve the form of all Requests for Proposals, Requests for Qualifications and other similar Solicitation Documents for all PTE Contracts or Price Agreements prior to issuance. Further review by the City Attorney will be at the Chief Procurement Officer's discretion.

B. The City Attorney or designee shall approve the form of all PTE Contracts and shall ensure that all required documentation, is present before the Contract is executed. Such approval shall occur before work begins.

5.68.060 Outside Legal Services.
(Amended by Ordinance Nos. 179802, 180659, 182213, 184427 and 189878, effective March 4, 2020.)

A. Except as specifically exempted by this Section, and in addition to the other requirements of this Chapter for professional, technical and expert service Contracts, the following procedures and requirements shall apply to any Contracts for legal services to be provided by attorneys outside of the Office of the City Attorney.

1. All City bureaus, agencies, or offices wishing to contract for legal services not provided by the City Attorney's Office shall submit for approval in writing to the City Attorney all requests before any agreement is made to obtain any such outside legal services.

2. The Chief Procurement Officer has the authority to sign and approve Contracts and Contract Amendments for outside counsel allowed by this Chapter specifically Subsection 5.68.020 B.7. However, all billings and invoices for outside legal counsel's services shall be directed to the City Attorney for review and approval prior to payment.

3. The Chief Procurement Officer shall not process any purchase requisition for outside legal services without the written approval of the City Attorney or designee.

4. The Accounts Payable Division shall not process for payment any billing or invoice for outside legal services without the written approval of the City Attorney or designee.

5. This Section does not apply to selection of bond counsel, who are selected in accordance with Section 5.68.070 of this Code. However, all billings and invoices of bond counsel shall be directed to the City Attorney for review and approval prior to payment.

5.68.070 Procedure for Selection of Bond Counsel.
(Amended by Ordinance Nos. 182213 and 189878, effective March 4, 2020.)

A. At the time a bureau determines it will need bond counsel for a project or series of projects, the bureau will notify the City Attorney. The City Attorney or designee shall notify each counsel listed in the Oregon Section of the Bond Buyer's Directory of Municipal Bond Dealers (Red Book), requesting that those interested in serving as bond counsel for the project or series of projects submit proposals.

The notice shall indicate the nature of the project or series of projects, the type and approximate amount of bonds, the approximate date for the sale or sales of bonds, the bond counsel services required, and the date proposals are due.

B. Those counsel interested shall provide the following information to the City Attorney:

1. A statement of the fee arrangement proposed by the firm.

2. Such other information as the City Attorney deems appropriate.

C. On receipt of the proposals the City Attorney shall refer them to a consultant selection committee (Committee) consisting of the City Attorney or designee; the

Chief Administrative Officer or designee; and the Bureau Director or designee. The Committee shall consider only firms that are listed in the Red Book. The Committee may interview any or all firms, including more than once. The Committee may authorize firms to modify their proposals during the interview period.

D. The Committee shall select a law firm to serve as bond counsel for the project or series of projects. The selection shall be based on fee, experience, or such other criteria as the Committee deems appropriate.

5.68.080 Consultant's Compliance with Workers' Compensation Requirements.

(Amended by Ordinance No. 189878, effective March 4, 2020.) Prior to the performance of any work under a professional, technical or expert services Contract awarded by the City, a Consultant shall comply with the Workers' Compensation Law, ORS Chapter 656, as it may be amended, and if Workers' Compensation Insurance is required by ORS Chapter 656, shall maintain coverage for all subject workers as defined by ORS Chapter 656, and shall maintain a current, valid certificate of Workers' Compensation Insurance on file with the City Auditor for the entire period during which work is performed under the contract.

5.68.090 Selection of Architectural, Engineering and Land Surveying Consultants for PTE Contracts.

(Repealed by Ordinance No. 185065, effective January 1, 2012.)

5.68.100 Direct Contracts with Architects, Engineers and Land Surveyors.

(Repealed by Ordinance No. 185065, effective January 1, 2012.)

5.68.110 Two-Tiered Selection Process.

(Repealed by Ordinance No. 185065, effective January 1, 2012.)

CHAPTER 5.72 - ECONOMIC DEVELOPMENT PROJECTS

(Chapter added by Ordinance No. 145441; amended by Ordinance Nos. 149771, 155942, 157012; and 157226 effective May 13, l985.)

Sections:

5.72.010 Purpose.
5.72.020 Definitions.
5.72.030 Economic Development - Applications.
5.72.040 Economic Development - Initial Review, Standards.
5.72.050 Housing - Applications.
5.72.060 Housing - Initial Review, Standards.
5.72.070 Initial Determination of Eligibility, Final Approval, Appeals.
5.72.080 General Conditions; Document Preparation and Review.
5.72.090 Application Processing, Financial Considerations.
5.72.100 Administrative Fees.
5.72.110 Bond Issuance.
5.72.120 Reporting Requirements.

5.72.010 Purpose.

The purpose of this Chapter is to provide necessary procedures and standards to carry out the powers granted to the City by Chapter 772, Oregon Laws of 1977 (ORS 280.410 to 280.485) as amended. This Chapter shall be liberally construed in order to carry out this purpose.

5.72.020 Definitions.

(Amended by Ordinance Nos. 166682 and 172567, effective August 12, 1998.) As used in this Chapter unless the context requires otherwise:

A. **"Economic development project"** includes any properties, real or personal, used or useful in connection with a revenue producing enterprise. "Economic development project" shall not include any facility or facilities designed primarily for the operation, transmission, sale, or distribution of electrical energy. "Economic development project" also includes multiple unit residential housing development on land having an assessed valuation of $8 per square foot or more on September 13, 1975, land within a designated urban renewal or redevelopment area formed pursuant to ORS Chapter 457, land within an area designated as a Housing and Community Development target neighborhood pursuant to the Housing and Community Development Act of 1974, or projects which benefit low or moderate income tenants, or address slum and blight as defined by the 1974 Housing and Community Development Act.

B. **“Eligible project”** means an economic development project found by the City to meet standards adopted pursuant to this Chapter. “Eligible project” includes multiple unit residential housing development which increases available housing units through new construction, rehabilitation of nonresidential buildings, or provides for rehabilitation of residential buildings.

C. **“City”** means the City of Portland.

D. **“Costs”** as applied to any project must conform to all applicable Internal Revenue Service regulations and may include:

1. The cost of construction and reconstruction.

2. The cost of acquisition of property, including rights in land and other property, both real and personal and improved and unimproved and the cost of site improvements.

3. The cost of demolishing, removing or relocating any buildings or structures on lands so acquired, including the cost of acquiring any lands to which the buildings or structures may be moved or relocated.

4. The cost of eligible machinery and equipment and related financing charges.

5. The cost of engineering and architectural surveys, plans and specifications.

6. The cost of financing charges and interest prior to and during construction, and if deemed advisable by the City for a period not exceeding 1 year after completion of construction.

7. The cost of consultant and legal services, other expenses necessary or incident to determining the feasibility or practicability of constructing a project, administrative and other expenses necessary to or incident to the construction of the project, including, but not limited to, costs of relocation and moving expenses according to a project plan developed by the City, and the financing of the construction of the project thereof, including reimbursement to any state or other governmental agency or any lessee of such project for the expenditures made with the approval of the City that would be costs of the project under this Chapter had they been made directly by the City, and any costs incurred after bond issuance by the City for audits or monitoring.

E. **“ Qualified historic project”** shall mean a project which includes the restoration or rehabilitation of a structure or structures designated as a City of Portland Historic Landmark. Such rehabilitation or restoration shall require the approval of the City

of Portland Landmarks Commission to assure conformance with the Secretary of the Interior's standards for historic preservation projects.

5.72.030 Economic Development - Applications.

A. The Portland Development Commission shall be responsible for receipt of applications and review and processing thereof. Applications shall be in a form established by the Portland Development Commission and shall include, in addition to other information deemed necessary by the Portland Development Commission:

1. Company/applicant information.

2. Project information.

3. Description of labor force at existing and proposed locations.

4. Financial information.

5. Environmental control information.

6. Any information required by law or otherwise which is reasonable and necessary to effectuate the purposes of this Chapter.

7. An agreement to indemnify and hold harmless the Portland Development Commission and the City of Portland, its officers and employees, from any and all liability for loss or damage to the company or any third person or entity arising from or alleged to have arisen from the processing of this application or any error or omission in any official statement or representation related to the contemplated financing.

B. The applicant must certify by letter that the issuance of revenue bonds is an inducement to locate, retain, or expand the project in Portland.

C. The requirements herein shall be considered to be minimums, and the Portland Development Commission and the City reserve the right to add additional requirements on a case-by-case basis. Likewise, the requirements herein stated pertain only to the Commission and the City and are not exclusive. Qualified bond counsel or the original purchaser may make additional requirements.

5.72.040 Economic Development -Initial Review, Standards.

A. Upon receipt of an application, the Portland Development Commission shall review the application to determine whether the application should be further processed. In reaching such a determination, the Portland Development Commission staff may request additional information from the applicant as well as assemble any and all data deemed relevant to the decision.

B. The Portland Development Commission shall consider the following:

1. Economic feasibility and general benefits to the City of the proposed project.

2. Density of use and potential impact in the area affected by the proposed project.

3. Land use, transit, and transportation facilities in the vicinity of the proposed project.

4. City's ability to supply or support other needed services resulting from the Economic Development Project.

5. Effect of proposed project on balanced economic development of the City.

6. Employment and property tax income from the project.

7. Employment opportunities. City and Portland Development Commission will use employment agreements when and where appropriate.

8. Suitability of proposed area in the City for the particular type of proposed development project.

9. Conformance with Internal Revenue Service regulations and the Oregon Revised Statutes.

C. No application shall be recommended for City Council approval unless the Portland Development Commission determines that the proposed project does not conflict with adopted City plans and policies, and conforms to the following uses:

1. Manufacturing or other industrial production.

2. Agricultural development or food processing.

3. Transportation or freight facilities.

4. Warehousing or distribution.

5. A project for the primary purpose of reducing air, water, or solid waste pollution.

6. Other activities that represent new technology or types of economic enterprise that the City determines are needed to diversify the economic base of the community.

7. Parking in close proximity to the Portland Performing Arts Center. Such a parking facility may include space for retail and commercial uses in addition to parking.

8. Commercial uses when a part of a qualified historic project or publicly initiated urban development project.

5.72.050 Housing - Applications.

A. The Portland Development Commission shall be responsible for receipt of applications and review and processing thereof, including, but not limited to, advice of bond counsel and legal advice. Applications shall be in a form established by the Portland Development Commission and shall include, in addition to other information deemed necessary by the Portland Development Commission:

1. The applicant's name, address and telephone number.

2. A brief description of the applicant's company history and past relevant performance.

3. A legal description of the property upon which the project will be located.

4. A detailed description of the project including the number, size and type of dwelling units; dimensions of structures; parcel size, proposed lot coverage with buildings, and amount of open space; type of construction; public and private access; parking and circulation plans; water, sewer, and other utility plans; landscaping; expected uses; and economic feasibility studies and market information including rent levels proposed.

5. A description of the existing use of the property including a proposed relocation plan for any persons who would be displaced from existing housing by the project; and for any businesses which would be displaced.

6. A site plan and supporting maps, which show in detail the development plan of the entire project, showing streets, driveways, sidewalks, pedestrian ways, off-street parking and loading areas; location and dimension of structures; use of the land and structure; major landscaping features; design of structures; and existing and proposed utility systems including sanitary sewers, storm sewers, water, electric, gas and telephone lines.

7. Any other information required by law or otherwise which is reasonable and necessary to effectuate the purposes of this Chapter.

8. The approximate amount of bond proceeds and allocation to eligible costs.

9. An agreement to indemnify and hold harmless the Portland Development Commission and the City of Portland, its officers and employees, from any and all liability for loss or damage to the company or any third person or entity arising from or alleged to have arisen from the processing of this application or any error or omission in any official statement or representation related to the contemplated financing.

5.72.060 Housing - Initial Review, Standards.
(Amended by Ordinance No. 177259, effective February 19, 2003.)

A. Upon receipt of an application, the Portland Development Commission shall review the application to determine whether the application should be further processed. In reaching such a determination, the Commission may request additional information from the applicant as well as assemble any and all data deemed relevant to the decision.

B. The Portland Development Commission shall, after review and comment by all relevant City bureaus, recommend approval, approval with conditions, or denial of the application, after consideration of the following:

1. The economic feasibility of the project, with and without the use of revenue bonds.

2. The need for housing resulting from the project.

3. The general benefits to the City of the proposed project.

4. The City's ability to supply or support other needed services required by the project.

5. Employment and property tax income from the project.

6. Suitability of the project as proposed in the specific proposed location.

7. (Amended by Ordinance No. 157998; Nov. 21, 1985.) Projects applying for permanent financing must be determined to provide housing at rent or price levels 85 percent of which shall be affordable by households with incomes up to 150 percent of the area median income.

8. Projects in the downtown, particularly the RX Zone, designated urban renewal or redevelopment areas shall receive highest priority.

9. Conformance with Internal Revenue Service Regulations and the Oregon Revised Statutes.

10. No application shall be recommended for approval unless the Portland Development Commission, after review and comment by all relevant City bureaus, determines that the project does not conflict with adopted City plans and policies.

11. Projects applying for construction financing may be at rent or price levels up to 150 percent of median income, but must have available a firm commitment for long-term project financing.

C. No project may be approved which would result in the conversion of existing occupied residential rental units to condominium or cooperative projects.

D. The applicant, to be eligible for financing assistance under this program, must agree not to discriminate against any purchaser or tenant who is a parent or legal guardian with whom a child resides or is expected to reside, except in projects designed exclusively for households, the heads of whom are 62 years of age or older; or in projects designed for households, the heads of whom are 55 years of age or older, if the project meets the requirements of the applicable federal law.

E. Revenue bonds may be issued secured by revenues from mortgage payments from individual owners of condominium and cooperative units within multiple unit housing projects which are newly constructed, rehabilitated from other uses or rehabilitated in abandoned residential buildings. Applications for such projects shall be considered by the Portland Development Commission if:

1. No individual or company may have more than one loan outstanding at any one time under this program for individual condominium or cooperative units.

2. No mortgage loan funds under this program may be used for refinancing by existing owners, and no loans may be assumed by persons not eligible for condominium or cooperative units.

F. The applicant shall submit a relocation plan for any households, individuals, or businesses which may be displaced by the proposed project. The Portland Development Commission will be responsible for analysis of that proposal and recommendation of that plan, that plan with amendments, or an alternative plan. The relocation plan shall assure that such households, individuals, or businesses are relocated to affordable housing of comparable or better quality.

5.72.070 Initial Determination of Eligibility, Final Approval, Appeals.

A. The Portland Development Commission staff, within 60 days after a complete application is filed with the Commission, shall prepare a written recommendation of approval, approval with conditions or denial of the application.

B. If Portland Development Commission staff recommends approval or approval with conditions of the application, the Commission shall, within 60 days of receipt of the application and recommendation, recommend by resolution that City Council approve, approve with conditions, or deny the application. This resolution shall include consideration of any required relocation plan. The Council shall, by resolution, approve, approve with conditions, or deny the application. Council approval or conditional approval of an application shall authorize the Portland Development Commission to process the application and to execute a letter of intent with the applicant.

C. Final approval shall take place after receipt and review by the Portland Development Commission of all requested and required final documents. All documents to be approved by the Portland Development Commission must be received in final form and received by the Commission l4 days prior to a scheduled Commission meeting. If the Commission determines that the documents comply with the rules and policies established within this Chapter, the Commission shall, by resolution, recommend issuance of the bonds in accordance with those final documents and further recommend that City Council adopt an ordinance authorizing issuance of the bonds in accordance with those documents.

D. If the Portland Development Commission staff recommends denial of the application, they shall notify the applicant in writing. The applicant may appeal by filing written notice thereof with the Portland Development Commission staff within l4 days of receipt of the notice of rejection. Upon receipt of the appeal, the Portland Development Commission shall, within 45 days, recommend by resolution, approval, approval with conditions or denial of the appeal.

5.72.080 General Conditions; Document Preparation and Review.
(Amended by Ordinance No. 166682, effective June 30, 1993.)

A. The following general conditions prevail in the issuance of all industrial development revenue bonds:

1. City of Portland economic development revenue bonds may be sold at public or private sale, and the bonds may mature at any time or times within the useful life of the project. For public sales, special approval may be required.

2. Any bond authorized under this Chapter which is to be sold by public sale must be rated by either a nationally recognized rating agency as Investment Grade.

3. Bonds sold through a private sale do not require a rating. For purposes of this Chapter, "private sale" means a sale of all of the bonds to persons or entities that qualify as "accredited investors" under 15 USC Section 77b

(15) (I) or 17 CFR Section 230.215. The purchasers must also certify, in a manner satisfactory to the City, that they have the financial sophistication, knowledge and experience in financial matters to evaluate the investment in the bonds and the appropriateness of that investment for them, and that they have received all the information required to make an informed judgement about the purchase of the bonds. Bonds which are sold through a private sale may be resold or transferred only to persons or entities that qualify as accredited investors and that provide the certification described in the preceding sentence.

4. The City of Portland does not guarantee the bonds and is not subject to any liability for their repayment.

5. The terms and conditions of the issuance and purchase of an industrial revenue bond issue are to be agreed upon by the applicant and bond purchaser with the concurrence of the Portland Development Commission (acting on behalf of the City.)

6. Where residential rental property is assisted under this Chapter, construction of the project must begin within 9 months from the date of bond issuance.

7. Applicant will be required to keep the Portland Development Commission advised of the schedule for document preparation and approval, and to provide drafts of documents to the Commission upon request of the Commission.

B. The following general conditions prevail regarding the preparation of all bond documents:

1. Bond counsel will be designated by the Portland Development Commission. Procedures for selecting bond counsel established by Section 5.68.080 of this Code shall not apply to projects initiated pursuant to this Chapter. The applicant will submit their recommendation of bond counsel.

2. Bond counsel will advise the Portland Development Commission of all federal and state procedural requirements as they apply to issuance of the bonds.

3. Bond counsel must be an Oregon law firm or other mutually acceptable bond counsel recognized in the Bond Buyers Directory of Municipal Bond Dealers of the United States.

4. The trustee chosen by the applicant, and approved by the Commission, must be a bank or trust company doing business in the State of Oregon with trust powers.

5. All documents to be approved by the Portland Development Commission must be in final form and received by the Portland Development Commission l4 days before the Commission meeting at which it will be acted upon.

5.72.090 Application Processing, Financial Considerations.

A. Upon receipt of a resolution approving the application, the Portland Development Commission shall consider:

1. The bond market for the types of bonds proposed for issuance.

2. The terms and conditions of the proposed issue.

3. Whether the applicant is financially responsible and fully capable and willing to fulfill its obligations under the agreement of lease, or contract, including the obligation to pay rent in the amounts and at the times required, the obligation to operate, repair and maintain at its own expense the project leased, or sold, and to serve the purposes of this Chapter and such other responsibilities as may be imposed under the lease or contract. In determining financial responsibility of the applicant consideration shall be given to the lessee's or purchaser's ratio of current assets to current liabilities, net worth, earning trends, coverage of all fixed charges, the nature of the industry or business involved, its inherent stability, any guarantee of the obligations by some other financially responsible corporation, firm or person, and other factors determinative of the capability of the lessee or purchaser, financially and otherwise, to fulfill its obligations consistently with the purposes of this Chapter and Chapter 772, Oregon Laws of 1977 (ORS 280.410 to 280.485.)

4. Such other relevant factors as the Development Commission considers necessary to protect the financial integrity of the City.

If the Development Commission shall determine that a bond issue is financially feasible it shall designate the underwriter, trustee and bond counsel and shall enter into appropriate agreements with each to carry out the provisions of this Chapter and Chapter 772, Oregon Laws of 1977 (ORS 280.410 to 280.485) subject to the approval of the Council pursuant to Section 5.72.110 of this Chapter. In reaching its determination, the Development Commission may appoint a Bond Review Committee to assist it in its deliberations, and may set administrative procedures from time to time as necessary.

5.72.100 Administrative Fees.

(Amended by Ordinance Nos. 160540, 160608; and 166996, effective September 29, 1993.)

A. The applicant agrees to pay all applicable City and Portland Development fees and expenses associated with the application whether or not the bonds are issued. A minimum application fee of $500 shall be assessed to all projects at the time of filing the formal application with the Commission. In addition, the Commission shall be reimbursed in full for all direct and indirect costs incurred in the project. The fees shall be paid as follows:

1. $500 at the time of filing a formal application with the Portland Development Commission.

2. The balance at the time of closing of the bond issue. In the event the financing is not completed, costs incurred to date by the Commission shall be subject to immediate reimbursement.

B. Upon issuance of the bond, the applicant will pay the Portland Development Commission a one-time issuance fee equal to seven dollars per 1,000 dollars of the face amount of the bonds for ongoing administration of the bonds. On bonds issued prior to March 23, 1988, the annual administration fee will henceforth be seventy-five cents per 1,000 dollars of the outstanding principal, billed yearly in advance. On bonds issued prior to March 23, 1988, the Portland Development Commission and applicants of outstanding issues may enter into an agreement to pay a one-time fee in lieu of the annual administration fee.

1. For refunding bonds issued under ORS Chapter 280 for economic development projects, if the one-time issuance fee has been paid in accordance with subsection (b) for the bonds being refunded, and the Portland Development Commission determines the refunding will not generate additional ongoing administration costs, the fee or an equitable portion thereof may be waived. Nothing in this subsection (1), however, should be construed to eliminate or limit the applicant's responsibility to pay all fees and expenses of the City and the Portland Development Commission described in subsection (a) of this section in connection with issuing the refunding bonds.

5.72.110 Bond Issuance.

Upon receipt of the recommendation of the Portland Development Commission, the Council may by ordinance authorize the issuance of bonds in an amount equal to the costs of the proposed project, pursuant to Chapter 772, Oregon Laws of 1977, if it determines that the proposed issue meets the requirements of said Act and this Chapter.

5.72.l20 Reporting Requirements.

A. Beginning no later than l2 months following the issuance of bonds by the City, and continuing annually for a period as long as the bonds are outstanding, the Portland Development Commission shall require each project owner of the assisted project to submit a written report which describes:

1. Number of current employees by job category.

2. Total assessed value and property taxes paid during the most recent period for the assisted facility or facilities.

B. In addition to the foregoing, owners of multi-family projects assisted under this Chapter are required to report annually the number of residential units occupied by individuals or families who, at the date of reporting, have low or moderate incomes.

CHAPTER 5.73 - ARTS EDUCATION AND ACCESS INCOME TAX

(Chapter added by Resolution No. 36939 (approved at November 6, 2012 election); effective December 5, 2012.)

Sections:

5.73.010 Definitions.
5.73.020 Tax Imposed.
5.73.030 Net Revenues Distribution.
5.73.040 Intergovernmental Agreements.
5.73.050 Citizen Oversight Committee.
5.73.060 Audits.
5.73.070 Effective Dates.
5.73.080 Revenue Division Responsibilities.
5.73.090 Limitation on Costs.
5.73.100 Confidentiality.
5.73.110 Frivolous Filing, False Filing and Hacking.

5.73.010 Definitions.

(Amended by Ordinance Nos. 185827, 185960, 187339 and 187610, effective April 1, 2016.) For the purposes of this paragraph, the following definitions apply unless the context requires a different meaning.

A. "Catchment" means the geographical area from which an elementary school within a District draws its students.

B. "Charter School" means a school offering a comprehensive institutional program as defined under ORS Chapter 338. The charter school will be included in the School District if sponsored by the School District or the State Board of Education, provided that the School District is the Fiscal Agent for state school funds for the Charter School and the Charter School has both Portland catchment and Portland k-5 students.

C. "Director" means the Director of the Revenue Division, or authorized designee.

D. "Gross Revenues" means the total of all revenue received by the City of Portland from the Arts Education and Access Income Tax without regard to collection, administrative or other costs.

E. "Income-earning resident" means a resident who has income of $1,000 or more in the tax year.

F. "Net Revenues" means the revenue remaining after interest, collection, administrative and other costs and refunds are deducted from Gross Revenues.

G. "Portland K-5 Students" means students that reside within the geographical boundary of the City of Portland, Oregon that attend Kindergarten through 5th grade in public schools.

H. "Resident" or "resident of the City" means:

1. An individual who is domiciled in this City unless the individual:

a. Maintains no permanent place of abode in the City;

b. Does maintain a permanent place of abode elsewhere; and

c. Spends in the aggregate not more than 30 days in the taxable year in the City; or

2. An individual who is not domiciled in the City but maintains a permanent place of abode in the City and spends in the aggregate more than 200 days of the taxable year in the City unless the individual proves that the individual is in the City only for a temporary or transitory purpose. For purposes of this Subsection, a fraction of a calendar day shall be counted as a whole day.

I. "Resident" or "resident of the City" does not include:

1. An individual who is a qualified individual under section 911(d)(1) of the Internal Revenue Code for the tax year;

2. A spouse of a qualified individual under section 911(d)(1) of the Internal Revenue Code, if the spouse has a principal place of abode for the tax year that is not located in the City; or

3. A resident alien under section 7701(b) of the Internal Revenue Code who would be considered a qualified individual under section 911(d)(1) of the Internal Revenue Code if the resident alien were a citizen of the United States.

J. "Schools" means those educational institutions defined as schools by the Oregon Department of Education, but do not include on-line schools.

K. "School Districts" means the Portland Public, David Douglas, Centennial, Parkrose, Reynolds and Riverdale school districts.

5.73.020 Tax Imposed.

A tax of $35 is imposed on the income of each income-earning resident of the City of Portland, Oregon who is at least eighteen years old. No tax will be imposed on filer(s) within any household that is at or below the federal poverty guidelines established by the federal Department of Health and Human Services for that tax year.

5.73.030 Net Revenues Distribution.

(Amended by Ordinance No. 187339, effective October 16, 2015.) Net Revenues will be paid by the Revenue Division to the Arts Education and Access Fund for distribution by the City as follows:

A. First, funds shall be distributed to the School Districts for the purpose of hiring certified arts or music education teachers for elementary school students for Kindergarten through 5th grade (K-5). Distribution shall be based on a ratio of one teacher for every 500 K-5 students at schools that serve Portland K-5 students, except that Charter schools shall be funded based on a ratio of one teacher for every 500 Portland K-5 students served by the Charter school. Students attending schools that receive no distribution of funds shall not be counted. In the event that a school has less than 500 K-5 students, or in the case of Charter schools, less than 500 Portland K-5 students, funds shall be distributed on a pro rata basis based on the number of students attending that school. Funds shall not be distributed to:

1. Elementary schools within the School Districts that have no Portland K-5 students; and

2. Elementary schools within the School Districts that have Portland K-5 students enrolled, but whose catchment does not overlap with the City of Portland's geographical boundaries.

B. Any funds remaining after distribution to the School Districts shall be distributed to the Regional Arts & Culture Council (RACC). The City shall execute a contract amendment with RACC to ensure the funds are spent as follows:

1. Up to 95 percent of the remaining funds shall be distributed to RACC for grants to support non-profit Portland arts organizations that demonstrate artistic excellence, provide service to the community, show administrative and fiscal competence and provide a wide range of high-quality arts programs to the public. RACC will make the determination as to which arts organizations shall be supported, in accordance with their contract with the City. In the event that RACC distributes less than 95 percent of the funds to non-profit Portland arts organizations, the remaining funds shall be distributed for the purpose of providing grants and programs as described in Subsection 2. below.

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;

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

Education and Access Income Tax, unless otherwise required by law. This Section does not prohibit:

A. Disclosure to the taxfiler or authorized representative of the taxfiler;

B. Disclosure of general statistics in a form which would prevent the identification of financial information regarding an individual taxfiler;

C. Disclosure to the City Attorney's Office to obtain payment on unpaid accounts or to receive legal advice; or

D. Disclosure to an outside collection agency for collection of any unpaid account balance receivable. Assignment to an outside collection agency permits the Division to collect a reasonable collection fee, above and beyond any amount otherwise owed to the Division;

E. Disclosure as otherwise required by law.

5.73.110 Frivolous Filing, False Filing and Hacking.

(Added by Ordinance No. 185827, effective December 19, 2012.)

A. A $250 penalty will be assessed if a taxfiler takes a "frivolous position" in respect to preparing the taxfiler's tax return. A tax return is considered frivolous if a taxfiler does not provide information on which the substantial correctness of the self-assessment may be judged or if the tax return contains information that on its face indicates that the self-assessment is substantially incorrect. Examples of "frivolous positions" as provided in Oregon Administrative Rule 150-316.992(5)(2) are hereby adopted by direct reference.

B. A $250 penalty will be assessed if a taxfiler willfully makes or provides false statements related to their tax return filing.

C. The provisions of PCC Subsection 7.02.850 regarding Hacking apply.

CHAPTER 5.74 - ACQUISITION OF PUBLIC ART

(Chapter replaced by Ordinance No. 161537; amended by Ordinance Nos. 168591 and 179869, effective February 10, 2006.)

Sections:

5.74.010 Purpose.
5.74.020 Definitions.
5.74.030 Dedication.
5.74.040 Public Art Trust Fund.
5.74.045 Funds for Creative Space.
5.74.050 Siting.
5.74.060 Guidelines.
5.74.070 Ownership.
5.74.080 Decisions.
5.74.090 Implementation.

5.74.010 Purpose.

(Amended by Ordinance No. 189611, effective August 23, 2019.) It is the purpose of this Chapter and the policy of the City of Portland to dedicate two percent of the total Eligible Costs or two percent of the total Eligible Funds of all Improvement Projects (whichever is less) to Public Art. Public Art contributes to experiences that enrich the social, physical and cultural environment of Portland and promotes dialogue among people of all ages and backgrounds. This Chapter shall be implemented in a manner that benefits all Portlanders, including historically underserved communities and neighborhoods.

5.74.020 Definitions.

(Amended by Ordinance Nos. 178946 and 189611, effective August 23, 2019.)

A. As used in this Chapter:

1. Improvement Project means any project paid for wholly or in part by a Participating Bureau in which the Participating Bureau's contribution of Eligible Funds equals $50,000 or more for the construction, rehabilitation, remodeling, improvement or purchase for a public use of any building, structure, park, public utility, street, sidewalk or parking facility or any portion thereof within the limits of the City of Portland.

2. Maintenance and repair does not constitute an Improvement Project.

3. Improvement Projects which are developed privately and leased back to the City of Portland are not exempt from the provisions of this Chapter.

4. The purchase of improved or unimproved property by the Portland Development Commission solely for resale or redevelopment, in which property is not otherwise to be put to a governmental use, shall not constitute an Improvement Project subject to the provisions of this Chapter.

B. Artist-in-Residence means an artist in any discipline who explores new working methods to develop socially engaging, interactive art experiences with City Bureaus through either permanent or temporary artworks.

C. Creative Space means a physical location or a mobile location like a truck that is owned, leased, rented by, donated to, or otherwise made available to the City of Portland that has the exclusive purpose of facilitating the creation or display of visual, performing, cultural or other artworks.

D. Eligible Costs means the Participating Bureau's capitalized costs for completion of an Improvement Project, including costs for capitalized tenant improvements. Eligible Costs do not include costs for: administration, fees and permits, building demolition, relocation of tenants, environmental testing, environmental remediation, non-construction contingency or indirect costs, such as interest during construction, advertising and legal fees. When an improvement project involves the acquisition of real property, costs attributable to land acquisition are not Eligible Costs, while costs attributable to improvements on the real property are Eligible Costs.

E. Eligible Funds means a Participating Bureau's monetary contribution to an Improvement Project. The following are not Eligible Funds: private development revenue, federal and state grants that preclude Public Art as an object for expenditure, Local Improvement District revenue, Water Operating Fund revenue, Water Construction Fund revenue, Sewer Systems Operating Fund revenue, Sewer Systems Construction Fund revenue and revenue from any other funding source subject to legal restrictions which preclude Public Art as an object for expenditure.

F. Public Art means original creative work, which is accessible to the public and/or public employees, and which has been approved as public art by the Regional Arts and Culture Council, acting on behalf of the City of Portland. This definition shall be liberally construed to support this Chapter's purpose, including but not limited to physical art works, Artists-in-Residence and Creative Space.

G. Participating Bureau means a City of Portland Bureau or Commission that funds an Improvement Project within the meaning of this Chapter.

H. Selection Panel means a group responsible for reviewing proposed Public Art. The Selection Panel will make a recommendation on the selection of Public Art to the Regional Arts & Culture Council. Selection Panels shall include a representative of

the Participating Bureau, the Improvement Project architect or engineer, one or more artist(s), and one or more Portland resident.

5.74.030 Dedication.

(Amended by Ordinance Nos. 187570 and 189611, effective August 23, 2019.) Any City of Portland official or employee acting on behalf of a Participating Bureau who authorizes or appropriates expenditures for an Improvement Project shall include in the capital improvement program of the City's capital budget, and except as provided herein for funds used to generate Creative Space, disburse to the Regional Arts & Culture Council, a monetary contribution for Public Art equal to two percent (2%) of the total Eligible Costs or two percent (2%) of the total Eligible Funds of the Improvement Project, whichever is less. When all or a portion of the funds are used to generate Creative Space, the Participating Bureau will not disburse those funds to the Regional Arts & Culture Council; rather, those funds used to generate Creative Space will stay with the Improvement Project.

A. The Participating Bureau representative shall authorize using the contribution of Eligible Costs or Eligible Funds for:

1. Public Art sited in, on or about the subject Improvement Project; or

2. Public Art on another property owned, leased, rented by, donated to or otherwise made available to the City of Portland; or

3. Artists-in-Residence; or

4. Creative Space; or

5. Any combination of Subsections 1. through 4.

B. The Office of Management and Finance shall adopt administrative rules and procedures to implement this section, which to the greatest extent practicable shall set forth the same procedures to be followed by all Participating Bureaus.

C. The Regional Arts & Culture Council shall develop project plans for Eligible Costs or Eligible Funds that take into account the views of the Participating Bureau, with final approval of the project plans from the Commissioner-in-Charge of the Participating Bureau.

5.74.040 Public Art Trust Fund.

(Amended by Ordinance No. 189611, effective August 23, 2019.) The Regional Arts & Culture Council shall maintain a special fund called the Public Art Trust Fund into which funds dedicated to Public Art, excluding Creative Space, pursuant to Section 5.74.030 shall be deposited.

A. Such funds shall be deposited into the Public Art Trust Fund, and shall be allocated as follows:

1. For all Public Art that is not Creative Space, as follows:

a. 63 percent shall be used by the Regional Arts & Culture Council for costs associated with acquisition and production of Public Art including, but not limited to the procurement, creation, fabrication, and installation of Public Art.

b. 27 percent shall be used by the Regional Arts & Culture Council for costs of administration and management associated with Public Art, including, but not limited to costs of selection, project management, community education and registration of Public Art.

c. 10 percent shall be used by the Regional Arts & Culture Council for the maintenance, conservation and deaccessioning of Public Art.

B. Such funds shall be deposited in separate accounts within the Public Art Trust Fund if separate accounting is requested by the Participating Bureau or required by law.

C. Disbursements from the Public Art Trust Fund shall be made by the Regional Arts & Culture Council.

1. Disbursements shall be made according to the terms of this Chapter and any guidelines adopted hereunder by the Regional Arts & Culture Council.

2. If an Improvement Project is funded by revenue sources whose expenditure is restricted by the City Charter or other law, the Regional Arts & Culture Council, prior to making a disbursement for Public Art from such a restricted account in the Public Art Trust Fund, shall adopt written findings demonstrating that the proposed disbursement complies with all applicable restrictions.

3. The Regional Arts & Culture Council will report annually and as requested to Participating Bureaus on the disbursement of funds from the Public Art Trust Fund.

5.74.045 Funds for Creative Space.

(Added by Ordinance No. 189611, effective August 23, 2019.) Participating Bureaus wishing to dedicate Eligible Costs or Eligible Funds towards the creation or improvement of Creative Space must obtain written approval from the Bureau's Commissioner-in-Charge. Requests must be submitted to the City Arts Manager at the Office of Management and Finance. Funds may not be used for programming or staffing.

Bureaus are responsible for operations and maintenance of Creative Space generated through this program and must submit an operations plan, 5-year programming plan, estimated annual budget and equity statement for the Creative Space.

If any part of an Improvement Project is a Creative Space, the Participating Bureau may, after obtaining written approval from the Bureau's Commissioner-in-Charge, opt to dedicate its Eligible Costs or Eligible Funds for future maintenance of the Creative Space. The Office of Management and Finance shall adopt administrative rules and procedures to implement this section, which to the greatest extent practicable shall set forth the same procedures to be followed by all Participating Bureaus.

5.74.050 Siting.

Public Art selected pursuant to this Chapter may be sited in, on or about any Improvement Project or other property owned, leased, or rented by, donated to, or otherwise made available to the City of Portland in accordance with any restrictions placed on siting by the Participating Bureau.

5.74.060 Guidelines.

(Amended by Ordinance No. 189611, effective August 23, 2019.) The Regional Arts & Culture Council shall, after consultation with Participating Bureaus, and after receiving written approval from the Office of Management and Finance and Arts Commissioner, adopt guidelines to:

A. Provide for annual reporting to Participating Bureaus;

B. Provide a method for the appointment of representatives to Selection Panels;

C. Determine a method or methods of selecting and contracting with artists for the design, execution and siting of Public Art;

D. Determine the dedication and disbursement process for the Public Art Trust Fund;

E. Determine a process for the ongoing care, maintenance and conservation of Public Art;

F. Determine a process to deaccession art;

G. Set forth any other matter appropriate to the administration of this Chapter.

5.74.070 Ownership.

All Public Art acquired pursuant to this Chapter shall be acquired in the name of the City of Portland, and title shall vest in the City of Portland.

5.74.080 Decisions.

(Amended by Ordinance No. 189611, effective August 23, 2019.) Except as limited by other sections of this Chapter, the Regional Arts & Culture Council shall make decisions as to the management and registration of Public Art, and disbursement of the Public Art Trust Fund. Notwithstanding the above, the Director of the Office of Management and Finance, in consultation with the Arts Commissioner and Participating Bureau, has exclusive final decision-making authority.

5.74.090 Implementation.

(Amended by Ordinance Nos. 187570 and 189611, effective August 23, 2019.) The Regional Arts & Culture Council, or its designee, shall implement and be held accountable for the provisions of this Chapter, in cooperation with the Office of Management and Finance and all Participating Bureaus.

CHAPTER 5.75 - CLAIMS UNDER ORS CHAPTERS 195 AND 197

(Chapter replaced by Ordinance No. 181640, effective February 28, 2008.)

Sections:

5.75.010 Purpose.
5.75.020 Definitions.
5.75.030 Filing an Amended Claim.
5.75.040 Review of Amended Claim by Program Manager.
5.75.050 Hearing on Amended Claim by City Council.
5.75.060 Filing a New Claim.
5.75.070 Review of New Claim by Program Manager.
5.75.080 Hearing on New Claim by City Council.
5.75.090 Claim Processing Fee.
5.75.100 Determination of Common Law Vested Right.
5.75.110 Hearing on a Common Law Vested Right By City Council.

5.75.010 Purpose.

The purpose of this Chapter is to establish a procedure by which owners of private real property located within the City of Portland may file claims pursuant to Chapters 195 and 197 of the Oregon Revised Statutes as amended by Ballot Measure 49 (November 6, 2007) (referred to in this chapter as "Measure 49") and to provide for consideration of claims by the City Council.

5.75.020 Definitions.

A. Appraisal. A written statement prepared by a person certified under ORS chapter 674 or a person registered under ORS chapter 308 that complies with the Uniform Standards of Professional Appraisal Practice, as authorized by the Financial Institution Reform, Recovery and Enforcement Act of 1989.

B. Approved Measure 37 Claim. A claim filed under ORS 197.352 and approved by the City Council before December 6, 2007.

C. Department. The Oregon Department of Land Conservation and Development.

D. Exempt Land Use Regulation. A land use regulation that:

1. Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;

2. Restricts or prohibits activities for the protection of public health and safety;

3. Is required in order to comply with federal law;

4. Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or

E. **Land Use Regulation.** A provision of the City of Portland comprehensive plan, zoning ordinance or land division ordinance that restricts the residential use of private real property zoned for residential use.

F. **Measure 37.** A ballot measure adopted by the voters of the State of Oregon and effective on November 6, 2004 that was codified as Oregon Revised Statutes (ORS) 197.352 and that required, under certain circumstances, the payment of just compensation to landowners if a government land use regulation restricted the use or property and reduced its value, or, in the alternative, authorized the government to remove, modify, or not apply one or more challenged regulations.

G. **Owner.** A person who is:

1. The owner of fee title to the property as shown in the deed records of the county where the property is located;

2. The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or

3. If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner.

H. **Program Manager.** The person authorized to administer and oversee the processing of claims under this Chapter.

I. **Protection of Public Health and Safety.** A law, rule, ordinance, order, policy or permit or other governmental authorization that restricts a use of property in order to reduce the risk or consequence of fire, earthquake, landslide, flood, storm, pollution, disease, crime or other natural or human disaster or threat to persons or property including, but not limited to, building and fire codes, health and sanitation regulations, solid or hazardous waste regulations and pollution control regulations.

J. **Reduction in Value.** A decrease in fair market value of the property from the date that is one year before the enactment of the land use regulation to the date that is one year after enactment, plus interest, adjusted by any ad valorem property taxes not paid as a result of any special assessment of the property under ORS 308A.050 to 308A.128, 321.257 to 321.390, 321.754 or 321.805 to 321.855, plus interest, offset by any severance taxes paid by the claimant and by any recapture of potential additional tax liability that the claimant has paid or will pay for the property if the property is disqualified from special assessment under ORS 308A.703.

K. **Waiver.** Action by the Portland City Council to modify, remove or not apply one or more land use regulations found to have caused a reduction in value.

5.75.030 Filing an Amended Claim.

A. A person may amend a Measure 37 claim that was filed with the City of Portland on or before June 28, 2007.

B. To qualify for compensation or waiver, a person filing an amended claim under this section must establish that:

1. The claimant is an owner of the property;

2. All owners of the property have consented in writing to the filing of the claim;

3. The property is located, in whole or in part, within the City of Portland;

4. On the claimant's acquisition date, the claimant lawfully was permitted to establish at least the number of single family dwellings on the property that are authorized under Measure 49;

5. The property is zoned for residential use;

6. A land use regulation prohibits the establishment of a single-family dwelling;

7. The establishment of a single-family dwelling is not prohibited by a land use regulation described in ORS 197.352(3);

8. The land use regulation described in paragraph 6 of this section was enacted after the date the property, or any portion of it, was brought into the Metro Urban Growth Boundary;

9. The land use regulation described in paragraph 6 of this section was enacted after the date the property, or any portion of it, was annexed to the City of Portland;

10. The enactment of the land use regulation caused a reduction in the fair market value of the property; and

11. The highest and best use of the property was residential use at the time the land use regulation was enacted.

C. A person filing an amended Measure 37 claim under this section must submit the following information:

1. The name, street address and telephone number of the claimant and all other persons and entities with an interest in the property;

2. A title report issued no more than 30 days prior to submission of the claim that shows the claimant's current real property interest in the property, the deed registry of the instrument by which the claimant acquired the property, the location and street address and township, range, section and tax lot number(s) of the property, and the date on which the owner acquired the property interest;

3. A written statement signed by all owners of the property, or any interest in the property, consenting to the filing of the claim;

4. A reference to any and all specific, existing land use regulations the claimant believes reduced the value of the property and a description of the manner in which the regulation prohibits the residential use of the property;

5. A copy of the city land use regulations that applied to the property at the time the challenged land use regulations became applicable to, or were enforced against, the property;

6. An appraisal showing the fair market value of the property one year before the enactment of the land use regulation and one year after enactment, and expressly determining the highest and best use of the property at the time the land use regulation was enacted;

7. A description of the claimant's proposed use of the property if the Council chooses to waive a land use regulation instead of paying compensation;

8. If the property is or has been enrolled in one or more of the special assessment programs listed in Section 5.75.020 J., information regarding tax amounts not paid as a result of the program or programs; and

9. A statement whether the claimant filed a claim with other public entities on or before June 28, 2007, involving the same property and a copy of any decision made by the entity on the claim.

D. The Program Manager shall notify all claimants who filed claims on or before June 28, 2007, and whose claims were not decided by the City Council prior to December 6, 2007, that they may amend their claims under this section and shall provide a form for amended claims. A claimant must submit an amended claim under this section to the Program Manager within 120 days after the date of notice under this paragraph or the claimant is not entitled to relief.

5.75.040 Review of Amended Claim by Program Manager.

A. The Program Manager shall review a claim filed under Section 5.75.030 to ensure that it provides the information required by Subsection 5.75.030 C. If the Program Manager determines that the claim is incomplete, the Program Manager shall, within 21 days after the filing of the claim, provide written notice of the incompleteness to the claimant. If the Program Manager does not notify the owner that the claim is incomplete within the prescribed 21 days, the claim shall be considered complete on the date it was filed with the City of Portland.

B. The Program Manager shall review the claim for compliance with the requirements of Subsection 5.75.030 B. and prepare a tentative determination of compliance not later than 90 days after the filing of a complete claim. The Program Manager shall provide written notice to the claimant, the Department, and owners of property within 200 feet of the claim property of the tentative recommendation as to whether the claimant qualifies for the number of single-family dwellings the City of Portland proposes to authorize. The written notice shall inform recipients they have 15 days to submit evidence or argument to the Program Manager in response to the tentative recommendation. The Program Manager shall make a final recommendation on the claim within 135 days of the date the claimant notifies the Program Manager of the claimant’s intent to continue the claim.

C. The Program Manager's recommendation to approve or deny a claim under Subsection B of this section shall be in writing and shall be supported by a brief explanation for the basis of the recommendation.

5.75.050 Hearing on Amended Claim by City Council.

A. The Auditor shall schedule each amended claim for consideration by City Council at a regularly scheduled City Council meeting. After considering the report and final recommendation by the Program Manager and any other material the Council determines is relevant, the Council shall make its final determination and adopt a final decision and order that explains the determination.

B. The City Council shall take final action within 180 days of receipt of a claim.

C. The City Council's decision shall be in writing and shall be supported by a brief explanation of the basis for the decision.

D. The Program Manager shall provide notice of the date, time and location of the public hearing at least 30 days before the hearing to the claimant, the Department, and owners of property within 200 feet of the claim property.

5.75.060 Filing a New Claim.

A. A person may file a claim after June 28, 2007, and will qualify for compensation or waiver, if:

1. The claimant is an owner of the property and all owners of the property have consented in writing to filing of the claim;

2. The claimant's desired use of the property is a residential use;

3. The claimant's desired use of the property is restricted by a land use regulation enacted after January 1, 2007;

4. The enactment of the land use regulation has reduced the fair market value of the property; and

5. The highest and best use of the property was residential use at the time the land use regulation was enacted.

B. A person filing a claim under this section must submit the fee for processing the claim prescribed in Section 5.75.090 and the following information:

1. The name, street address and telephone number of the claimant and all other owners of the property;

2. A title report issued no more than 30 days prior to submission of the claim that shows the claimant's current real property interest in the property; the deed registry of the instrument by which the claimant acquired the property; the location and street address and township, range, section and tax lot number(s) of the property; the date on which the owner acquired the property interest; and any exceptions and encumbrances to title;

3. A written statement signed by all owners of the property consenting to the filing of the claim;

4. A citation to the land use regulation the claimant believes is restricting the claimant's desired use of the property;

5. A description of the specific single-family residential use of the property that the claimant desires to carry out, but cannot because of the land use regulations;

6. An appraisal showing the fair market value of the property one year before the enactment of the land use regulation and one year after enactment, and expressly determining the highest and best use of the property at the time the land use regulation was enacted;

7. If the property is or has been enrolled in one or more of the special assessment programs listed in Measure 49, Section 9(6), information regarding taxes not paid as a result of the program or programs; and

8. A statement whether the claimant filed a claim with other public entities on or before June 28, 2007, involving the same property and a copy of any decision made by the entity on the claim.

C. A person filing a claim under this section must file the claim within five years after the challenged land use regulation was enacted.

5.75.070 Review of New Claim by Program Manager.

A. The Program Manager shall review the claim to ensure that it provides the information required by Section 5.75.060. If the Program Manager determines that the claim is incomplete, the Program Manager shall, within 60 days after the filing of the claim, provide written notice of the incompleteness to the claimant. If the Program Manager does not notify the owner that the claim is incomplete within the prescribed 60 days, the claim shall be considered complete on the date it was filed with the Program Manager.

B. A claim filed under this section shall not be considered complete until the claimant has submitted the information required by this section. If the claimant fails to submit a complete claim within 60 days after the notice prescribed in Subsection A, the claim shall be deemed withdrawn.

C. The Program Manager shall conduct a preliminary review of a claim to determine whether it satisfies all of the following prerequisites for full evaluation of the claim:

1. The property lies within the City of Portland's jurisdictional boundary;

2. The land use regulation that is the basis for the claim is a provision of a city land use regulation; and

3. The claimant acquired an interest in the property before the effective date of the land use regulation and has continued to have an interest in the property since the effective date.

D. If the claim fails to satisfy one or more of the prerequisites in subsection C of this section, the Program Manager shall prepare a report to that effect and recommend to the City Council that it dismiss the claim following a public hearing under Section 5.75.080.

E. If the claim satisfies each of the prerequisites in Subsection C of this section, the Program Manager shall complete the review of the claim to determine whether it satisfies the criteria in Section 5.75.060.

F. The Program Manager may commission an appraisal or direct other research in aid of the determination whether a claim meets the requirements of ORS 197.352 and to assist in the development of a recommendation regarding appropriate relief for a valid claim.

G. The Program Manager shall prepare a written report with the determinations required by Subsection E of this section and the reasoning to support the determination. The report shall include a recommendation to the City Council on the validity of the claim and, if valid, whether the City of Portland should compensate the claimant for the reduction of value or waive the regulation. If the Program Manager recommends compensation or waiver, the report shall recommend any conditions that should be placed upon the compensation or waiver to help achieve the purpose of this chapter and the policies of the City of Portland's comprehensive plan. If the Program Manager recommends waiver, the report shall recommend the specific number of single-family dwellings the City of Portland should authorize commensurate to the reduction in fair market value of the property.

H. The Program Manager shall provide the report to the City Council, the claimant, Metro, and other persons who request a copy.

5.75.080 Hearing on New Claim by City Council.

A. The City Council shall hold a public hearing on a claim prior to its final determination. The Program Manager shall schedule the hearing for a date within 180 days after the filing of a completed claim.

B. The Program Manager shall provide notice of the date, time and location of the public hearing at least 30 days before the hearing to the claimant and owners of the subject property, owners and occupants of property within 100 feet of the subject property, the Department, Metro, and Multnomah County. The notice shall indicate that:

1. A copy of the Program Manager's recommendation is available upon request;

2. Judicial review of the City of Portland's final determination is limited to the written evidence and arguments submitted to the City of Portland prior to or at the public hearing; and

3. Judicial review is available only for issues that are raised with sufficient specificity to afford the City of Portland an opportunity to respond in its final determination.

D. After the close of the public hearing the City Council shall makes its final determination on the claim and enter an order with findings of fact and conclusions of law, based upon the record made before the City of Portland, that explain the determination. The Program Manager shall mail a copy of the final determination to the claimant, Multnomah County, and any person who submitted written or oral testimony prior to the close of the public hearing.

E. The City Council will make its final determination within 180 days of the date the claim is complete.

5.75.090 Claim Processing Fee.

A claimant shall pay a $250 fee to file a claim under Sections 5.75.030 and 5.75.060 of this Chapter. A claim will not be considered complete until the fee is paid. For any claims submitted on or after December 2, 2004 for which a fee was not paid at the time of claim submittal, the Program Manager may bill the owner for the fee at any time during the claim review process and prior to a final decision on the claim.

5.75.100 Determination of Common Law Vested Right.

A. A person with an approved Measure 37 claim may apply for a determination that the person has a common law vested right to continue and complete a use or development allowed by an approved Measure 37 claim consistent with Measure 49.

B. An applicant seeking to establish a common law vested right for an approved Measure 37 claim must submit the following information:

1. The name, mailing address, and telephone number of the applicant.

2. A legal description and tax lot numbers of the subject property as well as a street address for the property, if any.

3. A copy of the approved Measure 37 claim decision from the City of Portland and, if appropriate, the State of Oregon.

4. Additional information sufficient to address each of the factors listed in Subsection C of this Section.

C. The factors to be considered by the Program Manager and the City Council in determining whether the applicant has a common law vested right to continue and complete a use or development allowed by an approved Measure 37 claim are:

1. The amount of money spent on developing the use in relation to the total cost of establishing the use.

2. The good faith of the property owner.

3. Whether the property owner had notice of the proposed change in law before beginning development.

4. Whether any improvements could be used for other allowed uses.

5. The kind of use, and the location and cost of the development.

6. Whether the property owner's acts are more than mere contemplated use or preparation, such as the leveling of land, boring test holes, or preliminary negotiations with contractors or architects.

7. Other relevant factors.

D. The Program Manager shall review the application to ensure that it provides the information required by Subsections B and C of this Section. If the Program Manager determines that the application is incomplete, the Program Manager shall, within 30 days after the filing of the application, provide written notice of the incompleteness to the applicant. If the applicant fails to respond or submit the missing information within 30 days of the date of the Program Manager's notice, the application shall be considered complete on the date it was filed with the City of Portland.

E. The Program Manager shall prepare a written report with the determinations required by Subsections B and C of this section and the reasoning to support the determination. The report shall include a recommendation to the City Council on whether the applicant has established a common law vested right to continue and complete a use or development allowed by an approved Measure 37 claim.

F. The Program Manager shall provide the report to the City Council, the claimant, Metro, and other persons who request a copy.

5.75.110 Hearing on a Common Law Vested Right By City Council.

A. The City Council shall hold a public hearing on an application for a common law vested right to continue and complete a use or development allowed by an approved Measure 37 claim prior to its final determination. The Program Manager shall schedule the hearing for a date within 90 days after the filing of a completed application.

B. The Program Manager shall provide notice of the date, time and location of the public hearing at least 30 days before the hearing to the applicant and owners of the subject property, owners and occupants of property within 100 feet of the subject property, and the Department. The notice shall indicate that:

1. A copy of the Program Manager's recommendation is available upon request;

2. Judicial review of the City of Portland's final determination is limited to the written evidence and arguments submitted to the City of Portland prior to or at the public hearing; and

3. Judicial review is available only for issues that are raised with sufficient specificity to afford the City of Portland an opportunity to respond in its final determination.

C. After the close of the public hearing the City Council shall make its final determination on the application and enter an order with findings of fact and conclusions of law, based upon the record made before the City of Portland, that explain the determination. The Program Manager shall mail a copy of the final determination to the claimant, the Department, and any person who submitted written or oral testimony prior to the close of the public hearing.

D. The City Council will make its final determination within 120 days of the date the claim is complete.

designee to incur debt to finance the design, acquisition, construction, installation, operation and maintenance of improvements within the District. Any such pledge of Clean & Safe District license fee revenues will be subject to any limitations set out in Oregon law or in the City Charter. In addition, no City pledge or combination of pledges under this Section for City payment of actual debt service or to enable the qualified contractor or its designee to make payments of actual debt service, but not including pledges to provide excess coverage for City payment of actual debt service or to enable the qualified contractor or its designee to provide excess coverage for payments of actual debt service, at any time will exceed one-third of the Clean & Safe District license fee revenues.

B. In making a request under Subsection A. of this Section, the qualified contractor will submit to the City a description of the improvements to be funded in whole or in part with the proceeds of the debt financing. The request also will include a description of any previously provided Clean & Safe District services proposed to be reduced or not provided due to the pledge of the District license fee revenues.

C. Notwithstanding Section 6.06.010, if the City pledges District license fee revenues for City debt incurred in accord with this Section, the City will retain the pledged portion of the District license fee revenues, to be used for repayment of the debt.

6.06.216 Lighting and District Amenities Revenues and Program.
(Added by Ordinance No. 176776; amended by Ordinance Nos. 179000, 185495, 186288 and 190167, effective October 21, 2020.)

A. As used in this Chapter, “lighting revenues” means that portion of Clean & Safe District revenues collected under Subsection 6.06.200 A.7. as adjusted each year under Subsection 6.06.200 A.8.

B. As used in this Chapter, “lighting program” means the design, acquisition, construction, installation, operation, and maintenance of all components, including but not limited to electrical connections and decorative lighting fixtures, necessary for a seasonal and decorative lighting system within portions of the District.

C. As used in this Chapter, “district amenities revenue” means that portion of Clean & Safe District revenues collected under Subsection 6.06.200 A.7. as adjusted each year under Subsection 6.06.200 A.8. in excess of amounts necessary to fund the lighting program in Subsection B. in a given year.

D. As used in this Chapter, “district amenities program” means the design, acquisition, construction, installation, operation, and maintenance of all components of amenities that improve the safety, function, and appearance of downtown sidewalks including but not limited to:

1. Trash receptacles, including solar trash compactors;

2. Co-located publication boxes.

E. Notwithstanding Section 6.06.010, lighting revenues and district amenities revenues will be used only:

1. For the lighting program and district amenities program as set forth above, including but not limited to the pledging of such revenue as provided under Section 6.06.215;

2. For a proportionate share of the Bureau's costs of administration of the license fee directed by the City Council to be recovered from license fee revenues, based on the ratio of lighting revenue and district amenities revenues to total District revenues; or

3. If a qualified contractor determines that lighting revenue and district amenities revenues in a license year will exceed or have exceeded the costs and expenses of the lighting program and the district amenities program in that license year and that the excess revenues will not be needed to fund a prudent reserve or for the costs and expenses of the lighting program and district amenities program in future license years, then the excess can be used to fund any item(s) in Section 6.06.010.

6.06.220 Clean & Safe District Periodic Sunset Review.

(Amended by Ordinance No. 185495, effective July 11, 2012.) During 2011 and each tenth year thereafter, the City Council will conduct a public hearing or hearings to determine whether the Clean & Safe District property management license fee should be terminated. Prior to the first such hearing in 2011 and in each tenth year thereafter, the City will mail notice of the hearing to the then current Clean & Safe District licensees under this Chapter.

6.06.230 Clean & Safe District Early Termination.

(Amended by Ordinance No. 185495, effective July 11, 2012.) If the City Council, on or before March 30 of any license fee year, receives written objections signed in that license fee year by licensees responsible for more than 33 percent of the total revenues generated from the Clean & Safe District property management license fee during that year, then the license fee for the Clean & Safe District will be terminated as of September 30 of that license fee year except that the fee will continue, at a rate reduced equally proportionally as to each licensee, to the extent necessary to meet any City pledge obligations incurred as authorized by Section 6.06.215.

6.06.240 Request Annual CPI Increase to be Different than Calculated.

(Added by Ordinance No. 185495; amended by Ordinance No. 187339, effective October 16, 2015.)

TITLE 7 - BUSINESS LICENSES

TABLE OF CONTENTS

Chapter 7.02 BUSINESS LICENSE LAW

7.02.005 Short Title.
7.02.010 Fees for Revenue.
7.02.020 Conformity to State Income Tax Laws.
7.02.100 Definitions.
7.02.110 Income Defined.
7.02.200 Administration.
7.02.210 Administrative Authority.
7.02.220 Presumption of Doing Business.
7.02.230 Confidentiality.
7.02.240 Persons to Whom Information May be Furnished.
7.02.250 Taxfiler Representation.
7.02.255 Representation Restrictions.
7.02.260 Information Request; Examination of Books, Records or Persons.
7.02.270 Records.
7.02.280 Deficiencies and Refunds.
7.02.290 Protests and Appeals.
7.02.295 Business License Appeals Board.
7.02.300 Certificates of Compliance.
7.02.310 Duplicate Certificates of Compliance.
7.02.330 Account Merger or Division.
7.02.400 Exemptions.
7.02.500 Tax Rate.
7.02.510 Registration Form and Tax Return Due Dates.
7.02.520 Quarterly Estimates.
7.02.530 Schedule for Payment of Estimated Tax.
7.02.545 Tax Returns.
7.02.550 Presumptive Tax.
7.02.560 Payment Plan Fee.
7.02.600 Income Determinations.
7.02.610 Apportionment of Income.
7.02.620 Changes to Federal and/or State Tax Returns.
7.02.630 Income Long Term Construction Contract Methods.
7.02.700 Penalties.
7.02.710 Interest.
7.02.715 Payments Applied.
7.02.720 Interest on Refunds.
7.02.730 Criminal Penalties for Violation of the Business License Law by City Employee or Agent.
7.02.800 Refundable Credit.
7.02.810 Credits Issued.

7.02.820 Obligations of Participating Businesses.
7.02.830 Collection and Remittance of Donations to the Regional Arts & Culture Council.
7.02.840 Frivolous Filing.
7.02.850 Hacking.
7.02.860 First Year Adjustment Credit.
7.02.870 Business Retention Credit for Qualifying Investment Management Firms.
7.02.880 Youth Employment Credit Programs.
7.02.881 Foster Youth Employment Opportunity Credit.
7.02.882 Youth Career Readiness Credit.

Chapter 7.03 TEMPORARY BUSINESSES
7.03.010 Temporary Businesses Exempt from Business License Law.
7.03.020 Fees for Revenue.
7.03.030 Temporary Businesses Defined.
7.03.040 License Required; Fees.

Chapter 7.07 PORTLAND CLEAN ENERGY COMMUNITY BENEFITS
7.07.010 Findings.
7.07.020 Policy and Purpose.
7.07.030 Definitions.
7.07.035 Surcharge Collection and Enforcement.
7.07.040 Portland Clean Energy Community Benefits Fund.
7.07.050 The Portland Clean Energy Community Benefits Fund Committee.
7.07.060 Funding Allocation Priorities.
7.07.070 Severability Clause.

Chapter 7.12 FRANCHISES AND UTILITY PRIVILEGE TAX LAW
7.12.010 Definitions.
7.12.020 Record of Franchises.
7.12.030 Authority to Inspect Franchisee Records and Require Reports.
7.12.040 Contents of Franchise.
7.12.050 Short Title and Administration.
7.12.060 Payment of Privilege Tax Required.
7.12.070 Privilege Tax Applicable to Other Cases.
7.12.080 Report of Earnings.
7.12.090 Time Payment of the Privilege Tax.
7.12.100 No Waiver or Estoppel.
7.12.110 Credits Allowable.
7.12.120 Interest and Penalty Applicable.

Chapter 7.14 UTILITY LICENSE LAW
7.14.005 Short Title.
7.14.010 Fees for Revenue.
7.14.020 License Required.

7.14.030	Administration.
7.14.040	Definitions.
7.14.050	Application and Issuance.
7.14.060	Fees and Payment.
7.14.070	Deductions.
7.14.080	Reports and Review of Records.
7.14.085	Refunds by City to Licensee.
7.14.090	Appeals.
7.14.100	Interest.
7.14.110	Civil Penalties.
7.14.120	Collection of Delinquencies.
7.14.130	Confidential Financial Information.
Chapter 7.22	**STREET AND SIDEWALK USE PERMITS**
7.22.010	Purpose.
7.22.020	Authorization.
7.22.030	Permit Required.
7.22.040	Revocation of Permit.
7.22.050	Permit Subject to Ordinances and Regulations.
7.22.060	Diversion of Traffic.
7.22.070	Interference Prohibited.
Chapter 7.24	**PRIVATE PROPERTY IMPOUND TOWING**
7.24.010	Towing of Vehicles from Private Property.
7.24.020	Administrative Authority.
7.24.030	Definitions.
7.24.040	Private Property Impound (PPI) Tower Registration.
7.24.050	Towing Regulations.
7.24.060	Towing and Storage Rates.
7.24.070	Conditions.
7.24.080	Prohibitions.
7.24.090	Remedies.
7.24.100	Appeals.
Chapter 7.25	**PAY AND PARK AND NON-PAY PRIVATE PARKING FACILITIES**
7.25.010	Purpose.
7.25.020	Savings Clause.
7.25.030	Definitions.
7.25.040	Authorization.
7.25.050	Registration as the Operator of a Facility.
7.25.060	Registration of a Facility.
7.25.070	Payment Device.
7.25.080	Signage Requirements.
7.25.090	Assessment of Penalties.

7.25.100	Parking Penalty Notice.
7.25.110	Penalty Payment Letters.
7.25.120	Unlawful to Tow Vehicles.
7.25.130	Complaint Handling Procedures.
7.25.140	Maintenance of Records.
7.25.150	Insurance Required.
7.25.160	Prohibitions.
7.25.170	Remedies.
7.25.180	Appeals.
Chapter 7.26	**REGULATION OF PAYDAY LENDING**
7.26.010	Purpose.
7.26.020	Definitions.
7.26.030	Permits.
7.26.040	Administrative Authority.
7.26.050	Payment of Principal Prior to Payday Loan Renewal.
7.26.060	Cancellation of Payday Loan.
7.26.070	Payment Plan for a Payday Loan.
7.26.080	Remedies.
7.26.090	Appeals.
7.26.100	Complaints.
7.26.110	Severability.

TITLE 7 - BUSINESS LICENSES

CHAPTER 7.02 - BUSINESS LICENSE LAW

(Chapter replaced by Ordinance No. 182137,
effective September 19, 2008.)

Sections:

7.02.005 Short Title.
7.02.010 Fees for Revenue.
7.02.020 Conformity to State Income Tax Laws.
7.02.100 Definitions.
7.02.110 Income Defined.
7.02.200 Administration.
7.02.210 Administrative Authority.
7.02.220 Presumption of Doing Business.
7.02.230 Confidentiality.
7.02.240 Persons to Whom Information May be Furnished.
7.02.250 Taxfiler Representation.
7.02.255 Representation Restrictions.
7.02.260 Information Request; Examination of Books, Records or Persons.
7.02.270 Records.
7.02.280 Deficiencies and Refunds.
7.02.290 Protests and Appeals.
7.02.295 Business License Appeals Board.
7.02.300 Certificates of Compliance.
7.02.310 Duplicate Certificates of Compliance.
7.02.330 Account Merger or Division.
7.02.400 Exemptions.
7.02.500 Tax Rate.
7.02.510 Registration Form and Tax Return Due Dates.
7.02.520 Quarterly Estimates.
7.02.530 Schedule for Payment of Estimated Tax.
7.02.545 Tax Returns.
7.02.550 Presumptive Tax.
7.02.560 Payment Plan Fee.
7.02.600 Income Determinations.
7.02.610 Apportionment of Income.
7.02.620 Changes to Federal and/or State Tax Returns.
7.02.630 Income Long Term Construction Contract Methods.
7.02.700 Penalties.
7.02.710 Interest.
7.02.715 Payments Applied.
7.02.720 Interest on Refunds.
7.02.730 Criminal Penalties for Violation of the Business License Law by City Employee or Agent.

7.02.800 Refundable Credit.
7.02.810 Credits Issued.
7.02.820 Obligations of Participating Businesses.
7.02.830 Collection and Remittance of Donations to "Work for Art," a Program of the Regional Arts & Culture Council.
7.02.840 Frivolous Filing.
7.02.850 Hacking.
7.02.860 First Year Adjustment Credit.
7.02.870 Business Retention Credit for Qualifying Investment Management Firms.
7.02.880 Youth Employment Credit Programs.
7.02.881 Foster Youth Employment Opportunity Credit.
7.02.882 Youth Career Readiness Credit.
7.02.890 Residential Rental Registration Program.

7.02.005 Short Title.

Chapter 7.02 of the Portland City Code is known as the Business License Law.

7.02.010 Fees for Revenue.

The term "license" as used in the Business License Law does not mean a permit, nor is it regulatory in any manner. It is strictly for revenue purposes.

7.02.020 Conformity to State Income Tax Laws.

(Amended by Ordinance No. 187339, effective October 16, 2015.) The Business License Law is construed in conformity with the laws and regulations of the State of Oregon imposing taxes on or measured by net income. Any reference in this Chapter to the laws of the State of Oregon means the laws of the State of Oregon imposing taxes on or measured by net income as those laws existed for that particular tax year. The Division has the authority by written policy to connect to and/or disconnect from any legislative enactment that deals with income or excise taxation or the definition of net income. Should a question arise under the Business License Law on which this Chapter is silent, the Division may look to the laws of the State of Oregon for guidance in resolving the question, provided that the determination under State law is not in conflict with any provision of this Chapter or the State law is otherwise inapplicable.

7.02.100 Definitions.

(Amended by Ordinance Nos. 184597, 187339, 189389, 189794 and 190129, effective October 16, 2020.) The terms used in this Chapter are defined as provided in this section or in Administrative Rules adopted under Section 7.02.210, unless the context requires otherwise:

A. "Division" means the Revenue Division of the City of Portland, Oregon Bureau of Revenue and Financial Services, along with its employees and agents.

B. "Bank" has the same meaning as used in ORS 706.008(1).

C. "Business tax" means the tax owed by a taxfiler for any particular license tax year.

D. "Business" means an enterprise, activity, profession or undertaking of any nature, whether related or unrelated, by a person in the pursuit of profit, gain, or the production of income, including services performed by an individual for remuneration, but does not include wages earned as an employee.

E. "Certificate of Compliance" means the document (or license) issued to a taxfiler upon full compliance with the Business License Law for the license tax year in question.

F. "Controlling Shareholder" means any person, alone or together with that person's spouse, parents, and/or children, who, directly or indirectly, owns more than five (5) percent of any class of outstanding stock or securities of the taxfiler. The term "controlling shareholder" may mean the controlling shareholder individually or in the aggregate.

G. "Day" means a calendar day unless otherwise noted.

H. "Director" means the Director of the Revenue Division or his or her designee.

I. "Doing Business" means to engage in any activity in pursuit of profit or gain, including but not limited to, any transaction involving the holding, sale, rental or lease of property, the manufacture or sale of goods or the sale or rendering of services other than as an employee. Doing business includes activities carried on by a person through officers, agents or employees as well as activities carried on by a person on his or her own behalf.

J. "Employee" means any individual who performs services for another individual or organization and whose compensation is reported by an IRS Form W-2.

K. "In Compliance" means that:

1. a non-exempt business has filed and paid the current year's required business tax; or

2. a non-exempt business has filed and paid the previous year's required business tax and has met the current year filing requirements; or

3. an exempt business has filed the required income verification; or

4. a new business has filed a completed registration form and is otherwise in compliance with all provisions of the Business License Law.

L. "Income" means the net income arising from any business, as reportable to the State of Oregon for personal income, corporation excise or income tax purposes, before

any allocation or apportionment for operation out of state, or deduction for a net operating loss carry-forward or carry-back.

M. "Individual" means a natural person, including natural persons who report their income to the State of Oregon in a joint personal state income tax return. In such case, the term "individual" shall refer to the joint taxfiler.

N. "Large Retailer" means a business that:

1. is subject to the Portland Business License Tax;

2. has total gross income, as reported per Section 7.02.610, from Retail Sales of $1 billion or more in the tax year; and

3. has Portland gross income, as reported per Section 7.02.610, from Retail Sales of $500,000 or more in the tax year.

4. the term "Large Retailer" does not include:

a. any manufacturer or other business that is not engaged in Retail Sales within the City;

b. any contractor as defined under ORS 701.005(5);

c. any entity operating a utility within the City;

d. any cooperative recognized under state or federal law; or

e. a federal or state credit union

O. "License Tax Year" means the taxable year of a person for federal or state income tax purposes.

P. "Net Operating Loss" means the negative taxable income that may result after the deductions allowed by the Business License Law in determining net income for the tax year.

Q. "Non-business Income" means income not created in the course of the taxfiler's business activities.

R. "Notice" means a written document mailed first class by the Division to the last known address of a taxfiler as provided to the Division in the latest registration form or tax return on file with the Division.

S. “Ownership of Outstanding Stock or Securities” means the incidents of ownership which include the power to vote on the corporation’s business affairs or the power to vote for the directors, officers, operators or other managers of the taxfiler.

T. “Person” includes, but is not limited to, an individual, a natural person, sole proprietorship, partnership, limited partnership, family limited partnerships, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business.

U. “Qualified Groceries” means food products that qualify for purchase under the U.S. Department of Agriculture Supplemental Nutritionals Assistance Program (“SNAP”).

V. “Qualified Medicine or Drugs” means any medicine, drugs, or medical devices that are regulated by the U.S. Food and Drug Administration as a medicine or drug.

W. “Qualified Health Care Services” means any services that involves the provision of health care to the public, including but not limited to doctor, medical clinic and hospital visits and all related services, health insurance, and any care provided by senior care facilities or rehabilitation facilities. This definition includes but is not limited to all services defined as “health care services” under ORS 750.005(5).

X. “Qualified Residential Garbage or Recycling Services” means any services provided by a business that are governed by PCC 17.102.140 or PCC 17.102.170.

Y. “Qualified Retirement Plan” has the same meaning as prescribed in IRC § 401.

Z. “Received” means the postmark date affixed by the United States Postal Service if mailed or the date stamp if delivered by hand or sent by facsimile, or the receipt date from the online file and pay application confirmation notice.

AA. “Registration Form” means the initial form that establishes a taxfiler’s account with the Division.

BB. “Residential Rental Unit” means a “dwelling unit” a defined by ORS 90.100, that is rented or offered for rent for a period of more than 30 consecutive days.

CC. “Retail Gross Revenue” means Retail Sales excluding the deductions outlined in Subsection 7.02.500 F.3.

DD. “Retail Sale” means a sale to a consumer for use or consumption, and not for resale. Retail Sale also includes but is not limited to the sale of services, including but not limited to retail banking services.

EE. "Tax return" means any tax return filed by or due from the taxfiler, including an annual exemption request form.

FF. "Tax Year" means the taxable year of a person for Federal and/or State income tax purposes.

GG. "Taxfiler" means a person doing business within the City and required to file a return, a registration form or other income documentation under the Business License Law.

7.02.110 Income Defined.
(Amended by Ordinance Nos. 183727, 187339 and 190129, effective October 16, 2020.)

A. Partnerships, S corporations, limited liability companies, limited liability partnerships, family limited partnerships, estates, and trusts are liable for the business license tax and not the individual partners, shareholders, members, beneficiaries or owners. The income of these entities must include all incomes received by the entity, including ordinary income, interest and dividend incomes, income from sales of business assets and other incomes attributable to the entity. For income purposes, a limited liability company is deemed to be the tax entity that includes the income of the limited liability company in its federal tax return – if the limited liability company will be disregarded as a separate tax entity.

B. If one or more persons are required or elect to report their income to the State of Oregon for corporation excise or income tax purposes or personal income tax purposes in a consolidated, combined or joint return, a single license certificate will be issued to the person filing such return. In such cases, "income" means the net income of the consolidated, combined or joint group of tax filers before any allocation or apportionment for operation out of the state, or deduction for a net operating loss carry-forward or carry-back.

C. The absence of reporting income to the Internal Revenue Service or the State of Oregon does not limit the ability of the Division to determine the correct income of the taxfiler through examination under Section 7.02.260.

7.02.200 Administration.
(Amended by Ordinance Nos. 187339 and 190129, effective October 16, 2020.)

A. The Division is responsible for administering the Business License Law. Authority granted to the Director may be delegated, in writing, to another employee within the Division.

B. The Division may, upon request, interpret how the Business License Law applies, in general or for a certain set of circumstances.

C. Nothing in this Chapter precludes the informal disposition of controversy by stipulation or agreed settlement, through correspondence or a conference with the Director.

7.02.210 Administrative Authority.
(Amended by Ordinance No. 187339, effective October 16, 2015.)

A. The Director may implement procedures, forms, and written policies for administering the provisions of the Business License Law.

B. The Director may adopt rules relating to matters within the scope of this Chapter to administer compliance with Business License Law.

C. Before adopting a new rule, the Director must hold a public hearing. Prior to the hearing, the Director will publish a notice in a newspaper of general circulation in the City. The notice must be published not less than ten nor more than thirty days before the hearing, and it 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. At the public hearing, the Director or designee will receive oral and written testimony concerning the proposed rule. The Director will either adopt the proposed rule, modify it or reject it, taking into consideration the testimony received during the public hearing. If a substantial modification is made, additional public review will be conducted, but no additional public notice is required if an announcement is made at the hearing of a future hearing for a date, time and place certain at which the modification will be discussed. Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director will be filed in the Division's office. Copies of all current rules will be made available to the public upon request.

E. Notwithstanding Subsections C. and D. of this Section, the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. Any interim rule adopted pursuant to this paragraph is effective for a period of not longer than 180 days.

7.02.220 Presumption of Doing Business.
(Amended by Ordinance No. 184597, effective June 17, 2011.) A person is presumed to be doing business in the City and subject to this Chapter if engaged in any of the following activities:

A. Advertising or otherwise professing to be doing business within the City; or

B. Delivering goods or providing services to customers within the City; or

D. Appointments to the Business License Appeals Board must provide for an appropriate level of expertise in accounting methods and tax regulation.

E. No employee or agent of the City may be appointed to or serve on the Business License Appeals Board.

7.02.300 Certificates of Compliance.
(Amended by Ordinance Nos. 183727, 187339 and 189389, effective February 21, 2019.)

A. Within 60 days of beginning business, the taxfiler must complete a registration form. The Division may issue or otherwise provide access to either an electronic or printed "Certificate of Compliance" upon registration to assist businesses in proving their compliance to regulatory agencies or to the public. Subsequently, after each year's tax filing the Division may issue or otherwise provide access to either an electronic or printed Certificate of Compliance indicating that the taxfiler is in compliance with the City's Business License Tax Law as of a particular date.

B. The City's issuance of a "Certificate of Compliance" does not entitle a taxfiler to carry on any business not in compliance with all other requirements of this Code and all other applicable laws.

C. A taxfiler is deemed to be doing business within the City within any fiscal year they receive income from business activity conducted within the City, notwithstanding that such activity has ceased. Income from business activity that has ceased includes, but is not limited to, income from installment sales (including sales of real property), collection of accounts receivable, covenants not to compete, and income from contractual agreements related to the trade or business activity.

7.02.310 Duplicate Certificates of Compliance.
(Amended by Ordinance No. 187339, effective October 16, 2015.) Upon request by the taxfiler a duplicate Certificate of Compliance may be issued to replace any Certificate previously issued that has been lost or destroyed. Duplicate Certificates will be issued in accordance with the Division's written policy.

7.02.330 Account Merger or Division.
When two or more taxfilers combine by merger or acquisition into one reporting entity, or one taxfiler divides or spins off into more than one reporting entity, the business tax for the license tax year after the combination or division will be computed upon the incomes earned by all entities for all tax periods required to be reported under state and federal tax laws and regulations.

7.02.350 License Tax Year Term.
(Repealed by Ordinance No. 190129, effective October 16, 2020.)

7.02.400 Exemptions.

(Amended by Ordinance Nos. 183727, 185394 and 187339, effective October 16, 2015.) The Division may require the filings of tax returns or other documentary verification of any exemption claimed under this section. To the extent set forth below, the following persons are exempt from payment of the business license tax, and/or the following incomes are exempt from calculation of the business license tax:

A. Persons whom the City is prohibited from taxing under the Constitution or laws of the United States, the Constitution or laws of the State of Oregon, or the Charter of the City.

B. Income arising from transactions which the City is prohibited from taxing under the Constitution or the laws of the United States, the Constitution or laws of the State of Oregon, or the Charter of the City.

C. Persons whose gross receipts from all business, both within and without the City, amounts to less than $50,000 ($25,000 for tax years that begin prior to January 1, 2007).

D. Corporations exempt from the Oregon Corporation Excise Tax under ORS 317.080, provided that any such corporation subject to the tax on unrelated business income under ORS 317.920 to 317.930 must pay a business tax based solely on such income.

E. Trusts exempt from Federal income tax under Internal Revenue Code Section 501, provided that any exempt trust subject to tax on unrelated business income and certain other activities under Internal Revenue Code Section 501 (b), must pay a business tax based solely on that income.

F. The following incomes of an individual:

1. Income from sales, exchanges or involuntary conversions of a primary residence;

2. Income from the sale of personal property acquired for household or other personal use by the seller;

3. Income from interest and dividend income earned from investments if the income is not created in the course of or related to the taxfiler's business activities;

4. Income from gains and losses incurred from the sale of investments (other than real property) that are not a part of a business.

G. Any person whose only business transactions are exclusively limited to the following activities:

1. Raising, harvesting and selling of the person's own crops, or the feeding, breeding, management and sale of the person's own livestock, poultry, furbearing animals or honeybees, or sale of the produce thereof, or any other agricultural, horticultural or animal husbandry activity carried on by any person on said person's own behalf and not for others, or dairying and the sale of dairy products to processors. This exemption does not apply if, in addition to the farm activities described in this subsection, the person does any processing of the person's own farm products which changes their character or form, or the person's business includes the handling, preparation, storage, processing or marketing of farm products raised or produced by others; or the processing of milk or milk products whether produced by said person or by others for retail or wholesale distribution.

2. Operating within a permanent structure a display space, booth or table for selling or displaying merchandise by an affiliated participant at any trade show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 days in any tax year.

H. Gross revenues subject to Chapters 7.12 or 7.14. Unless otherwise prohibited by law, gross revenue which is not otherwise subject to Chapters 7.12 or 7.14 is subject to the Business License Law.

7.02.500 Tax Rate.
(Amended by Ordinance Nos. 187743, 188129, 189017, 189261, 189389, 189794, 189861 and 190129, effective October 16, 2020.)

A. The tax established by the Business License Law is 2.2 percent of adjusted net income, for tax years beginning on or before December 31, 2017. For tax years beginning on or after January 1, 2018, the tax is 2.6 percent of adjusted net income, except as provided in Subsections B., C., D. and E. of this Section.

B. Surcharges applicable to Tax Years 2002 through 2005. The following surcharges are imposed in addition to the 2.2 percent tax established in Subsection A. above. The proceeds of the surcharges are dedicated to supplementing the funding provided by the State to the public schools within the City, and allocated to all of the public school districts within the City of Portland.

1. For the tax year beginning on or after January 1, 2002, a surcharge is imposed in the amount of 1 percent.

2. For tax year beginning on or after January 1, 2003, a surcharge is imposed in the amount of 0.4 percent.

3. For tax year beginning on or after January 1, 2004, a surcharge is imposed in the amount of 0.4 percent.

C. Surcharge applicable to Tax Years 2006 through 2007. The following surcharges are imposed in addition to the 2.2 percent tax established in Subsection A. above. The proceeds of the surcharges are dedicated to supplementing the funding provided by the State to the public schools within the City, and allocated to all of the public school districts within the City of Portland. The proceeds of the surcharges must be used by the school districts only for programs and activities on which the City is authorized to expend funds pursuant to its charter and state law.

1. For the tax year beginning on or after January 1, 2006, a surcharge is imposed in the amount of 0.14 percent.

2. No penalties or interest for failure to make quarterly estimated payments in the amount of the surcharge will be charged or imposed for the 2006 tax year.

3. For the tax year beginning on or after January 1, 2007, a surcharge is imposed in the amount of .07 percent.

4. If the surcharges raise more than $9 million plus City costs but less than $9.5 million plus City costs for the 2006 and 2007 tax years combined, the excess over $9 million, less City costs, will be dedicated to public schools within the City as provided in Subsection C. of this Section. If the surcharges raise more than $9.5 million plus City costs for the 2006 and 2007 tax years combined, the excess over $9 million, less City costs, will be retained as a credit for taxes due in a later tax year. The Director will apply the credit to taxes due no later than the 2010 tax year. The Director has the sole discretion to determine the method of calculating and distributing credits.

D. Heavy Vehicle Use Tax applicable to Tax Years 2016 through 2023. The following tax is imposed in addition to the tax established in Subsection A. above. The proceeds of this tax are dedicated to supplementing the funding of City of Portland street maintenance and safety and shall be deposited in a Street Repair and Traffic Safety Program of the Transportation Operating Fund where street repair and traffic safety expenditures are recorded.

1. For the tax years 2016 through 2023, a Heavy Vehicle Use Tax is imposed on taxpayers who operate one or more Heavy Vehicles on streets owned or maintained by the City of Portland. For the purposes of this tax, a Heavy Vehicle is any vehicle that is subject to the Oregon Weight-Mile Tax pursuant to ORS 825.450 et seq. For the tax years beginning on or after January 1, 2016, January 1, 2017, January 1, 2018 and January 1, 2019, this tax is 2.8 percent of the total Oregon Weight-Mile Tax calculated for all periods within the tax year. For the tax years beginning on or after January

1, 2020, this tax is 3 percent of the total Oregon Weight-Mile Tax calculated for all periods within the tax year.

2. The minimum Heavy Vehicle Use Tax due for a tax year is $100. The minimum tax would be in addition to the $100 minimum tax described in Section 7.02.545, if applicable.

3. No penalties or interest for failure to make quarterly estimated payments in the amount of the Heavy Vehicle Use Tax will be charged or imposed for the 2016 tax year only. Thereafter, penalties and interest will be calculated as provided for in the Code.

4. The Heavy Vehicle Use Tax shall have a 4 year revenue target, beginning with tax year 2020, of $11 million plus City costs. If at the end of tax year 2021, the City projects 4 year revenues to be above or below the target by an amount that is more than 10 percent of the target, the City will adjust the rate for subsequent tax years to reach the 4 year target. The Revenue Division of the Bureau of Revenue and Financial Services is authorized to adopt an administrative rule to implement this change, if needed.

E. Pay ratio surtax applicable to publicly traded companies subject to U.S. Securities and Exchange Commission pay ratio reporting requirements. The following surtax is imposed in addition to the tax established in Subsection A. above.

1. For tax years beginning on or after January 1, 2017, a surtax of 10 percent of base tax liability is imposed if a company subject to this section reports a pay ratio of at least 100:1 but less than 250:1 on U.S. Securities and Exchange Commission disclosures.

2. For tax years beginning on or after January 1, 2017, a surtax of 25 percent of base tax liability is imposed if a company subject to this section reports a pay ratio of 250:1 or greater on U.S. Securities and Exchange Commission disclosures.

F. Clean Energy Surcharge applicable to Large Retailers with Retail Sales within the City. The following surcharge is imposed in addition to the tax established in Subsection A. above. The proceeds from this surcharge are to support the City of Portland's Climate Action Plan and shall be deposited into the Portland Clean Energy Community Benefits Fund.

1. Filing Requirement. All businesses with total gross income of $1 billion or more and Portland gross income of $500,000 or more, as reported on the Combined Tax Return per Section 7.02.610, shall file a form that is due at the same time as their Combined Tax Return.

2. Imposition of Surcharge and Rate. Large Retailers shall pay a 1 percent surcharge on Retail Gross Revenue within the City. This surcharge is not a tax imposed directly on the purchaser (consumer). If a Large Retailer itemizes its cost of doing business for the purchaser (consumer), these amounts are still considered Retail Sales subject to the Clean Energy Surcharge.

3. Calculation of Retail Gross Revenue. In calculating the amount of Retail Gross Revenue for purposes of this Clean Energy Surcharge, a deduction from Retail Sales within the City is allowed for the following:

a. The amount of the Portland Business License Tax attributable to revenue subject to this surcharge, if any, paid to the city;

b. Retail Sales of Qualified Groceries;

c. Retail Sales of Qualified Medicine or Drugs;

d. Retail Sales of Qualified Health Care Services;

e. Retail Sales of Qualified Residential Garbage and Recycling Services; and

f. Retail Sales from the administration of Qualified Retirement Plans.

4. Effective Date and Penalties. The Clean Energy Surcharge will apply for all tax years beginning on or after January 1, 2019. Payments will be made consistent with the schedule required in Section 7.02.530. No underpayment interest for failure to make quarterly estimated payments for the Clean Energy Surcharge will be charged or imposed for the 2019 tax year. Thereafter, penalties and interest will be calculated separately from other taxes and surcharges as provided for in Sections 7.02.700 and 7.02.710.

7.02.510 Registration Form and Tax Return Due Dates.
(Amended by Ordinance Nos. 183727, 187339 and 190129, effective October 16, 2020.)

A. All persons subject to the requirements of this Chapter must register with the Division on a form provided or approved by the Division. Thereafter, taxfilers must file tax returns with the Division. The following timing requirements apply:

1. Registration forms must be filed within 60 days of the person beginning business in the City.

2. Tax returns must be filed by the 15th day of the fourth (4th) month following the end of the tax year. For cooperatives and non-profit corporations that have later due dates under Oregon tax law, the due date

for filing tax returns with the Division must conform to the due date under Oregon tax law.

B. The Division may, for good cause, grant extensions for filing tax returns, except that no extension may be granted for more than six (6) months beyond the initial filing due date. This extension does not extend the time to pay the tax.

C. Registration forms and tax returns must contain a written declaration, verified by the taxfiler, to the effect that the statements made therein are true.

D. The Division will prepare blank registration forms and tax returns and make them available at its office upon request. Failure to receive or secure a form does not relieve any person from the obligation to pay a business tax.

7.02.520 Quarterly Estimates.

Every taxfiler expecting to have a tax liability under Section 7.02.500 of $1,000 or greater must make an estimate of the tax based upon the taxfiler's current tax year and pay the amount of tax determined as provided in Section 7.02.530.

7.02.530 Schedule for Payment of Estimated Tax.

(Amended by Ordinance No. 187339, effective October 16, 2015.) A taxfiler required under Section 7.02.520 to make payments of estimated business taxes must make the payments in installments as follows:

A. One quarter or more of the estimated tax on or before the 15th day of the fourth (4th) month of the tax year; and

B. One quarter or more of the estimated tax on or before the 15th day of the sixth (6th) month of the tax year; and

C. One quarter or more of the estimated tax on or before the 15th day of the ninth (9th) month of the tax year; and

D. The balance of the estimated tax must be paid on or before the 15th day of the twelfth (12th) month of the tax year.

E. Any payment of the estimated tax received by the Division for which the taxfiler has made no designation of the quarterly installment to which the payment is to be applied, will first be applied to underpayments of estimated taxes due for any prior quarter of the tax year. Any excess amount will be applied to the installment that next becomes due after the payment was received.

7.02.545 Tax Returns.

(Authorized by Ordinance No. 189389, effective February 21, 2019.) Each tax return must be accompanied by a tax payment at the rate established in Section 7.02.500, provided that each such tax return must be accompanied by a minimum tax of $100 plus any amount due

as a result of the temporary surcharge established in Section 7.02.500 B. and D. The minimum payment may have previously been paid by quarterly payments, an extension payment, or credit available from a prior tax year.

7.02.550 Presumptive Tax.

(Amended by Ordinance No. 187339, effective October 16, 2015.)

A. If a person fails to file a tax return, a rebuttable presumption exists that the tax payable amounts to $500 for every license tax year for which a tax return has not been filed.

B. Nothing in this Section prevents the Division from assessing a tax due which is less than or greater than $500 per license tax year.

C. Presumptive taxes assessed under this subsection are considered filed documents and are subject to the time limitations for deficiencies and refunds as described in Section 7.02.280.

D. Taxes determined under this subsection are subject to penalties and interest from the date the taxes should have been paid as provided in Section 7.02.510 in accordance with Sections 7.02.700 and 7.02.710. The Division will send notice of the determination and assessment to the taxfiler.

7.02.560 Payment Plan Fee.

(Amended by Ordinance No. 187339, effective October 16, 2015.) If a person fails to pay the business tax when due, the Division may establish a payment plan and charge a set up fee pursuant to written policy.

7.02.600 Income Determinations.

(Amended by Ordinance Nos. 183727, 185781, 186331, 187339, 189017, 189389 and 190129, effective October 16, 2020.)

A. **Owners Compensation Deductions.** "Owners Compensation Deduction" is defined as the additional deduction allowed in Subsections B., C. and D. below. The owners compensation deduction is indexed (beginning in January 1999) by the Consumers Price Index - All Urban Consumers (CPI-U) US City Average as published by the US Department of Labor, Bureau of Labor Statistics, using the September to September index, not seasonally adjusted (unadjusted index). The Division determines the exact deduction amount and publishes the amount on forms. Any increase or decrease under this paragraph that is not a multiple of $500 will be rounded up or down to the next multiple of $500 at the Division's discretion.

1. For tax years beginning on or after January 1, 2007, the Owners Compensation Deduction cannot exceed $80,000 per owner as defined in

Subsections B., C. and D. below. For tax years beginning on or after January 1, 2008, the Owners Compensation Deduction will be indexed as described above.

2. For tax years beginning on or after January 1, 2013, the Owners Compensation Deduction cannot exceed $90,500 per owner as defined in Subsections B., C. and D. below.

3. For tax years beginning on or after January 1, 2014, the Owners Compensation Deduction cannot exceed $100,000 per owner as defined in Subsections B., C. and D. below. For tax years beginning on or after January 1, 2015, the Owners Compensation Deduction will be indexed as described above.

4. For tax years beginning on or after January 1, 2018, the Owners Compensation Deduction cannot exceed $125,000 per owner as defined in Subsections B., C. and D. below. For tax years beginning on or after January 1, 2019, the Owners Compensation Deduction will be indexed as described above.

B. **Sole Proprietorships.** In determining income, no deduction is allowed for any compensation for services rendered by, or interest paid to, owners. However, 75 percent of income determined without such deductions is allowed as an additional deduction, not to exceed the amounts listed in Subsection A. per owner.

C. **Partnerships.** In determining income, no deductions are allowed for any compensation for services rendered by, or interest paid to, owners of partnerships, limited partnerships, limited liability companies, limited liability partnerships, or family limited partnerships. Guaranteed payments to partners or members are deemed compensation paid to owners for services rendered. However:

1. For general partners or members, 75 percent of income determined without such deductions is allowed as an additional deduction, not to exceed the amounts listed in Subsection A. per general partner or member.

2. For limited partners or members of LLCs who are deemed limited partners by administrative rule or policy, 75 percent of income determined without such deductions is allowed as an additional deduction, not to exceed the lesser of actual compensation and interest paid or the amounts listed in Subsection A. per compensated limited partner.

D. **Corporations.** In determining income, no deduction is allowed for any compensation for services rendered by, or interest paid to, controlling shareholders of any corporation, including but not limited to, C and S corporations and any other entity electing treatment as a corporation, either C or S. However, 75 percent of

the corporation's income, determined without deduction of compensation or interest, is allowed as a deduction in addition to any other allowable deductions, not to exceed the lesser of the actual compensation and interest paid or the amounts listed in Subsection A. for each controlling shareholder.

1. For purposes of this Subsection, to calculate the compensation for services rendered by or interest paid to controlling shareholders that must be added back to income, wages, salaries, fees or interest paid to all persons meeting the definition of a controlling shareholder must be included.

2. For purposes of this Subsection, in determining the number of controlling shareholders, a controlling shareholder and that person's spouse, parents and children count as one owner, unless such spouse, parent or child individually control more than five (5) percent ownership of outstanding stock or securities in their own name. In that case, each spouse, parent or child who owns more than five (5) percent of stock is deemed to be an additional controlling shareholder.

3. For purposes of this Subsection, joint ownership of outstanding stock or securities is not considered separate ownership.

E. **Estates and Trusts.** In determining income for estates and trusts, income is measured before distribution of profits to beneficiaries. No additional deduction is allowed.

F. **Non-business Income.** In determining income under this Section, an allocation is allowed for non-business income as reported to the State of Oregon. However, income treated as non-business income for State of Oregon tax purposes may not necessarily be defined as non-business income under the Business License Law. Interest and dividend income, rental income or losses from real and personal business property, and gains or losses on sales of property or investments owned by a trade or business is treated as business income for purposes of the Business License Law. Income derived from non-unitary business functions reported at the State of Oregon level may be considered non-business income. Non-unitary income will not be recognized at an intrastate level. The taxfiler has the burden of showing that income is non-business income.

G. **Nondeductible Taxes and Surcharges.** In determining income, no deduction is allowed for taxes based on or measured by net income. No deduction is allowed for the federal built-in gains tax. No deduction is allowed for the Clean Energy Surcharge.

H. **Ordinary Gain or Loss.** In determining income, gain or loss from the sale, exchange or involuntary conversion of real property or tangible and intangible

personal property not exempt under Subsections 7.02.400 G. and H. must be included as ordinary gain or loss.

I. Net Operating Loss. In determining income, a deduction is allowed equal to the aggregate of the net operating losses incurred in prior years, not to exceed 75 percent of the income determined for the current license tax year before this deduction, but after all other deductions from income allowed by this Section and apportioned for business activity both within and without the City of Portland.

1. When the operations of the taxfiler from doing business both within and without the City result in a net operating loss, such loss will be apportioned in the same manner as the net income under Section 7.02.610. A net operating loss may not be carried forward from any license tax year during which the taxfiler conducted no business within the City or the taxfiler was otherwise exempt from payment of the business license tax unless specifically provided for by administrative rule or written policy.

2. In computing the net operating loss for any license tax year, the net operating loss of a prior year is not allowed as a deduction.

3. In computing the net operating loss for any license or tax year, no compensation allowance deduction is allowed to increase the net operating loss. "Compensation allowance deduction" is defined in Subsection 7.02.600 A.

4. The net operating loss of the earliest license tax year available must be exhausted before a net operating loss from a later year may be deducted.

5. The net operating loss in any license tax year is allowed as a deduction in the five (5) succeeding license tax years until used or expired. Any partial license tax year will be treated the same as a full license tax year in determining the appropriate carry-forward period.

7.02.610 Apportionment of Income.
(Amended by Ordinance Nos. 182427, 184597 and 187339, effective October 16, 2015.)

A. "Jurisdiction to tax" occurs when a person engages in business activities in a jurisdiction that are not protected from taxation by Public Law 86-272. Public Law 86-272 applies to interstate sales of tangible personal property. For purposes of the Business License Law, the limits imposed by Public Law 86-272 for interstate jurisdiction to tax shall also be presumed to apply on an intrastate basis. If a taxpayer's business is based in Portland, a taxpayer must have business activity outside Portland that results in a jurisdiction to tax outside Portland to apportion the income of the business. Without jurisdiction to tax outside Portland, all income of a business is taxable by Portland.

B. "Business activity" means any of the elements of doing business. The income reportable as income earned from business activity within the City of Portland will include all business incomes from sources within the City of Portland that are taxable incomes under Oregon tax laws and regulations unless otherwise exempted or excluded in this Chapter.

C. In computing the business license tax, taxfilers that have income from business activity both within and without the City must determine the income apportioned to the City by multiplying the total net income from the taxfiler's business by a fraction, the numerator of which is the total gross income of the taxfiler from business activity in the City during the tax year, and the denominator of which is the total gross income of the taxfiler from business activity everywhere during the tax year.

D. In determining the apportionment of gross income within the City under Subsection 7.02.610 C.:

1. Sales of tangible personal property are deemed to take place in the City if the property is delivered or shipped to a purchaser within the City regardless of the f.o.b. point or other conditions of sale. If sales of tangible personal property are shipped from the City to a purchaser located where the taxfiler is not taxable, those sales are not apportioned to the City.

2. Sales other than sales of tangible personal property are deemed to take place in the City if the income producing activity is performed in the City.

E. Certain industries or incomes are subject to specific apportionment methodologies. Such methodologies are described in administrative rules adopted in accordance with Section 7.02.210. Industry specific or income specific apportionment methodologies required by Oregon Revised Statutes for apportionment of gross sales, will be used in cases where no rule has been adopted by the Division regarding the apportionment of such industry or income. When gross sales as reported to Oregon are used for apportionment purposes, such gross sales will be defined as gross income for apportionment purposes herein. All apportionment methodologies directed under this Subsection will be a single factor gross income apportionment as directed under Subsections 7.02.610 C. and 7.02.610 D. In those specific cases where Oregon has directed allocation of income, such income will be apportioned for purposes of this Chapter, unless allocation is otherwise allowed in this Chapter.

F. If the apportionment provisions of Subsection C. do not fairly represent the extent of the taxfiler's business activity in the City and result in the violation of the taxfiler's rights under the Constitution of this State or the United States, the taxfiler may petition the Division to permit the taxfiler to:

1. Utilize the method of apportionment used by the taxfiler under the applicable laws of the State of Oregon imposing taxes upon or measured by net income; or

2. Utilize any other method to effectuate an equitable apportionment of the taxfiler's income.

7.02.620 Changes to Federal and/or State Tax Returns.
(Amended by Ordinance No. 187339, effective October 16, 2015.)

A. If a taxfiler's reported net income under applicable Oregon laws imposing a tax on or measured by income is changed by the federal Internal Revenue Service or the Oregon Department of Revenue, or amended by the taxfiler to correct an error in the original federal or state return, a report of such change must be filed with the Division within 60 days after the date of the notice of the final determination of change or after an amended return is filed with the federal or state agencies. The report must be accompanied by an amended tax return with respect to such income and by any additional tax, penalty, and interest due.

B. The Division may assess deficiencies and grant refunds resulting from changes to federal, state, city or county tax returns within the time periods provided for in Section 7.02.280, treating the report of change in federal, state, city or county tax returns as the filing of an amended tax return.

C. The Division may assess penalties and interest on the additional tax due as provided in Subsection 7.02.700 A. and 7.02.710 A., or may refuse to grant a refund of business taxes as a result of the amended tax return if the amended tax return is not filed with the Division within the time limits set forth in Subsection A.

7.02.630 Income Long Term Construction Contract Methods.

A. A taxfiler reporting income using a long term construction contract method must file an additional tax return for the taxfiler's income earned during the last license tax year, not later than the 15th day of the fourth (4th) month following the end of the prior license tax year during which either:

1. The taxfiler ceases to do business in the City; or

2. The taxfiler ceases to receive income from such long term construction contracts.

B. Net income for such taxfiler must include apportioned income arising from all contracts completed during such license tax year.

7.02.700 Penalties.
(Amended by Ordinance Nos. 187339 and 189389, effective February 21, 2019.)

A. A penalty will be assessed if a person:

1. Fails to file a tax return or extension request at the time required under Subsections 7.02.510 A. or 7.02.620 A.; or

2. Fails to pay the tax when due.

3. The penalty under Subsection A. is:

a. Five percent (0.05) of the total tax liability, but not less than $5, if the failure is for a period less than four (4) months;

b. An additional penalty of 20 percent (0.20) of the total tax liability if the failure is for a period of four (4) months or more; and

c. An additional penalty of 100 percent (1.00) of the total tax liability of all license tax years if the failure to file is for three (3) or more consecutive license tax years.

B. A penalty will be assessed if a person who has filed an extension request:

1. Fails to file a tax return by the extended due date; or

2. Fails to pay the tax liability by the extended due date.

3. The penalty under Subsection B. is:

a. Five percent (0.05) of the total tax liability, but not less than $5, if the failure is for a period less than four (4) months; and

b. An additional penalty of 20 percent (0.20) of the total tax liability if the failure is for a period of four (4) months or more.

C. A penalty will be assessed if a person:

1. Fails to pay at least 90 percent (0.90) of the total tax liability, but not less than $100, by the original due date; or

2. Fails to pay at least 100 percent (1.00) of the prior year's total tax liability by the original due date.

3. The penalty under Subsection C. is five percent (.05) of the tax underpayment, but not less than $5.

D. A penalty of $100.00 may be assessed if a person fails to file a registration form at the time required under Subsection 7.02.510 A.

E. The Director may impose a civil penalty of up to $500 for each of the following violations of the Business License Law:

1. Failure to file any tax return within 60 days from the due date as further outlined in Section 7.02.510 of this Chapter; or

2. Failure to pay any tax within 60 days of the Division's original written notice for payment; or

3. Failure to provide either documents or information (as required by Section 7.02.260) within 60 days of the Division's original written notice to provide the documents or information; or

4. Failure to fully complete any form required under this Chapter.

5. Failure to fully comply with the requirements of any section of PCC 7.02 unless such section has a separate penalty calculation.

F. The Director may impose a civil penalty under Subsections E.2. and E.3. only if the Division gave notice of the potential for assessment of civil penalties for failure to comply or respond in the original written notice.

G. The Division may waive or reduce any penalty determined under Subsections A. through E. for good cause, according to and consistent with written policies.

7.02.710 Interest.

(Amended by Ordinance No. 187339, effective October 16, 2015.)

A. Interest will be assessed on any unpaid business tax at the rate of .833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the original due date of the tax to the 15th day of the month following the date of payment.

B. Interest will be assessed on any unpaid or underpaid quarterly estimated payment required by Sections 7.02.520 and 7.02.530 at the rate of .833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the due date of each quarterly estimated payment to the original due date of the tax return to which the estimated payments apply.

C. Notwithstanding Subsection B. there is no interest on underpayment of quarterly estimated payments if:

1. The total tax liability of the prior license tax year was less than $1,000; or

2. An amount equal to at least 90 percent (0.90) of the total tax liability, but not less than $100, for the current license tax year was paid in accordance with Section 7.02.530; or

3. An amount equal to at least 100 percent (1.00) of the prior year's total tax liability was paid in accordance with Section 7.02.530.

D. For purposes of Subsection B., the amount of underpayment is determined by comparing the 90 percent of the current total tax liability amount to quarterly estimated payments made prior to the original due date of the tax return. However, if 100 percent of the prior year's total tax liability is paid to the Division by the due date of the fourth quarterly payment, the Division may use the prior year's tax liability if doing so will reduce the amount of interest owed.

E. For purposes of Subsection A. of this Section, the amount of tax due on the tax return will be reduced by the amount of any tax payment made on or before the date for payment of the tax in accordance with Subsection 7.02.510 A. or Section 7.02.530.

F. Interest at the rate specified in Subsection A. of this Section accrues from the original due date without regard to any extensions of the filing date.

G. Any interest amounts properly assessed in accordance with this section may not be waived or reduced by the Division, unless specifically provided for by written policy.

7.02.715 Payments Applied.

(Amended by Ordinance No. 187339, effective October 16, 2015.) Business taxes received will be applied first to any penalty accrued, then to interest accrued, then to business taxes due, unless the Division determines in accordance with its written policies that a more equitable method exists for a particular taxfiler's account.

7.02.720 Interest on Refunds.

(Amended by Ordinance No. 187339, effective October 16, 2015.) When, under a provision of the Business License Law, taxfilers are entitled to a refund of a portion of the business tax paid to the Division, they will receive simple interest on such amount at the rate specified in Subsection 7.02.710 A., subject to the following:

A. Any overpayments will be refunded with interest for each month or fraction thereof for a period beginning four (4) months after the later of:

1. the original due date of the tax return, or

2. the date the tax return was filed or the refund was otherwise requested, or

3. the date the business tax was paid to the date of the refund; and

B. Any overpayments of taxes that are the result of an amended tax return being filed will be refunded with interest for each month or fraction thereof for the period beginning four (4) months after the date the taxfiler filed the amended tax return. This Subsection applies to tax returns that are amended due to a change to the federal, state, city or county tax return.

7.02.730 Criminal Penalties for Violation of the Business License Law by City Employee or Agent.

Anyone knowingly violating Section 7.02.230 may be punished, upon conviction thereof, by a fine not exceeding $500.00 or by imprisonment for a period not exceeding six (6) months, or by both fine and imprisonment. Any City employee that is convicted will be dismissed from employment and is ineligible for holding any position of employment or office in the City for a period of five (5) years thereafter. Any agent of the City that is convicted is ineligible for participation in any City contract for a period of five (5) years thereafter.

7.02.800 Refundable Credit.

(Amended by Ordinance Nos. 187339 and 189389, effective February 21, 2019.) For tax years beginning on or after January 1, 2005, a maximum of four (4) refundable credits of $500 each are allowed for qualifying businesses that employ disconnected youth. For the purpose of this credit, the terms used in this section are defined below or as defined in written policies adopted under Section 7.02.210 unless the context requires otherwise.

A. **"Local Business"** means a business operating in the pursuit of profit, gain or the production of income that:

1. has at least one physical location (such as an office, warehouse, store or restaurant) within the geographic boundaries of the State of Oregon and/or Clark County, Washington; and

2. is registered to do business in the State of Oregon and said registration has not expired or otherwise been dissolved; or is a sole proprietorship that is not legally required to register to do business in the State of Oregon ; and

3. has a current account with the City of Portland and has complied with all filing and payment requirements of Portland 's Business License Law and the Multnomah County Business Income Tax Law.

B. **"Disconnected Youth"** means a youth that is

1. a resident of the City of Portland,

2. is 16-24 years old on the date on which the youth begins working with the local business,

3. has a household income that is at or below 50 percent of the HUD Portland Area Median Income, and

4. one or more of the following apply:

a. is receiving (or has received in the last six months) or is a member of a family receiving Temporary Assistance for Needy Families or Aid to Families with Dependent Children or Supplemental Security Income; or

b. is a 16-24 year old member of a family that is receiving (or has received in the last six (6) months) food stamps; or

c. is a custodial parent; or

d. is a high school drop-out; or

e. is an adjudicated youth, meaning that they are or have been, in the Oregon Juvenile Justice System or the equivalent thereof in another state.

C. **"Qualified Youth Employment Organization"** means an organization that is qualified and funded to operate youth employment and training programs by the youth certifying agency.

D. **"Credit Certificate"** means a pre-numbered certificate issued by the Youth Certifying Agency upon fulfillment of the employment contract. A separate certificate is required for each credit granted to a business.

E. **"Youth Certifying Agency"** means an agency that has entered into an agreement or other memorandum of understanding with the Division to act as the Youth Certifying Agency for the purpose of this program.

F. **"2005 Tax Year"** means a tax year that begins on or after January 1, 2005 and ends on or before November 30, 2006, but does not exceed a 12 month period.

G. **"2006 Tax Year"** means a tax year that begins on or after January 1, 2006 and ends on or before November 30, 2007, but does not exceed a 12 month period.

H. **"Non-exempt"** means that the local business has not claimed an exemption from the requirements of the Business License Law as defined and provided for in 7.02.400.

7.02.810 Credits Issued.

A. For the 2005 tax year, a total of 100 refundable credits of $500 each will be available to non-exempt local businesses. For the 2006 tax year, a total of 100 refundable credits of $500 each will be available to non-exempt local businesses. The credit is non-refundable if the local business was exempt during the tax year in which it claimed the credit. The credit cannot be used to offset amounts due under the Multnomah County Business Income Tax.

B. The 100 refundable credits allocated per year will be issued on a first come, first served basis as measured by the date on which the youth certifying agency completes the certification process for any particular business.

C. A maximum of four (4) credits can be claimed on the tax return based on the taxable income for the tax year in which the credit is claimed. If a consolidated, combined or joint return is required to be filed under Section 7.02.110 B., the consolidated, combined or joint group is limited to a maximum of four (4) credits.

D. Credit certificates can only be used in the tax year in which they are claimed and cannot be used in any other tax year.

E. For the 2005 tax year, only hours worked after June 30, 2005 may be counted towards the 300 hour minimum requirement.

F. Businesses cannot count reimbursable or otherwise subsidized hours (wages) toward the 300 hours.

G. A business may claim a credit for the same disconnected youth in successive tax years, provided that the youth works the required minimum 300 hours in each tax year.

H. The 300 hour requirement must be completed during the business' fiscal tax year rather than the calendar year.

7.02.820 Obligations of Participating Businesses.

To be eligible to receive a refundable credit and participate in the program, a local business must do each of the following:

A. Submit an application to the youth certifying agency that includes an intent to employ an eligible disconnected youth for an average of 25 hours per week and a minimum of 300 hours within four months.

B. Contact one or more qualified youth employment organizations for assistance in identifying youth, enrolling a specific youth in one of the qualified youth employment programs in order to pursue eligibility of the youth in the program,

and/or seek assistance working with a youth to increase his/her opportunity for employment success.

C. Complete employee evaluations or conduct reviews of employees that fall under this program;

D. Report employment data for each youth to the participating qualified youth employment organization or the youth certifying agency.

7.02.830 Collection and Remittance of Donations to the Regional Arts & Culture Council.

(Amended by Ordinance Nos. 187339 and 190129, effective October 16, 2020.) The Revenue Division is authorized to collect and remit donations from taxfilers to the Regional Arts & Culture Council. If a donation is not included as a specific item on the tax return, the Division will prominently display information that will facilitate a direct donation.

7.02.840 Frivolous Filing.

A $500.00 penalty will be assessed if a taxfiler takes a "frivolous position" in respect to preparing the taxfiler's tax return. A tax return is considered frivolous if a taxfiler does not provide information on which the substantial correctness of the self-assessment may be judged or if the tax return contains information that on its face indicates that the self-assessment is substantially incorrect. Examples of "frivolous positions" as provided in Oregon Administrative Rule 150-316.992(5) are hereby adopted by direct reference.

7.02.850 Hacking.

(Amended by Ordinance Nos. 187339 and 189389, effective February 21, 2019.)

A. Any individual who intentionally accesses the Division's computer database without authorization will be fined:

1. $10,000 if the individual acquires any information regarding any business account found in the database;

2. $10,000 or the cost of the loss (whichever is greater) if the individual uses or attempts to use the acquired information for financial gain of any kind; or

3. $10,000 or the cost of the loss (whichever is greater) if the individual causes the transmission of a program, information, code, or command to the Division's computer database, and, as a result of such conduct, causes damage to the database.

B. Definitions. As used in this Section:

1. the term “Division’s computer database” means computer application(s) used by the Division to calculate and store business and financial data collected under the authority granted by the Business License Law;

2. the term “loss” means any reasonable cost incurred by the City of Portland, including but not limited to the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service;

3. the term "damage" means any impairment to the integrity or availability of data, a program, a system, or information.

7.02.860 First Year Adjustment Credit.
(Amended by Ordinance Nos. 182427 and 187339, effective October 16, 2015.)

A. Any taxfiler that was assessed a “First Year Adjustment” fee on a prior tax filing and has been licensed in all consecutive years since is entitled to receive a credit equal to that amount. The credit will be applied towards future City tax filings as a prepayment.

B. If the amount of the credit cannot be determined from Division records, a rebuttable presumption exists that the credit amount is equal to the amount of the minimum fee payment due for the tax year in which the City assessed the “First Year Adjustment” fee. A taxfiler may present evidence to the Division showing that its First Year Adjust fee was higher than the minimum fee amount due for a particular tax year.

C. Once the credit amount is determined, the Division will apply 100 percent of that amount towards tax payments due and owing for the 2008 license tax year. If that credit amount exceeds the tax amount due for the 2008 license tax year, the City will issue a refund for the difference or credit the overpayment forward to the next tax year if requested by the taxpayer.

7.02.870 Business Retention Credit for Qualifying Investment Management Firms.
(Added by Ordinance No. 183330, effective December 12, 2009.)

A. An Investment Management Firm is entitled to a credit against the total amount of its business license tax due. The business retention credit is determined by subtracting from the business license tax due the greater of

1. $6,000 times the number of owners, not including limited partners, subject to the Compensation Deductions allowed in Section 7.02.600 or

2. 30 percent of the total business license tax otherwise due. If the resulting difference is a negative number, the amount of the credit will be zero. Any allowed credit not used in a particular year will not be refunded and will not be carried forward to a succeeding tax year, except as provided in Subsection B.

B. For purposes of this credit, the "first tax year" would be a tax year in which the Investment Management Firm is doing business in the City of Portland and either

1. The Investment Management Firm was not doing business in the City of Portland in the prior tax year or

2. The prior tax year began prior to January 1, 2009.

a. In the first tax year, the credit is limited to 50 percent of the amount calculated in Subsection A. The remaining 50 percent shall be deferred and can only be claimed in the third of three consecutive tax years (in which the Investment Management Firm is doing business in the City of Portland) starting with the first tax year as defined above.

b. In the second consecutive tax year that the Investment Management Firm is doing business in the City of Portland, the credit is limited to 50 percent of the amount calculated in Subsection A. The remaining 50 percent shall be deferred and can only be claimed in the fourth of four consecutive tax years (in which the Investment Management Firm is doing business in the City of Portland) starting with the first tax year as defined above.

c. In the third consecutive tax year that the Investment Management Firm is doing business in the City of Portland, the Investment Management Firm, in addition to the full credit calculated in Subsection A, can claim the 50 percent deferred credit that was calculated in Subsection a. above.

d. In the fourth consecutive tax year that the Investment Management Firm is doing business in the City of Portland, the Investment Management Firm, in addition to the full credit calculated in Subsection A, can claim the 50 percent deferred credit that was calculated in Subsection b. above.

C. "Investment Management Firm" means a taxpayer that satisfies each of the following requirements during the tax year that the credit is sought:

1. At least 90 percent of the firm's gross income for the tax year must consist of fees that are

a. Received from Diversified Investing Fund or from persons unrelated to the firm, and

b. Determined as a percentage of the value of assets managed by the firm (including payments to the firm from their parties if the payments are credited against or offset such fees in whole or in part).

2. At least 90 percent of the assets managed by the firm must consist of Qualifying Investment Securities.

3. A majority of the voting interests in the firm must be owned by persons who received compensation from the firm that is subject to the Owner's Compensation Deduction in Section 7.02.600.

4. The firm was physically located within the City of Portland boundaries at the end of the tax year.

D. The terms "Diversified Investing Fund" and "Qualified Investment Securities" have the meanings as defined by Administrative Rule.

E. This credit is available for tax years beginning on or after January 1, 2009.

7.02.880 Youth Employment Credit Programs.
(Added by Ordinance No. 184716; amended by Ordinance No. 187339, effective October 16, 2015.)

A. For tax years beginning on or after January 1, 2011, any youth employment credit authorized by City Council will use the terms defined below or as defined by written policy adopted under Section 7.02.210 unless the context requires otherwise.

1. "Local Business" means a business operating in the pursuit of profit, gain or the production of income that:

a. has at least one physical location (such as an office, warehouse, store or restaurant) within the geographic boundaries of the State of Oregon and/or Clark County, Washington ; and

b. is registered to do business in the State of Oregon and said registration has not expired or otherwise been dissolved; or is a sole proprietorship that is not legally required to register to do business in the State of Oregon ; and

c. has a current account with the City of Portland and has complied with all filing and payment requirements of Portland 's Business License Law and the Multnomah County's Business Income Tax Law.

2. **"Non-exempt"** means the local business has not claimed an exemption from the requirements of the Business License Law as defined and provided for in 7.02.400.

3. **"Tax Year"** means any tax year allowed by the Internal Revenue Service and/or State of Oregon and used by the business to file their income taxes and begins during the year identified as the tax year of the credit.

4. **"Youth Certifying Agency"** means the agency that is responsible for determining youth that qualify for one or more Youth Employment Credit programs.

B. Credits issued under a Youth Employment Credit program will have the following features:

1. Credits will be non-refundable;

2. There will be a maximum number of credits per tax year per program;

3. There will be a maximum number of credits that can be claimed by a Local Business in any given tax year;

4. No individual credit will exceed $500; and

5. Credit certificates or letters will be provided by the Revenue Division to be attached to the tax return claiming the credit(s).

C. Each Youth Employment Credit program will outline any youth qualifications and business obligations to qualify for the credit, including but not limited to the number of hours and the length of time that the youth must be employed to qualify for the credit, the definitions of a qualifying youth, the certifying agencies for either the youth qualifications for the program or obligations of the business to obtain the credit, and any program goals and results that should be attained for renewal if the program is a pilot program.

7.02.881 Foster Youth Employment Opportunity Credit.

(Added by Ordinance No. 184716; amended by Ordinance No. 187339, effective October 16, 2015.)

A. A Youth Employment Credit, known as the Foster Youth Employment Opportunity Credit, is available for tax years 2011 and 2012 to local businesses that employ foster youth certified by the State of Oregon Department of Human Services (DHS).

B. For each tax year, 25 non-refundable $500 credits are available on a first-come, first-served basis. An individual business can claim one credit for each separate foster youth employed for the minimum required hours, up to a maximum of four (4) credits in one tax year.

C. To qualify for the credit, a business must:

1. Employ a certified foster youth.

a. If the foster youth is enrolled in an educational program, the youth must average 12 hours per week and must have worked at least 200 hours in a six month period; or

b. If the foster youth is not enrolled in an educational program, the youth must average 25 hours per week and must have worked at least 400 hours in a six month period.

2. Submit the following documentation no later than one month following the close of the tax year in which the credit is to be claimed. The documentation can be submitted at any time once the youth has worked sufficient hours to qualify for the credit.

a. A copy of the youth's DHS certification;

b. Sufficient summary payroll records that supports the average hours per week and total minimum hours required; and

c. Sufficient documentation of the school or other educational program where the youth was enrolled if claiming the credit based on Subsection 1.a. above.

3. The Revenue Division will issue either a credit certificate or credit letter authorizing the maximum credit(s) for the tax year.

7.02.882 Youth Career Readiness Credit.
(Added by Ordinance No. 184716, effective August 5, 2011.)

A. A Youth Employment Credit, known as the Youth Career Readiness Credit, is available for tax years 2011 and 2012 as a pilot program with the goal to increase the number of students who graduate from high school "career-ready" by expanding the number of meaningful career-related learning experiences between the private sector and schools.

B. For purposes of the Youth Career Readiness Credit:

1. **"Career-Readiness"** involves three major skill areas: core academic skills and the ability to apply those skills to concrete situations in order to function in the workplace and in routine daily activities; employability skills (such as critical thinking and responsibility) that are essential in any career area; and technical, job-specific skills related to a specific career pathway. These skills have been emphasized across numerous pieces of research and allow students to enter true career pathways that offer family-sustaining wages and opportunities for advancement.

2. **"Career-Related Learning Experiences"** (CRLEs) are structured student activities in the community, the workplace or in the school that connect academic content and career-related learning to real life applications. These experiences extend, reinforce and support classroom learning and also help students to clarify career goals and usually take form as "Career Awareness Activities", "Career Exploration Activities" and "Career Preparation Activities".

3. **"Career Awareness Activities"** include workplace tours and field trips, career and job fairs and guest speakers.

4. **"Career Exploration Activities"** include job shadowing, informational and mock interviews, career mentoring and enterprise and community-based projects.

5. **"Career Preparation Activities"** include work experience, internships and apprenticeships.

6. **"CRLE Certifying Agency"** means the partner agency that has entered into an agreement or other memorandum of understanding with the City to act as the certifying agency for CRLE programs and will issue the credit certificate to each qualifying business program.

C. For each tax year, 75 non-refundable $500 credits are available on a first-come, first-served basis, to Local Businesses that provide substantial career-readiness activities to high school students. An individual business can claim credits for each separate career readiness activity, up to a maximum of four (4) credits. However, no more than two (2) credits can be claimed for Career Awareness Activities.

D. To qualify for the credit, a business must:

1. Provide a Career Awareness, Career Exploration or Career Preparation activities program with direct costs of more than $2,500 or in-kind value of more than $5,000.

2. The CRLE program being provided by the business must be certified by the CRLE Certifying Agency.

3. Complete the certified program as agreed to obtain the credit certificate from the CRLE Certifying Agency.

7.02.890 Residential Rental Registration Program.

(Added by Ordinance No. 189086; amended by Ordinance No. 190129, effective October 16, 2020.)

A. For tax years beginning on or after January 1, 2018, all owners of a Residential Rental Unit in the City are required to register the unit and annually provide a schedule that includes the address of all owned Residential Rental Units within the City. The Director may require additional data about the unit by administrative rule. If a property or structure contains more than one dwelling unit, the term Residential Rental Unit refers to each separate dwelling unit.

B. In the first tax year of the Residential Rental Registration Program, no additional fee will be imposed in connection with the registration. In subsequent years, a fee may be enacted to partially or fully recover the administration costs of the program in addition to other services as the Council may direct. Any fee schedule would be created and amended by administrative rule in accordance with Section 7.02.210. Penalties shall not apply for failure to file rental registration data in the 2018 tax year. Beginning in tax year 2019 and beyond, the penalty and interest provisions of Sections 7.02.700 and 7.02.710 A. shall apply.

C. A person who rents a space for a manufactured dwelling, recreational vehicle, or moorage space for a floating home, but does not rent the actual manufactured dwelling, recreational vehicle, or floating home, is exempt from the registration requirements of this Section.

CHAPTER 7.03 - TEMPORARY BUSINESSES

(Chapter added by Ordinance No. 182137, effective September 19, 2008.)

Sections:

7.03.010 Temporary Businesses Exempt from Business License Law.
7.03.020 Fees for Revenue.
7.03.030 Temporary Businesses Defined.
7.03.040 License Required; Fees.

7.03.010 Temporary Businesses Exempt from Business License Law.

A. Persons doing business as defined in Section 7.03.030 are considered "temporary businesses" and are not subject to the provisions of the Business License Law, Chapter 7.02, but are subject to the provisions of this Chapter. This Chapter does not apply to a business that is currently licensed under the provisions of Chapter 7.02.

B. The term "person" includes, but is not limited to, a natural person, sole proprietorship, partnership, limited partnership, family limited partnerships, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business.

7.03.020 Fees for Revenue.

The term "license" as used in this Chapter does not mean a permit, nor is it regulatory in any manner. The fees prescribed under this Chapter are for revenue purposes only.

7.03.030 Temporary Businesses Defined.

The following persons, as defined, are considered "temporary businesses" subject to the requirements of this Chapter:

A. "Amusement Ride Operator" means an operator of amusement rides not in the same location for more than 14 days.

B. "Temporary Structure Vendor" means a vendor not located in a permanent structure for more than 14 days.

C. "Promoter" means a promoter of commercial entertainment doing business in the City of Portland for no more than three (3) days in any calendar year.

D. "Production Company" means a production company filming in the City of Portland for no more than three (3) days in any calendar year.

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, 188959, 189078, 189795 and 190200, effective December 12, 2020.)

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 any 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 any 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. Private trees on portions of sites located within an IH 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.

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, 2024. After December 31, 2024 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. For trees removed at least 12 inches and less than 20 inches in diameter the mitigation fee is the cost of (2) two-inch diameter replacement trees. For trees removed at least 20 inches in diameter or greater the mitigation fee is the cost per diameter inch of tree removed. 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 or more	The cost per inch of tree removed

b. Preservation of trees 20 inches or greater.

(1) Retention. An applicant shall preserve and protect all non-exempt trees 20 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.c., 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 20 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 Planting and Establishment Fee in Lieu for development in the adopted fee schedule for Title 11.

c. Notice for trees 36 inches or greater not preserved and protected. 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.

(1) The posted notice must:

(a) Be posted on the site for at least 45 calendar days

prior to development permit issuance;

(b) Be posted within 10 feet of the street lot line nearest the tree or trees to be removed;

(c) Include the date of posting and the date of the end of the notification period;

(d) 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

(e) Include contact information for the property owner or the property owner's representative.

(2) The notices to the Neighborhood Association and District Coalition must:

(a) Be e-mailed or mailed to the Neighborhood Association and District Coalition using the contact information maintained by the Office of Community & Civic Life. 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;

(b) Include a description of the trees(s) to be removed including diameter inch size(s); and

(c) Include contact information for the property owner or the property owner's representative.

d. Exemption of tree preservation mitigation payments for affordable housing developments. Projects are exempt from the mitigation requirements in Subsection11.50.040 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 Portland Housing Bureau may adopt administrative rules for the administration of Subsection 11.50.040 C.1.d.

e. 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, 188959 and 190200, effective December 12, 2020.)

A. Where these Regulations Apply. This Section applies to sites within the City of Portland and the County Urban Pocket Areas. Unless exempted in Subsection 11.50.050 B., the following are subject to the On-Site Tree Density Standards:

1. New Development;

2. Exterior alterations to existing development with a project valuation that is more than the threshold stated in Subsection 33.258.070 D.2.a.

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. Private trees on portions of sites located within an IH 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

<table>
<tr><th>Development Type</th><th>Option A</th><th>Option B</th></tr>
<tr><td>One and Two Family Residential</td><td>40 percent of site or development impact area</td><td rowspan="6">Site area minus building coverage of existing and proposed development</td></tr>
<tr><td>Multi Dwelling Residential</td><td>20 percent of site or development impact area</td></tr>
<tr><td>Commercial/Office/ Retail/Mixed Use</td><td>15 percent of site or development impact area</td></tr>
<tr><td>Industrial</td><td>10 percent of site or development impact area</td></tr>
<tr><td>Institutional</td><td>25 percent of site or development impact area</td></tr>
<tr><td>Other</td><td>25 percent of site or development impact area</td></tr>
</table>

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

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.

2. Where physical constraints preclude meeting the Street Tree planting requirement because:

a. Existing above or below grade utilities prevent planting Street Trees; or

b. The design of the street will not accommodate Street Tree planting because the planting strip is less than 3 feet wide, there is not a planting strip, or there is insufficient space to add tree wells.

C. Street Tree Planting Requirement.

Any proposed change in width in a public street right-of-way or any other proposed street improvement, including the development of new public streets, shall include areas for tree and landscape planting where practical. Utility connections and specifications for planting such areas shall be integrated into the site plan. Specific locations and species will be determined by the Responsible Engineer and City Forester. Planting in public streets shall meet the specifications in Chapter 11.60 and the following:

1. One Street Tree shall be planted or retained for each full increment of 25 linear feet per side of street frontage. When the required number of trees cannot be planted, a fee in lieu of planting may be required. For City projects, required trees that cannot be planted within the improvement area may be planted elsewhere in the same watershed, instead of paying a fee in lieu of planting.

2. For projects affecting 200 linear feet of frontage or more, the applicant shall consult on the design of such improvements with the City Forester early in the project design phase to identify opportunities to integrate existing trees and maximize new Street Tree planting considering the planter width, the location of existing and proposed utilities, and visibility requirements.

3. When new streets are being created in association with a land division, Street Tree planting may be deferred until the completion of the building permit on each new lot, subject to City Forester approval.

11.50.070 Tree Plan Submittal Requirements.

(Amended by Ordinance Nos. 188278 and 188816, effective March 16, 2018.) A tree plan submittal shall include the following information. The tree plan information may be combined with other relevant plan sheets. The submittal shall include:

A. Site Plan Requirements. The site plan shall include the following information with sufficient detail to show that the proposal complies with this Title.

1. Existing improvements;

2. Any construction staging areas on site;

3. Proposed alterations including structures, impervious area, grading, and utilities;

4. Existing trees:

a. Trees on the site. Indicate the location and the diameter size of:

(1) Any Heritage Trees and trees required to be preserved as part of a condition of land use approval. These shall be clearly labeled.

(2) All Private Trees at least 12 inches in diameter and all City Trees at least 6 inches in diameter located completely or partially on the site. On City-owned or -managed sites, the City Forester may require smaller size trees be shown.

(3) Trees smaller than 6 inches in diameter shall be shown when proposed to be retained for tree density credit.

Applicants using the development impact area option as described in Section 11.50.030, need only identify the trees on the site inside and 25 feet beyond the edge of the development impact area. For all trees shown to be retained on the tree plan (including those beyond the development impact area), tree protection methods detailed in Subsection 11.60.030 C. shall be implemented. Protection may be achieved using the Prescriptive Path or Performance Path.

b. Trees in the street. For the street area adjacent to the development site or development impact area, indicate the location and the diameter size of:

(1) Any Heritage Trees and trees required to be preserved as part of a condition of land use approval

(2) All trees within the adjacent street that are at least 3 inches in diameter.

Applicants using the development impact area option within the street when not associated with development of an adjacent site as described in Section 11.50.030, shall identify trees 3 or more inches in diameter inside and 15 feet beyond the edge of the development impact area.

When the 15 foot distance extends onto property outside the street, provide estimates of tree size and location for trees 6 or more inches in diameter on these properties. For City projects, the City Forester or project arborist may determine which trees on adjacent properties shall be identified per this Subsection.

5. Proposed tree activity:

a. Indicate trees to be retained and proposed tree protection measures meeting the specifications in Chapter 11.60. Trees that are retained but are not protected in accordance with the protection requirements in Chapter 11.60 may not be used to meet preservation or density standards.

b. Indicate trees to be removed. It is the applicant's responsibility to obtain the appropriate consent from the adjacent property owner for tree removal when the tree is only partially on the site.

c. Show location, species, planting size and number of trees proposed to be planted. Trees to be planted shall meet the specifications in Chapter 11.60.

B. Narrative requirements.

1. If alternative tree protection measures are proposed, documentation addressing the requirements in Section 11.60.030, Tree Protection Specifications, shall be included.

2. If a tree is to be exempted from tree preservation standards based on poor tree health or condition, supporting documentation from an arborist shall be included.

3. If a tree is to be exempted from tree preservation standards based on it being listed on the Nuisance Plants List, supporting documentation from a landscape professional or an arborist shall be included.

11.50.080 Changes to Approved Tree Plans and Emergency Tree Removal.

A. When changes are necessary to an approved Tree Plan and the changes will not affect compliance with any applicable conditions of a land use review, the change may be reviewed as a revision to the approved development permit. Any proposed revisions to the Tree Plan will be approved upon demonstrating the applicable tree preservation and density standards are met. When development activity has already commenced on the site and the applicant is proposing to retain alternate trees not previously shown to be protected, an arborist report will be required that documents the alternate tree is healthy and has not been injured by the development activity.

B. Emergency Tree Pruning or Removal. Emergency pruning or removal of trees is regulated by this Chapter as follows:

1. If an emergency exists because the condition or location of a tree presents such a clear and present danger to structures or the public that there is

insufficient time to obtain a tree permit, the hazardous portion of the tree may be removed without first obtaining a revision to an approved tree plan.

2. Any person who removes a tree under the provisions of this Section shall, within 7 days of such action, apply for a revision to the approved tree plan. The application shall include photographs or other documentation to prove that an emergency existed. The BDS Director will evaluate the information to determine whether an emergency existed. Failure to submit an application or provide information documenting the emergency nature of the event may be pursued as a violation per Chapter 11.70.

11.50.090 Administrative Review.
(Added by Ordinance No. 1888816, March 16, 2018.)

A. Whenever a decision has been made under this Chapter, the property owner of the development site or that property owner's representative may request that the decision be reviewed by the BDS Director or City Forester, as applicable. The owner or owner's representative must submit a written request to the City within 180 days of the date of the decision. Such review will be conducted by the BDS Director or City Forester, as applicable. The owner or owner's representative requesting such review will be given the opportunity to present evidence. Following the review, the BDS Director or City Forester, as applicable, will issue a written determination.

B. Nothing in this Section limits the authority of either the BDS Director or City Forester to initiate a proceeding in accordance with Title 3 Bureau of Development Services, Title 11 Trees, and Title 22 Hearings Officer.

11.50.095 Appeals.
(Added by Ordinance No. 1888816, March 16, 2018.) A determination issued as stated in Section 11.50.090 may be appealed by the property owner of the development site or that property owner's representative to the Code Hearings Officer, as provided for in Chapter 22.10 of City Code. All appeals from the Code Hearings Officer's determination in accordance with this Section will be by writ of review as authorized by Section 22.04.010 of the City Code and ORS 34.010-34.100.

TITLE 17 - PUBLIC IMPROVEMENTS

TABLE OF CONTENTS

Chapter 17.04 DEFINITIONS

17.04.010 Definitions.

Chapter 17.06 ADMINISTRATION OF PUBLIC WORKS PERMITTING

17.06.010 Purpose and Scope.
17.06.015 Protection of the Public Interest.
17.06.020 Definitions.
17.06.030 Organization and Rules.
17.06.040 Appeals Panel and Appeals Board.
17.06.050 Appeals.

Chapter 17.08 LOCAL IMPROVEMENT PROCEDURE

17.08.010 Definitions and Scopes of Duties.
17.08.020 City Council Control.
17.08.030 Charter Provisions Applicable.
17.08.040 Initiation of Local Improvement Formation Proceedings
17.08.050 Petition for a Local Improvement District.
17.08.060 Resolution of Intent.
17.08.070 Local Improvement District Formation and Remonstrances.
17.08.080 Changes to Scope or Cost of Improvements and Notice to Proceed.
17.08.090 Abandonment of Local Improvement District.
17.08.100 Completion of Construction.
17.08.110 Total Cost of Local Improvement
17.08.120 Alternative Financing Methods.
17.08.130 Final Assessment and Objections.

Chapter 17.12 ASSESSMENTS

17.12.010 Lien Docket and General Assessment Procedure.
17.12.060 Assessing Ordinance.
17.12.070 Notice of Assessment.
17.12.080 Payment of City's Share.
17.12.100 Surplus.
17.12.120 Correction of Mistake in Assessment   Refund or Overpayment.
17.12.130 Segregation of Assessments
17.12.140 Bonding.
17.12.150 Rebonding.
17.12.170 Collection.

Chapter 17.13 PARKS AND RECREATION SYSTEM DEVELOPMENT CHARGE

17.13.010 Scope and Purposes.
17.13.020 Definitions.
17.13.030 Rules of Construction.

17.13.040 Application.
17.13.050 Application Requirements.
17.13.060 Partial and Full Exemptions.
17.13.070 SDC Credits
17.13.080 Alternative Calculation of SDC Rate.
17.13.090 Payment.
17.13.100 Refunds.
17.13.110 Dedicated Account and Appropriate Use of Account.
17.13.120 Challenges and Appeals.
17.13.130 City Review of SDC.
17.13.140 Time Limit on Expenditure of SDCs.
17.13.150 Implementing Regulations.
17.13.160 Amendment of Parks and Recreation SDC-CIP List.
17.13.170 Severability.

Chapter 17.14 FINANCING OF, AND EXEMPTIONS FROM, SYSTEM DEVELOPMENT CHARGES
17.14.010 Purpose.
17.14.020 Definitions.
17.14.030 Application, Consent to Assessment.
17.14.040 Terms and Conditions of Deferred Payment and Installment Payment Agreements.
17.14.050 Assessment.
17.14.060 Cancellation.
17.14.070 System Development Charge Exemptions.

Chapter 17.15 TRANSPORTATION SYSTEM DEVELOPMENT CHARGE
17.15.010 Scope and Purposes.
17.15.020 Definitions.
17.15.030 Rules of Construction.
17.15.040 Application.
17.15.050 Exemptions and Discounts.
17.15.060 SDC Credits, SDC Credit Transfers and SDC Reimbursements.
17.15.070 Alternative Calculation for SDC Rate, Credit, Exemption, or Discount.
17.15.080 Payment.
17.15.090 Refunds.
17.15.100 Dedicated Account and Appropriate Use of Account.
17.15.110 Challenges and Appeals.
17.15.120 City Review of SDC.
17.15.130 Time Limit on Expenditure of SDCs.
17.15.140 Implementing Regulations; Amendments.
17.15.150 Amendment of TSDC Project List.
17.15.160 Severability.

Chapter 17.16 GENERAL PROVISIONS
17.16.010 Specifications and Authority to Revise.

17.16.020	Interpretation of Specifications.
17.16.030	Progress Payments.
17.16.040	Interest on Progress Payment and Final Warrants.
17.16.050	Progress Payment not Deemed Final Acceptance.
17.16.060	Division of Warrants.
17.16.065	Purchase of Warrants by the City.
17.16.070	Claims against Contractors.
17.16.080	Statutory Provisions Relating to Labor and Wages.
17.16.090	Bonding City Property.
17.16.100	Facilities in Street Area Affected by Improvement.
17.16.110	Facilities in Street Area Damaged by Contractor.
17.16.120	Engineer's Standards.
17.16.130	Approvals by City Attorney.
17.16.140	Acceptance and Release of Property Interests.
Chapter 17.18	**GENERAL OBLIGATION IMPROVEMENT WARRANTS**
17.18.010	General Obligation Improvement Warrants Authorized.
17.18.020	Procedure for Issuance and Delivery.
17.18.030	Application of Proceeds.
17.18.040	Repayment.
17.18.050	Payment or Bonding Mandatory.
17.18.060	Provision in Budget.
Chapter 17.19	**NORTHWEST TRANSPORTATION FUND**
17.19.010	Purpose.
17.19.020	Applicability.
17.19.030	Payment.
17.19.040	Implementing Regulations.
17.19.050	Dedicated Account and Appropriate Use of Account.
Chapter 17.23	**SPECIAL TRAFFIC CONTROL DISTRICT**
17.23.010	Application.
17.23.020	Definitions.
17.23.030	Designated Boundary.
17.23.040	Special Jurisdiction.
17.23.050	Permits Required.
17.23.060	Traffic Standards.
17.23.070	Revocation.
Chapter 17.24	**PERMITS**
17.24.000	Purpose and Intent.
17.24.005	Jurisdiction and Management of Public Right-of-Way.
17.24.010	Permits Required.
17.24.012	Financial Guarantee Required.
17.24.013	Insurance and Indemnification.
17.24.014	Permits to Construct and Maintain Structures in the Street Area.

17.24.015 Obligation of Property Owner for Structures in the Street Area.
17.24.016 Permit Revocation.
17.24.017 Temporary Street Closure.
17.24.020 Fees and Charges.
17.24.025 Fees for Public Improvement Permits.
17.24.026 Fees for Review of Land Use Applications.
17.24.030 Application for a Public Improvement Permit to construct a Street or Transportation Facility.
17.24.035 Deposit Required.
17.24.040 Refusal of a Public Improvement Permit.
17.24.050 Contents of Permit.
17.24.055 Assurance of Performance.
17.24.060 Permit Conditions.
17.24.067 Hazardous Substances.
17.24.070 Engineering and Superintendence for Street and Transportation Facility Public Improvements.
17.24.080 Work Done Under Permit.
17.24.085 Original Documents Become the Property of the City.
17.24.090 Certificate by City Engineer.
17.24.100 Street Pavement Preservation.
17.24.105 Regulations Governing Excavations and Disturbance of Pavement on Transit Mall.
17.24.110 Record of Permits.
17.24.120 Removal of Improvement.
17.24.130 Preservation of Cobblestones.

Chapter 17.25 SIDEWALK CAFES
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.

Chapter 17.26 SIDEWALK VENDORS
17.26.010 Conducting a Business on City Sidewalks Unlawful without Permit.
17.26.020 Definitions.
17.26.030 Item for Sale.
17.26.040 Permit Fee.
17.26.050 Application for Permit.
17.26.060 Location Selection.

17.26.070 Location Review.
17.26.080 Payment for Written Consent is Unlawful.
17.26.090 Design Review.
17.26.100 Fire Marshal Inspection.
17.26.110 Application Time Limit.
17.26.120 Form and Condition of Permit.
17.26.125 Renewal of Permits.
17.26.130 Restrictions.
17.26.140 Special Event Designation.
17.26.150 Denial, Suspension or Revocation of Permit.
17.26.160 Appeal.
17.26.170 Penalty for Violation.
17.26.180 Violation a Nuisance, Summary Abatement.

Chapter 17.27 STRUCTURAL DRIVEWAYS
17.27.200 Structural Driveway Defined.
17.27.205 Structural Driveways in Public Streets.
17.27.210 Permit Application.
17.27.220 Engineer's Review.
17.27.230 Design Standards.
17.27.240 Permit.
17.27.250 Revocation of Permit.
17.27.260 Removal of Structural Driveways.
17.27.270 Fees.
17.27.280 Inspection of Construction Required.

Chapter 17.28 SIDEWALKS, CURBS AND DRIVEWAYS
17.28.010 Sidewalk Defined.
17.28.011 Planting and Parking Strip Defined.
17.28.015 Owner Defined.
17.28.020 Responsibility for Sidewalks and Curbs.
17.28.025 Property Owner Responsible for Snow and Ice on Sidewalks.
17.28.030 Notice for Construction of Sidewalks and Curbs.
17.28.035 Curb and Intersection Corner Ramps.
17.28.040 Construction Alternatives.
17.28.050 City Construction if Owner Fails to Construct.
17.28.060 Location, Size and Materials of Sidewalks and Curbs.
17.28.065 Bicycle Parking.
17.28.070 Owners to Repair Sidewalks and Curbs Notice to Repair.
17.28.080 Permit for Sidewalk and Curb Repairs.
17.28.090 Repair by City of Portland.
17.28.100 Driveways Defined.
17.28.110 Driveways Permits and Conditions.
17.28.120 After Construction Driveways Deemed Part of Sidewalk.
17.28.130 Reconstruction of Existing Driveways.

17.28.140 City Charges for Construction or Repair of Sidewalks, Curbs and Driveways.
17.28.150 Billing for Charges.
17.28.160 Assessment of Charges.

Chapter 17.32 PUBLIC SEWER AND DRAINAGE SYSTEM PERMITS, CONNECTIONS AND MAINTENANCE
17.32.010 Purpose.
17.32.020 Definitions.
17.32.030 Permit Required.
17.32.040 Types of Permits and Reviews
17.32.050 Work Allowed and Required Under Permit.
17.32.060 Permit-Related Records.
17.32.070 Maintenance of Sewer and Drainage Systems.
17.32.080 Use and Access Permits
17.32.090 Connection Permits.
17.32.100 Public Works Permits
17.32.110 Permit and Review Fees.
17.32.120 Reimbursements for Work.
17.32.130 Inspections.
17.32.140 Enforcement.
17.32.150 Administrative Reviews, Appeals, and Compliance Cases.
17.32.160 Conflict.
17.32.170 Severability.

Chapter 17.33 REQUIRED PUBLIC SEWER CONNECTION
17.33.005 Intent.
17.33.020 Definitions.
17.33.030 Sewer Connection Mandated.
17.33.040 Mandated Sewer System Connection Charges.
17.33.050 Converting Nonconforming Sanitary Sewer Connections.
17.33.060 Required Sanitary Sewer Conversion Charges.
17.33.070 Deferrals of Required Sewer Connections.
17.33.075 Financial Assistance for Required Sewer Connection.
17.33.080 Declaration of Nuisance.
17.33.090 Abatement by Owner.
17.33.100 Connection Enforcement.
17.33.110 Actions before the City Code Hearings Officer.
17.33.130 Notice Sufficiency.
17.33.150 Severability.

Chapter 17.34 SANITARY DISCHARGES
17.34.005 Intent of Chapter.
17.34.010 Declaration of Policy.
17.34.020 Definitions.
17.34.030 General Discharge Prohibitions.

17.34.040 Discharge Limitations.
17.34.050 Pretreatment and Pollution Control Required.
17.34.060 Accidental Spill Prevention and Control.
17.34.070 Industrial Wastewater Discharge Permits.
17.34.075 Other Sanitary Discharge Permits or Authorizations.
17.34.080 Inspection and Sampling.
17.34.090 Reporting Requirements.
17.34.110 Enforcement.
17.34.115 Requests for Reconsideration.
17.34.120 Records Retention.
17.34.130 Conflict.
17.34.140 Severability.
17.34.150 Fees.

Chapter 17.35 SEPTAGE DISCHARGE
17.35.010 Definitions.
17.35.020 Permit Required.
17.35.030 Septage Discharge Limitations.
17.35.040 Reserved.
17.35.050 Reserved.
17.35.060 Performance Guaranty.
17.35.070 Fee Schedule.
17.35.080 Collection and Billing.
17.35.085 Inspections.
17.35.110 Enforcement.
17.35.120 Revocation or Amendment of Permit.
17.35.130 Administrative Reviews, Appeals, and Compliance Cases.
17.35.140 Conflict.
17.35.150 Severability.

Chapter 17.36 SEWER USER CHARGES
17.36.010 Intent.
17.36.020 Definitions.
17.36.030 Annual Rate Ordinance.
17.36.040 Sewer System Connection Charges.
17.36.050 User Charges.
17.36.060 Special User Charges.
17.36.070 Service Outside the City.
17.36.080 Collection of Charges.
17.36.090 Adjustment of Bills.
17.36.100 Inspection and Enforcement.
17.36.110 Administrative Review and Appeal.

Chapter 17.37 DOWNSPOUT DISCONNECTION
17.37.010 Purpose.
17.37.020 Definitions.

17.37.030 Establishment of Downspout Disconnection Program.
17.37.080 Program Enforcement.
17.37.110 Interference with Disconnection Activities Unlawful.
17.37.120 Liability.
17.37.130 Civil Remedies.
17.37.140 Notice Sufficiency.
17.37.150 Bureau Actions.
17.37.160 Severability.

Chapter 17.38 DRAINAGE AND WATER QUALITY
17.38.010 Authority.
17.38.015 Intent.
17.38.020 Definitions.
17.38.030 Protection of Drainageway Areas.
17.38.035 Drainage Management Policies and Standards.
17.38.040 Stormwater and Water Quality Management Required.
17.38.041 Operations and Maintenance Requirements.
17.38.043 Inspections.
17.38.045 Enforcement.
17.38.050 Erosion Control Required.
17.38.055 River Restoration Program.
17.38.060 Compliance Cases, Administrative Reviews and Appeals.
17.38.070 Conflict.
17.38.080 Severability.

Chapter 17.39 STORM SYSTEM DISCHARGES
17.39.010 Intent.
17.39.020 Definitions.
17.39.030 Allowable Discharges.
17.39.040 Prohibited Discharges.
17.39.050 Notification and Control of Illicit Connections and Discharges.
17.39.060 Discharge Permits and Other Authorizations.
17.39.070 Inspections.
17.39.080 Sampling.
17.39.090 Reporting Requirements.
17.39.100 Records Retention.
17.39.110 Enforcement.
17.39.120 Administrative Reviews, Appeals, and Compliance Cases.
17.39.130 Conflict.
17.39.140 Severability.

Chapter 17.40 PROTECTION OF PUBLIC RIGHT-OF-WAY
17.40.010 Injuries to Pavement.
17.40.020 Endangering Pavement.
17.40.030 Charges for City Patching of Roadway Areas.
17.40.040 Damages to Public Right-of-Way.

17.40.050	Disposition of Asphalt, Concrete, Rock and Dirt.
17.40.060	Disposition of Leaves.
Chapter 17.41	**LANDSLIDE ABATEMENT**
17.41.010	Purpose.
17.41.020	Definitions.
17.41.030	Applicability.
17.41.040	Landslide As a Nuisance; Costs.
17.41.050	Abatement.
17.41.060	Administrative Review.
Chapter 17.42	**PROPERTY OWNER RESPONSIBILITY FOR STREETS**
17.42.010	Policy.
17.42.020	Maintenance and Construction Responsibility.
17.42.025	Maintenance Restrictions.
17.42.030	Liability.
17.42.040	Definition.
Chapter 17.43	**PEDESTRIAN PLAZAS**
17.43.010	Purpose of Establishing Prohibited Conduct.
17.43.020	Pedestrian Plaza Defined.
17.43.030	Soliciting For or Conducting Business.
17.43.040	Unlawful Urination or Defecation.
17.43.050	Unlawful Acts Involving Alcohol, Controlled Substances or Prescription Drugs.
17.43.060	Possession of Weapons.
17.43.070	Structures in Pedestrian Plazas.
17.43.080	Disposing of Rubbish.
17.43.090	Vandalism; Protection of Pedestrian Plaza Property and Vegetation.
17.43.100	Fires and Fireworks Prohibited.
17.43.110	Animals.
17.43.120	Use of Certain Devices or Equipment.
17.43.130	Remote Control Vehicles, Aircraft and Watercraft.
17.43.140	Emergency Pedestrian Plaza Closure.
17.43.150	Trespassing and Areas Closed to the Public.
17.43.160	Condition of Parole or Probation or Judicial or Other Order.
17.43.170	Rules and Regulations, Directions of Police Officers to be Obeyed.
17.43.180	Pedestrian Plaza Exclusions.
Chapter 17.44	**STREET OBSTRUCTIONS**
17.44.010	Unlawful Acts Enumerated.
Chapter 17.45	**ADVERTISING ON BUS BENCHES**
17.45.030	Advertising Bench Allowed.
17.45.040	Fee.
17.45.050	Revocation.

17.45.060 Authority.

Chapter 17.46 PUBLICATION BOXES
17.46.010 Definitions.
17.46.020 Publication Boxes within the Right-of-Way.
17.46.030 Limitations on Publication Box Placement.
17.46.040 Co-located Publication Boxes.
17.46.050 Maintenance Requirements.
17.46.060 Enforcement.
17.46.070 Liability.
17.46.080 Appeal.

Chapter 17.48 MOVING BUILDINGS
17.48.010 Permit Required.
17.48.020 Application and Fee Deposit.
17.48.030 Moving Permit.
17.48.040 Regulations.
17.48.050 Cutting Wires in Moving Operation.

Chapter 17.52 TREES
17.52.010 Relationship to Other City Regulations.
17.52.020 Tree Tubs.

Chapter 17.56 PUBLIC UTILITIES
17.56.005 Definitions.
17.56.010 General Bond.
17.56.020 Plans for Underground Construction by Franchise Holder.
17.56.030 Monthly Payments by Utility Companies.
17.56.050 Poles or Wires in Public Area.
17.56.060 Relocation and Discontinuation of Facilities.
17.56.070 Placement of Overhead Wires.
17.56.080 Service Shutoff Outside Premises.
17.56.090 Control of Electrical Currents.

Chapter 17.60 UNDERGROUND WIRING DISTRICTS
17.60.010 Designated.
17.60.020 Overhead Wires Prohibited.
17.60.030 Application for Permit.
17.60.040 Designation of Space.
17.60.050 Filing Plans and Specifications.
17.60.060 Issuance of Permit.
17.60.080 Restoration of Streets and Public Use Easements.
17.60.090 Use of Sidewalk Space and Building Fronts.
17.60.100 Location Maps.
17.60.110 Exemptions.
17.60.120 Joint Use of Conduits.

Chapter 17.64 **PROTECTION OF CITY OWNED TELECOMMUNICATIONS LINE AND EQUIPMENT, STREET LIGHTING AND TRAFFIC SIGNAL SYSTEMS.**

17.64.010 Interference With.
17.64.020 Permit for Interference.
17.64.030 Supervision and Expense of Work.
17.64.040 Use of City Poles or Posts.

Chapter 17.68 **STREET LIGHTS**

17.68.010 Injuring or Destroying.
17.68.020 Private Street Lighting.
17.68.030 Design Requirements for Special Street Lighting Districts.
17.68.040 Requirements for Lights on New or Reconstructed Streets.
17.68.050 Street Light Removal and Relocation.

Chapter 17.76 **FUEL TANKS**

17.76.010 Permit Issuance.
17.76.020 Conditions.
17.76.030 Form of Permit.

Chapter 17.80 **PLATS AND DEDICATIONS**

17.80.010 Approval by Director of the Bureau of Transportation.
17.80.020 Appeal.

Chapter 17.82 **LAND DIVISIONS**

17.82.010 Administration.
17.82.020 Streets and Alleys.
17.82.030 Partial Width Streets.
17.82.040 Access Control Strips.
17.82.045 Driveway Access Plans.
17.82.050 Temporary Turnarounds.
17.82.060 Public Utility Easements.
17.82.070 Improvements in Land Divisions.
17.82.080 Improvement Procedures for Land Divisions.
17.82.090 Agreement for Construction of Public Improvements.

Chapter 17.84 **STREET VACATIONS**

17.84.010 Plat Must Be Filed.
17.84.020 Fees.
17.84.025 Approval Criteria for Vacating Streets.
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.

Chapter 17.88 STREET ACCESS
17.88.001 Purpose.
17.88.010 Definitions.
17.88.020 For Building and Planning Actions.
17.88.030 Location of Multiple Dwellings.
17.88.040 Through Streets.
17.88.050 Transportation Impact Study.
17.88.060 Dedication Prior to Permit Approval.
17.88.070 Routes of Travel in Park Areas.
17.88.090 Local Transportation Infrastructure Charge Required.

Chapter 17.92 STREET DESIGNATION
17.92.010 Administration.
17.92.020 Prefixes for Street Designations.
17.92.030 Designation of Streets, Avenues, Boulevards and Drives.

Chapter 17.93 RENAMING CITY STREETS
17.93.010 Criteria for Renaming a City Street.
17.93.020 Selection of Street to be Renamed.
17.93.030 Application Procedures and Fees.
17.93.040 Review of Application and Public Hearings.
17.93.050 City-Initiated Action to Rename a City Street.
17.93.060 Implementation.

Chapter 17.96 SURVEYS, ELEVATIONS AND MONUMENTS
17.96.005 Preservation of Record Monuments.
17.96.050 Datum Plane Established (City of Portland Vertical Datum).
17.96.062 City Benchmarks.
17.96.065 Preservation of City Benchmarks.
17.96.070 Grade Elevations To Be Referred to Datum Plane.
17.96.080 Prior Grades Not Affected.

Chapter 17.100 REMEDIES & PENALTIES
17.100.010 Enforcement Independent of Other Officials.
17.100.020 Responsible Official and Responsible Engineer Designated Representative.
17.100.030 Liability.
17.100.040 Remedies.
17.100.050 Penalty for Violation.

Chapter 17.102 SOLID WASTE & RECYCLING COLLECTION
17.102.010 Declaration of Policy.
17.102.020 Definitions.
17.102.030 Authority of Director to Adopt Rules.
17.102.040 General Requirements for Franchisees and Permittees.
17.102.050 Clean and Efficient Fleet Practices for Franchisees and Permittees.
17.102.060 Fees Credited to Solid Waste Management Fund.

17.102.070 Fees As a Debt, Enforcement and Collection.
17.102.080 Daytime Prohibition of Downtown Garbage Collection.
17.102.090 Assessments for Infractions.
17.102.100 Right of Appeal and Payment of Assessments.
17.102.110 Divulging Particulars of Reports Prohibited.
17.102.120 Franchise Administration.
17.102.130 Franchise Size Limitation.
17.102.140 Residential Collection Franchise Required.
17.102.150 Exceptions to Residential Franchise Requirement.
17.102.160 Forfeiture and Replacement.
17.102.170 Residential Recycling Services.
17.102.180 Franchise System Evaluation.
17.102.190 Residential Solid Waste and Recycling Rates and Charges.
17.102.200 Large Size Container Service to Residential Customers.
17.102.210 Commercial Collection Permit Required.
17.102.220 Exceptions to Commercial Collection Permit Requirement.
17.102.230 Applications for Commercial Collection Permits, Issuance, Denial.
17.102.240 Revocation or Suspension of Commercial Collection Permits.
17.102.250 Commercial Tonnage Fee.
17.102.260 Registration Required for Independent Commercial Recyclers.
17.102.270 Businesses and Multifamily Complexes Required to Recycle.
17.102.280 Inspections to Determine Compliance with Business Recycling Requirements.
17.102.290 Storing solid waste, recycling or compostable containers on the right of way prohibited.
17.102.295 Separation of Recyclables, Compost and Solid Waste.

Chapter 17.103 PROHIBITION AND RESTRICTIONS ON SINGLE-USE PLASTICS

17.103.100 Definitions for Prohibition on Polystyrene Foam Food Containers (PSF).
17.103.110 Prohibition on Certain PSF Uses.
17.103.120 Exemptions for PSF Use.
17.103.200 Purpose for Prohibition on Single-Use Plastic Checkout Bags.
17.103.210 Definitions for Prohibition on Single-Use Plastic Checkout Bags.
17.103.220 Prohibition on Single-Use Plastic Checkout Bag Regulation.
17.103.300 Definitions for Restrictions on Single-Use Plastic Serviceware.
17.103.310 Restrictions on Single-Use Plastic Serviceware.
17.103.400 Authority of Director to Adopt Rules.
17.103.410 Enforcement and Penalties.
17.103.420 Severability.

Chapter 17.104 COMMERCIAL BUILDING ENERGY PERFORMANCE REPORTING

17.104.010 Purpose.
17.104.020 Definitions.
17.104.030 Authority of Director to Adopt Rules.

17.104.040 Energy Performance Tracking and Reporting for Covered Buildings.
17.104.050 Energy Performance Reporting Schedule.
17.104.060 Transparency of Energy Performance Information.
17.104.070 Notification and Posting.
17.104.080 Utility Data Access.
17.104.090 Building Data Access.
17.104.100 Enforcement and Penalties.
17.104.110 Right of Appeal and Payment of Assessments.
17.104.120 Annual Review of Reported Information.

Chapter 17.105 MOTOR VEHICLE FUEL TAX
17.105.010 Tax Imposed.
17.105.015 Temporary Tax of 4 Years.
17.105.020 Use of Tax Revenues.
17.105.025 Definitions.
17.105.030 License Requirements.
17.105.035 License Applications and Issuance.
17.105.040 Failure to Secure License.
17.105.045 Amount and Payment of Tax.
17.105.050 Revocation of License.
17.105.055 Cancellation of License.
17.105.060 Remedies Cumulative.
17.105.065 Billing Purchasers.
17.105.070 Failure to Provide Invoice or Delivery Tag.
17.105.075 Transporting Motor Vehicle Fuel or Use Fuel in Bulk.
17.105.080 Exemption of Weight Receipt Holders.
17.105.085 Exemption of Export Fuel.
17.105.090 Exemption of Motor Vehicle Fuel or Use Fuel Sold or Distributed to Dealers.
17.105.095 Payment of Tax and Delinquency.
17.105.100 Monthly Statement of Dealer, Seller or User.
17.105.105 Failure to File Monthly Statement.
17.105.106 Refunds.
17.105.110 Examinations and Investigations.
17.105.115 Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax.
17.105.120 Examining Books and Accounts of Carriers of Motor Vehicle Fuel of Use Fuel.
17.105.125 Records to be Kept by Dealers, Sellers and Users.
17.105.130 Records to be Kept 3 Years.
17.105.135 Citizen Oversight Committee; Annual Audits.
17.105.140 Tax Effective If Passed.
17.105.145 Administrative Rules.

Chapter 17.106 DECONSTRUCTION OF BUILDINGS LAW
17.106.005 Short Title.

17.106.010 Purpose.
17.106.020 Definitions.
17.106.030 Authority of Director to Adopt Rules.
17.106.040 Regulations.
17.106.050 Enforcement and Penalties.
17.106.060 Right of Appeal.

Chapter 17.107 TRANSPORTATION AND PARKING DEMAND MANAGEMENT
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 Development.
17.107.045 Required Reporting.
17.107.050 Enforcement and Penalties.
17.107.060 Administrative Rule Authority.
17.107.070 Fees.

Chapter 17.108 RESIDENTIAL ENERGY PERFORMANCE RATING AND DISCLOSURE
17.108.010 Purpose.
17.108.020 Definitions.
17.108.030 Authority of Director to Adopt Rules.
17.108.040 Energy Performance Rating and Disclosure for Covered Buildings.
17.108.050 Exemptions and Waivers.
17.108.060 Enforcement and Penalties.
17.108.070 Right of Appeal and Payment of Assessments.

Chapter 17.109 RELOCATION BENEFITS APPEALS
17.109.010 Purpose.
17.109.020 Reconsideration Conference.
17.109.030 Appeal to Code Hearings Officer.
17.109.040 Further Appeals.

CHAPTER 17.08 - LOCAL IMPROVEMENT PROCEDURE

(Chapter replaced by Ordinance No. 177124, effective January 10, 2003.)

Sections:

17.08.010 Definitions and Scopes of Duties.
17.08.020 City Council Control.
17.08.030 Charter Provisions Applicable.
17.08.040 Initiation of Local Improvement Formation Proceedings
17.08.050 Petition for a Local Improvement District.
17.08.060 Resolution of Intent.
17.08.070 Local Improvement District Formation and Remonstrances.
17.08.080 Changes to Scope or Cost of Improvements and Notice to Proceed.
17.08.090 Abandonment of Local Improvement District.
17.08.100 Completion of Construction.
17.08.110 Total Cost of Local Improvement
17.08.120 Alternative Financing Methods.
17.08.130 Final Assessment and Objections.

17.08.010 Definitions and Scopes of Duties.

(Amended by Ordinance Nos. 182389, 184957, 189413 and 190132, effective October 16, 2020.)

A. **The "Responsible Bureau"** for a local improvement is as follows:

1. The Bureau of Transportation is the Responsible Bureau for street and other transportation improvements;

2. The Bureau of Environmental Services is the Responsible Bureau for sanitary sewer, stormwater management and other environmental improvements;

3. The Bureau of Water Works is the Responsible Bureau for water improvements; and

4. City Council will designate the Responsible Bureau for a local improvement that is not addressed by this section.

B. **"Local Improvement District Administrator"** means the person designated by the Director of the Bureau of Transportation to administer the City's local improvement district program.

C. "Property" means includes land irrespective of whether such land is assessed for property taxes. Property for purposes of a future local improvement district

assessment does not include equipment which may be assessed by other jurisdictions for property tax purposes. Property for purposes of a local improvement district assessment includes all public real property held in fee simple title but excludes public rights-of-way under public jurisdiction.

D. The Responsible Engineer as identified in Section 17.04.037 is responsible for:

1. Preparing a preliminary engineer's estimate and preparing an analysis of proposed significant and material changes to the scope or cost of improvements after formation of a local improvement district prior to preparing plans and specifications;

2. Preparing plans and specifications;

3. Entering into a contract for improvement construction and/or engineering;

4. Handling completion of construction and acceptance of work;

5. Preparing a final engineer's estimate; and

6. Any other work related to engineering or construction.

E. The Local Improvement District Administrator is responsible for:

1. Preparing a petition for a local improvement district and determining the validity of a petition for a local improvement district as appropriate;

2. Recommending an assessment methodology for a local improvement district to City Council;

3. Analyzing financial feasibility of a local improvement district prior to formation;

4. Preparing and filing a Resolution of Intent for formation of a local improvement district;

5. Publishing and posting notices for the Formation Hearing of a local improvement district;

6. Preparing and filing a Formation Ordinance for a local improvement district;

7. Responding to remonstrances against formation of a local improvement district;

8. Presenting significant and material changes to scope or cost of improvements to City Council after formation of a local improvement district;

9. Recommending abandonment of a local improvement district;

10. Determining the total cost of the local improvement;

11. Publishing and posting notice of final assessment for a local improvement district;

12. Preparing and filing the Final Assessment Ordinance for a local improvement district;

13. Responding to objections against final assessment of a local improvement district; and

14. Any other work related to processing or completing local improvement districts.

F. The Revenue Division will be responsible for:

1. Mailing notices for the Formation Hearing of a local improvement district at the direction of the Local Improvement District Administrator;

2. Receiving written remonstrances against the formation of a local improvement district, and forwarding such remonstrances to the Local Improvement District Administrator for a response;

3. Maintaining records of preliminary estimates of assessments;

4. Mailing notices for the Final Assessment Hearing for a local improvement district at the direction of the Local Improvement District Administrator;

5. Receiving written objections to the final assessment for a local improvement district, and forwarding such objections to the Local Improvement District Administrator for a response;

6. Entering final assessments for a local improvement district into the docket of City Liens upon passage of an Final Assessment Ordinance for a local improvement district;

7. Mailing of notices of final assessment to property owners after passage of the Final Assessment Ordinance and entry into the docket of City Liens;

8. Determining the individual financial capacities of property owners, and whether to offer bonding, if requested; and

9. Obtaining interim financing to pay for local improvement costs prior to bonding.

17.08.020 City Council Control.

(Amended by Ordinance No. 190132, effective October 16, 2020.) Whenever the City Council deems it expedient, it may order an improvement; when the City Council determines that such improvement will afford a special benefit to property within a particular local improvement district, the City Council will classify it as a local improvement, and provide for payment of all or a portion of the cost thereof by imposition and collection of local assessments on the property benefited.

17.08.030 Charter Provisions Applicable.

(Amended by Ordinance Nos. 184957 and 190132, effective October 16, 2020.) Charter provisions applicable to local improvements will be followed by the City except where Charter provisions are contrary to state statute or the Oregon Constitution. In case of such conflict, legally applicable City Code will apply.

17.08.040 Initiation of Local Improvement Formation Proceedings.

(Amended by Ordinance No. 190132, effective October 16, 2020.)

A. City Council may, at its discretion, initiate a local improvement district formation proceeding by adopting a Resolution of Intent to undertake a capital construction project, or part thereof, based on one of more of the following criteria:

1. A valid petition of support per the criteria in Section 17.08.050, signed by property owners and filed with the Local Improvement District Administrator;

2. A recommendation from the Responsible Bureau

3. Its own initiative.

B. Where formation of a sewer local improvement district is ordered pursuant to an Environmental Quality Commission Order and a sewer plan has been developed and adopted by the City Council, preparation of the construction plans and specifications for that improvement may begin without action by the City Council.

17.08.050 Petition for a Local Improvement District .

(Amended by Ordinance No. 190132, effective October 16, 2020.)

A. A petition of support may be prepared by the Local Improvement District Administrator or by owners of property that may be specially benefited by the proposed improvement.

B. The petition will include:

1. The name or designation of the improvement;

2. A map or clear description of the location of the improvement;

3. The general character and scope of the improvement; and

4. A proposed assessment methodology.

C. The Local Improvement District Administrator will review a petition for the proposed local improvement district to determine if the petition is valid. A petition will be considered valid only when property owned by petition signers added to property covered by waivers of remonstrance and property owned by the City represents more than 50 percent of the property in the proposed local improvement district as measured by the proposed assessment methodology. Property owned by the City, including property owned through the Portland Development Commission, will be counted in support of formation of a local improvement district.

D. The Local Improvement District Administrator will not consider a petition valid if a petition for a substantially similar local improvement district has been filed in the previous 6 months and City Council resolved not to proceed with the substantially similar local improvement district.

E. In reviewing the petition, the Local Improvement District Administrator will also identify delinquencies in taxes or City liens in the proposed local improvement district and determine the bonding capacities of the properties within the proposed local improvement district. The Local Improvement District Administrator will analyze project financial feasibility by determining whether the sums assessed together with all unpaid sums then outstanding as assessments against the properties would exceed one-half the real market valuation of the properties as shown on the latest county tax rolls.

F. A petition of support will not be disqualified as a result of a subsequent transfer in property ownership. However, the new property owner has a right to remonstrate against the proposed improvement as provided in Chapter 17.08.

17.08.060 Resolution of Intent.

(Amended by Ordinance No. 190132, effective October 16, 2020.)

A. The Local Improvement District Administrator will prepare and file a Resolution of Intent for the City Council's consideration subsequent to any of the following:

1. After the review specific in Section 17.08.050 the Local Improvement District Administrator determined a petition is valid; or

2. A Responsible Bureau recommends initiation of a local improvement district; or

3. A member of City Council requests initiation of a local improvement district.

B. The Resolution of Intent will include the following: the name or designation of the improvement; the location of the improvement; a map or clear description of the local improvement district boundary; the general character and scope of the improvement; a preliminary estimate of the total cost of the local improvement; the proposed assessment methodology; the proportion of funding to be borne by property owners and other sources, if applicable; the designated Responsible Bureau if the project scope is not addressed by Section 17.08.010; a statement of whether the City Council intends to construct the improvement; and direction to the Local Improvement District Administrator to do one of the following:

1. Initiate formation proceedings on the proposed local improvement district; or

2. Suspend proceedings on the proposed local improvement district; or

3. Terminate the process for forming the proposed local improvement district.

C. If City Council passes a Resolution of Intent to construct the improvements, City Council will direct the Local Improvement District Administrator to initiate local improvement district formation proceedings as set forth in Section 17.08.070.

D. The City Council may direct that the engineering and construction work will be done in whole or in part by the City, by a contract, by direct employment of labor, by another governmental agency, or by any combination thereof. Projects partially or fully funded by local improvement district revenue will be subject to competitive bidding. Local improvement districts will not be subject to Subsection 5.34.150 H. of City Code unless this Section is waived in the ordinance forming the local improvement district.

E. If a petition is not valid, but the City Council determines that an improvement should be constructed, it may initiate the proceedings by adopting a Resolution of Intent to construct the improvement.

F. If the City Council determines that some other construction, such as installation of water lines, sewer lines prior to a street improvement, installation of fire hydrants, utility lines or conduits, conduits for underground service for street lights, or any other underground construction should precede the particular proposed improvement, then the City Council may suspend the proceedings for the proposed improvement until such construction has been started or completed.

G. If the City Council passes a Resolution of Intent to terminate the process for forming the local improvement district or considers but fails to pass a resolution to initiate local improvement district formation proceedings, no further action will be

taken by the Local Improvement District Administrator on the local improvement district for a period of 6 months, other than actions to close the project.

17.08.070 Local Improvement District Formation and Remonstrances.
(Amended by Ordinance Nos. 189413 and 190132, effective October 16, 2020.)

A. Notice of Public Hearing

1. Publication Notice: Except as otherwise provided by Charter for changes to street grades, the Local Improvement District Administrator will publish 2 notices of the City's intent to form a local improvement district by publication in a paper of general circulation in the City at least 14 calendar days before the Formation Hearing . The notices will include the following information:

a. The time, date and place of the formation hearing before City Council;

b. The name of the proposed local improvement district;

c. A description of the type and scope of improvements to be made;

d. A map or description of the properties proposed for inclusion in the local improvement district for which a legal description is not required;

e. A preliminary estimate of the total cost of the local improvement based on the preliminary engineer's estimate;

f. The methodology or methodologies by which properties will be assessed, which may include neither assessed valuation nor real market valuation as elements;

g. A statement that the proposal could be modified as a result of the testimony at the formation hearing and that property owners should attend the hearing to have an opportunity to testify on proposed changes;

h. A statement mentioning the right to remonstrate, who may remonstrate, how remonstrances can be made, the deadline for filing remonstrances; and where remonstrances must be filed; and

i. Contact information for the Local Improvement District Administrator.

2. Posting Notice: At least 14 calendar days before the local improvement district formation hearing, the Local Improvement District Administrator

will cause to be posted conspicuously within the proposed local improvement district, at least two notices headed "Notice of Proposed Improvement" in letters not less than 1 inch in height, and the notices will contain in legible characters the information required in Subsection 17.08.070 A.1. The Local Improvement District Administrator will place an affidavit of the posting of such notices within the project file, stating therein the date when and places where the notices have been posted.

3. Mail Notice: At least 21 calendar days before the local improvement district formation hearing on the proposed improvement, the Revenue Division, at the direction of the Local Improvement District Administrator, will mail to the owner of each property within the proposed local improvement district, a notice containing the following:

a. The information required in Subsection 17.08.070 A.1.;

b. A description of the property; and

c. A preliminary estimate of the assessment for the property.

4. A record will be kept of the mailing, posting and publication of any notice required by this Ordinance. Any mistake, error, omission or failure with respect to publication, posting or mailing notice will not affect City Council's jurisdiction to proceed or otherwise invalidate the local improvement proceedings when notice is provided by at least one of the methods in this Section.

B. Remonstrances

1. If property owners choose to remonstrate against the proposed improvement such remonstrances must be received by the Revenue Division by 5:00 PM seven (7) calendar days prior to the local improvement district formation hearing. A remonstrance must be in writing and must be delivered in person or by first class U.S. mail to the Revenue Division. The Revenue Division is not responsible for remonstrances sent via facsimile or via e-mail. The remonstrance will state the reasons for the objection. Any person acting as agent or Attorney with power to act in signing the remonstrance will, in addition to describing the property affected, file with the remonstrance a copy in writing of the authority to represent the owner or owners of property. The Revenue Division will forward the remonstrance to the Local Improvement District Administrator for a response. A written remonstrance may be withdrawn at any time before the close of the City Council hearing on the formation of the local improvement district.

2. Owners of property covered by waivers of remonstrance may submit an objection; however such an objection will not be considered for purposes of

determining City Council jurisdiction as provided by Chapter 9 of the City Charter for the particular type of improvement.

3. The number of remonstrances that will defeat formation of a proposed local improvement district will be as provided by Chapter 9 of the City Charter for the particular type of improvement.

C. Formation Ordinance

1. The local improvement district formation ordinance will contain at least the following findings:

a. Name of the proposed local improvement district;

b. A general description of the project scope as may also be shown on a typical section;

c. A description of the proposed local improvement district with a reference to specific local improvement district boundaries, or a map showing the properties proposed for inclusion in the local improvement district;

d. A preliminary estimate of the total cost of the local improvement, including design, construction, engineering, project management and financing;

e. The assessment methodology or methodologies by which benefit within the local improvement district will be assigned;

f. A preliminary estimate of assessments for each property owner within the local improvement district based on the proposed assessment methodology or methodologies;

g. A statement as to the financial feasibility of the local improvement district, based on the preliminary estimate of assessments and outstanding past assessments and taxes; and

h. An exhibit containing findings addressing each remonstrance received, and number of remonstrances received.

2. The local improvement district formation ordinance will contain, at a minimum, directives that:

a. Create the local improvement district;

b. Include benefited properties in the local improvement district as shown on an attached exhibit;

c. State the property owners' share of the costs that the benefited properties will be assessed, and any other entities' shares, as applicable;

d. State the assessment methodology;

e. Direct the Responsible Engineer to arrange for the preparation of plans and specifications;

f. Direct the Responsible Engineer to arrange for construction of the improvement;

g. Direct the Revenue Division to obtain interim financing to pay for local improvement costs prior to bonding; and

h. Sustain or overrule any remonstrances received.

D. Local Improvement District Formation Hearing

1. The City Council will hold a public hearing on the proposed improvement. As provided by Subsection 17.08.070 A.3., the hearing will be held at least 21 calendar days after the date notice was deposited in the mail. The City Council may continue or discontinue the proceedings; may direct a modification of its resolution of intent; or may direct formation of the local improvement district and override any remonstrances, provided the City Council retains jurisdiction as provided by Chapter 9 of the City Charter for the particular type of improvement. The City Council may direct a modification to the location or scope of the improvement, and/or to the local improvement district which it deems will be benefited by the improvement; or make such other modifications in the proceedings as it finds reasonable.

2. Modification of Scope of Improvements: If the City Council significantly and materially modifies the scope of the improvement within the adopted formation ordinance so that an assessment is likely to be significantly and materially increased upon one or more properties, or if the City Council enlarges the local improvement district within the adopted formation ordinance, then a new preliminary estimate of assessments will be made and new notices will be sent to the property owners within the proposed local improvement district, and another hearing will be held. The notice will advise property owners who still wish to remonstrate that their remonstrance must be resubmitted. However, no new publication or posting will be required. In the event of modification that meets the objection of any remonstrance, such remonstrance will not be counted as such unless renewed following such modification.

3. Decision to Form Local Improvement District: Upon completion of the hearing process, the City Council may approve or decline formation of a local improvement district by ordinance. As provided in Subsection 17.08.070 C.1., a decision to approve formation of a local improvement district will be supported by findings supporting a conclusion of special benefit and addressing the remonstrances, and will direct the Local Improvement District Administrator to arrange for construction of the local improvement.

4. If the City Council approves formation of the local improvement district, the Responsible Engineer will arrange for the preparation of plans and specifications. Upon completion, approved plans will be available for inspection at the Responsible Bureau for at least the minimum time period specified in its Records Retention and Disposition Schedule. The local improvement may be constructed and/or engineered in whole or in part by the City or by another government agency, or the City may seek bids for any portion of the local improvement. Projects partially or fully funded by local improvement district revenue will be subject to competitive bidding and will not be subject to Subsection 5.34.150 H. of City Code unless this Section is waived in the ordinance forming the local improvement district.

5. The City Council will have final determination of the kind and character of the local improvement, its location and extent, materials to be used, and all matters contained in the plans and specifications.

6. The City Council will also have final determination of the assessment methodology and boundaries of the local improvement district that is to be assessed for the costs of the improvement, except that the assessment methodology may not include a criterion based on real market valuation or assessed market valuation. The possibility or likelihood that some property contained in the property description of the proposed local improvement district may not be benefited by the proposed improvement will not invalidate the local improvement district description.

7. Upon City Council's passage of an ordinance forming a local improvement district, the assessment methodology may not be changed except by City Council Ordinance notwithstanding concurrence among the property owner(s), nor can the assessment obligation be transferred to a property not included in the local improvement district. No release of obligation will be made by the Revenue Division until after final assessment is made.

17.08.080 Changes to Scope or Cost of Improvements and Notice to Proceed.
(Amended by Ordinance Nos. 182760 and 190132, effective October 16, 2020.)

A. After formation of a local improvement district, City Council will hold a public hearing to consider significant and material changes to the proposed scope or

significant and material changes to the estimate of the total cost of the local improvement district that may arise during the course of final engineering which would result in a significant and material increase to the future assessment of properties per the assessment methodology established in the Formation Ordinance.

B. For such a hearing, notice will be in the manner provided by Section 17.08.070. In addition to meeting the provisions of Section 17.08.070, the notice will also state the nature of the proposed modifications to the scope of improvements or to the preliminary estimate of the total cost of the local improvement previously approved at the Local Improvement District formation hearing. Property owners will have the opportunity to remonstrate against the significant and material changes in the manner provided by Section 17.08.070 and the remonstrance only pertains to the significant and material increase and/or the significant and material scope change and not to the original local improvement district as approved by Council per Section 17.08.070. If the improvement district was initiated by petition, no new petition will be required.

C. The Responsible Engineer may issue a Notice to Proceed to begin construction provided that:

1. There are no significant and material changes to the scope of the local improvements; or

2. There are no significant and material changes to the preliminary estimate of assessments for the benefiting properties in the local improvement district; or

3. The City Council has approved significant and material changes to scope and/or cost of the improvements as provided in this section.

Construction of the local improvement will be in substantial accordance with the plans and specifications adopted by the Responsible Engineer.

17.08.090 Abandonment of Local Improvement District.

(Amended by Ordinance No. 190132, effective October 16, 2020.) The City Council will have full power and authority to abandon and rescind proceedings for local improvements at any time prior to the final completion of the improvements.

17.08.100 Completion of Construction.

(Amended by Ordinance Nos. 182760 and 190132, effective October 16, 2020.)

A. After the work financed by the local improvement district has been completed satisfactorily, the Responsible Engineer will prepare a certificate of completion. The Responsible Engineer will also prepare a final engineer's estimate showing the costs of all engineering and construction work performed. The certificate of completion will be deemed acceptance by the City of the local improvement work.

B. Authorization for final payment will be made as provided by Chapter 5.33 of City Code.

C. The Local Improvement District Administrator will include the final engineer's estimate and a copy of the certificate of completion with the filing of the Final Assessment Ordinance as set forth in Section 17.08.130.

D. Notice of completion of the work need not be provided except as may be required elsewhere in City Code.

E. If a local improvement is substantially complete except for contract closeout, or if a scope of improvement included in the construction contract but not included in the local improvement is incomplete, the Responsible Engineer at the discretion of the Responsible Bureau may file a written report attesting that the local improvements are complete in lieu of a certificate of completion. The provisions set forth in Subsection 17.08.100 A. apply, except that the written report substitutes for the certificate of completion. Any further project or financing costs incurred subsequent to final assessment will be the responsibility of the Responsible Bureau, not of the property owners.

17.08.110 Total Cost of Local Improvement.
(Amended by Ordinance Nos. 189413 and 190132, effective October 16, 2020.)

A. After the work financed by a local improvement district has been accepted as complete, the Local Improvement District Administrator will determine the total cost of the local improvement, including costs identified in the final engineer's estimate and any pending costs.

B. The total cost of the local improvement that may be assessed against the properties specially benefited by the improvement will include, but not be limited to the following:

1. Direct or indirect costs incurred in order to undertake the capital construction project such as the costs of labor, materials, supplies, equipment, permits, survey, engineering, administration, supervision, inspection, insurance, advertising and notification, administration, accounting, depreciation, amortization, operation, maintenance, repair, replacement, contracts, debt service and assessment;

2. Financing costs, including interest charges; the costs of any necessary property, right-of-way or easement acquisition and condemnation proceedings; and

3. Attorneys' fees and any other actual expense as allowed by state law.

4. The total cost of the local improvement that may be assessed against the properties specially benefited by the improvement will not include Bureau of Transportation overhead costs unless this Section is waived in the ordinance forming the local improvement district.

C. Engineering and project management performed by the City in connection with local improvements will be charged at the rate of 100 percent of the direct cost of services performed computed in accordance with the provisions of Section 5.48.030. The Responsible Engineer will prepare a final engineer's estimate of the engineering and construction costs. A final estimate of the total project costs, including costs reflected in the final engineer's estimate, will be prepared by the Local Improvement District Administrator.

D. The Revenue Division will maintain a fee schedule that will be used for determining the charge to be made for Revenue Division's administrative services and general City administrative services in connection with local improvements. These charges will include a Superintendency fee; a recording fee which will be fixed regardless of the amount of the assessment; and a monthly billing fee if the property owner does not pay the full assessment at the time it is levied.

17.08.120 Alternative Financing Methods.

(Amended by Ordinance No. 190132, effective October 16, 2020.) Nothing contained in this Chapter will preclude the City Council from using any other available means of financing portions of local improvements, including but not limited to city funds, federal or state grants, user charges or fees, revenue bonds, general obligation bonds, or any other legal means of finance. In the event that such other means of financing improvements are used, the City Council may make assessments to pay any remaining part of the total costs of the local improvement.

17.08.130 Final Assessment and Objections.

(Amended by Ordinance Nos. 182760, 184957, 189413 and 190132, effective October 16, 2020.)

A. Apportionment of Proposed Final Assessments

1. Whenever any local improvement, any part of the cost of which is to be assessed upon the property specially benefited thereby, is completed in whole, or in such part that the cost of the whole can be determined, the Local Improvement District Administrator will file the final estimate of the total cost of the local improvement and prepare a proposed final assessment according to the assessment methodology approved by City Council upon the properties in the local improvement district, including upon any land owned by the City.

2. If the City Council has determined that a portion of the total cost of the local improvement is to be paid from public funds, other than the benefit

assessment to be imposed upon land owned by the City and lying within the local improvement fixed by the City Council, the Local Improvement District Administrator will deduct from the total cost of the local improvement such allocation of costs to public funds provided by the City Council and will apportion the remainder of such total cost on the properties within the local improvement.

3. When the Local Improvement District Administrator has calculated the assessment for each property, the Local Improvement District Administrator will file the proposed final assessment roll with the City Council through the Commissioner-in-Charge of the Responsible Bureau.

B. Notice of Proposed Final Assessments

1. At least 21 calendar days before the public hearing on the proposed final assessment, the Revenue Division at the direction of the Local Improvement District Administrator will provide notice to the owner of each property or to the owner's agent as shown in the County tax record either by mail or by personal delivery. The notice will state:

a. The property description;

b. The amount of the proposed final assessment against the property;

c. A statement that this amount could be modified as a result of objections filed by other property owners in the local improvement district unless the cost to property owners is fixed;

d. The date, time and place of the final assessment hearing;

e. The deadline and manner for filing objections to the proposed final assessment; and

f. Contact information for the Local Improvement District Administrator.

2. The Local Improvement District Administrator will publish 2 notices of the proposed final assessment in a newspaper of general circulation in the City at least 14 calendar days prior to the final assessment hearing.

C. Final Assessment Hearing and Objections

1. Any owner of property proposed to be assessed a share of the cost of a local improvement may file an objection to the proposed final assessment in writing with the Revenue Division. The objection must be received by the Revenue Division no later than 5:00 PM seven (7) calendar days prior to the hearing by City Council on the proposed final assessment. The Revenue

Division will forward the objection to the Local Improvement District Administrator for a response. The objection will be filed in the same manner as set forth in Subsection 17.08.070 B. and will state the reasons for the objection. However, objections received to final assessment will not affect City Council jurisdiction over final assessment proceedings.

2. The City Council will hold a hearing on any objections on the date set forth in the notice, and at that time will consider objections made by the owners of property at the hearing. The hearing may be continued as the City Council may find appropriate.

3. At the hearing, the City Council at its discretion will determine and approve the amount to be assessed upon each property within the local improvement district, which amount does not exceed the special benefits accruing to such property from the improvement and the sum of which amount and other amounts assessed against properties within the local improvement district do not exceed the total cost of the local improvement. The amount of each assessment as determined by City Council will be based on the City Council's finding of special benefit to the property.

D. Final Assessment Ordinance

1. The City Council will pass an assessing ordinance that will set forth the assessments against the respective properties within the local improvement district.

2. The ordinance will:

a. Include an exhibit containing findings addressing each objection received, and number of objections received

b. State the total cost and assessment methodology used

c. Include a statement that each property is specifically benefited in the amount shown in the assessment roll;

d. Include a statement that the project has been constructed as provided in the adopted plans and specifications, and, if the provisions set forth in Subsection 17.08.100 E. have been invoked, a copy of the written report from the Responsible Engineer attesting that the local improvements are complete in-lieu of a certificate of completion; and

e. Contain a directive to sustain or overrule the objections.

3. Upon passage of the assessing ordinance, the Revenue Division will enter the assessments in the docket of City liens and follow the assessment

procedure set forth in Chapter 17.12. As provided by City Charter, the assessment ordinance will take effect immediately upon passage or on any date fewer than 30 days after passage that is specified in the final assessment ordinance.

4. Claimed mistakes in the calculation of assessments will be brought to the attention of the Local Improvement District Administrator, who will determine whether there has been a mistake. If the Local Improvement District Administrator finds that there has been a mistake, the Local Improvement District Administrator will recommend to the City Council an amendment to the assessment ordinance to correct the error. On enactment of an amendment, the Revenue Division will cause the necessary correction to be made in the City lien docket. Such correction will not change assessments against any other property within the local improvement district.

E. Formation of a new local improvement district: In the event a court of law holds that the formation of a local improvement district was invalid or improper procedures were used, property owners may be assessed after the new local improvement district is formed if the properties are again included.

CHAPTER 17.38 - DRAINAGE AND WATER QUALITY

(Chapter replaced by Ordinance No. 190166, effective November 13, 2020.)

Sections:

17.38.010 Authority.
17.38.015 Intent.
17.38.020 Definitions.
17.38.030 Protection of Drainageway Areas.
17.38.035 Drainage Management Policies and Standards.
17.38.040 Stormwater and Water Quality Management Required.
17.38.041 Operations and Maintenance Requirements.
17.38.043 Inspections.
17.38.045 Enforcement.
17.38.050 Erosion Control Required.
17.38.055 River Restoration Program.
17.38.060 Compliance Cases, Administrative Reviews and Appeals.
17.38.070 Conflict.
17.38.080 Severability.

17.38.010 Authority.

The Director of Environmental Services is responsible for administering the requirements of this Chapter. The Director has the authority and responsibility to adopt rules, procedures, and forms to implement the provisions of this Chapter.

17.38.015 Intent.

The intent of this Chapter is to provide for the effective management of stormwater, groundwater, and drainage, and to protect and improve water quality in the city of Portland.

17.38.020 Definitions.

For the purposes of this Chapter, the following definitions apply:

A. **"Capacity"** means the flow volume or rate for which a specific facility is designed to safely contain, receive, convey, infiltrate, or reduce pollutants from sanitary sewage, stormwater, wastewater, or other discharge in order to meet a specific performance standard.

B. **“Conveyance”** means the transport of sanitary sewage, stormwater, wastewater or other discharge from one point to another point.

C. **"Director"** means the Director of the Bureau of Environmental Services, or the Director’s designee.

D. **"Discharge"** means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, leaking or placing of any material so that such material enters or is likely to enter a water body, groundwater, or a public sewer and drainage system.

E. **"Discharge Point"** means the connection point of a site to a receiving system.

F. **"Discharge Rate"** means the rate of flow of a discharge expressed in a unit of volume per unit of time.

G. **"Drainage Reserve"** means the regulated area adjacent to and including a drainageway. A drainage reserve is required to protect the water quality and hydrology of the drainageway.

H. **"Drainageway"** means a constructed or natural channel or depression that may at any time collect and convey water. A drainageway and its drainage reserve function together to manage flow rate, volume, and water quality. A drainageway may be permanently or temporarily inundated.

I. **"Groundwater"** means subsurface water that occurs in soils and geological formations that are fully saturated. Groundwater fluctuates seasonally and includes perched groundwater.

J. **"Groundwater Discharge"** means a discharge of water pumped or directed from the ground. Groundwater discharges include but are not limited to subsurface water from site remediation and investigations, well development, Brownfield development, discharges from footing and foundation drains, and subsurface water associated with construction or property management dewatering activities.

K. **"Impervious Surface"** means any surface that has a runoff coefficient greater than 0.8 (as defined in the City's Sewer and Drainage Facilities Design Manual). Types of impervious surfaces include rooftops, traditional asphalt and concrete parking lots, driveways, roads, sidewalks and pedestrian plazas. Slatted decks and gravel surfaces are considered pervious unless they cover impervious surfaces or unless gravels are compacted to a degree that causes their runoff coefficient to exceed 0.8.

L. **"Infiltration"** means the percolation of water into the ground. Infiltration is often expressed as a rate (unit of distance per unit of time) that is determined through an infiltration test.

M. **"Pollutants of Concern"** means constituents identified by the Oregon Department of Environmental Quality or Bureau of Environmental Services (BES) as having the potential to have a negative impact on the receiving system. Pollutants of concern can include suspended solids, metals, nutrients, bacteria and viruses, organics, volatiles, semi-volatiles, floatable debris and increased temperature.

N. **"Practicable"** means available and capable of being done as determined by the Director, after taking into consideration of factors such as cost, resources, existing technology, and logistics in light of overall project purpose.

O. **"Public Right-of-Way"** means the area within the confines of a dedicated public street, an easement owned by the City, or other area dedicated for public use.

P. **"Receiving System"** means any system that may receive stormwater or other discharges. Receiving systems include, but are not limited to: surface water bodies, groundwater, and sewer or drainage systems.

Q. **"Redevelopment"** means any development activity that requires demolition or removal of existing structures or impervious surfaces at a site and replacement with new impervious surfaces. Stormwater management requirements for redevelopment are found in the Stormwater Management Manual.

R. **"Source Control"** means a structural or operational measure to prevent or control the release or potential release of pollutants generated by certain site characteristics and uses.

S. **"Stormwater"** means water that originates as precipitation on a particular site, basin, or watershed.

T. **"Stormwater Management"** means techniques used to reduce pollutants from, detain, retain, or provide a discharge point for stormwater.

U. **"Stormwater Management Facility"** means a facility or other technique used to reduce volume, flow rate or pollutants from stormwater. Stormwater management facilities may reuse, collect, convey, detain, retain, treat, or provide a discharge point for stormwater.

V. **"Temporary Structure"** means a structure that is separate and distinct from all other structures and is created and removed in its entirety within three years, including all impervious area associated with the structure.

W. **"Tract"** means a parcel of land designated as part of a land division per Title 33 that is not a lot, lot of record, or a public right-of-way.

X. **"Waters of the State"** as defined by state law.

Y. **"Waters of the US"** as jointly defined by the US Army Corps of Engineers and the Environmental Protection Agency.

Z. **"Wetland"** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and

similar areas except those constructed as pollution reduction or flow control facilities wholly outside Waters of the US and Waters of the State.

17.38.030 Protection of Drainageway Areas.

A. Authority. The Director may require drainage reserves or tracts over seeps, springs, wetlands and drainageways as necessary to maintain or improve hydrologic conveyance and water quality of natural and constructed channels, ditches, seeps, springs, intermittent flow channels and other open linear depressions. Standards and criteria for imposing drainage reserves or tract requirements are adopted by administrative rule. Placement or sizing of drainage reserves does not relieve property owners of their responsibility to manage stormwater in a manner that complies with the duties of property owners under applicable law.

B. Required Management of a Drainage Reserve. Drainage reserves and tracts must be maintained to protect hydrology and water quality. No encroachments, such as but not limited to structures, culverts, excavations, or fills, may be constructed in drainage reserves or tracts unless authorized by the BES Chief Engineer. All changes must also comply with other regulations as described in Title 33 and Title 24.

C. Implementation. BES will identify drainageways and place drainage reserves as specified in the Stormwater Management Manual.

17.38.035 Drainage Management Policies and Standards.

A. Stormwater must be managed in as close proximity to the development or redevelopment site as is practicable, and stormwater management must avoid a net negative impact on nearby streams, wetlands, groundwater, and other water bodies. All local, state, and federal permit requirements related to implementation of stormwater management facilities must be met by the owner/operator prior to facility use. Surface water discharges from onsite facilities must be discharged to a receiving system approved by BES.

1. The City may enter into agreements with property owners to manage stormwater flows through methods other than onsite controls:

a. In joint facilities where public and private property flows co-mingle.

b. In offsite areas that are "traded" for required onsite management areas related to new development and redevelopment. The City may require more than a 1:1 exchange on the amount of required management area.

2. All discharges from a site must be routed through a discharge point to a receiving system as approved by the Director. Approval of discharge points is subject to the following:

a. The discharge must be conveyed along a route of service approved by the Director.

b. The discharge point must comply with the following:

(1) The Sewer and Drainage Facilities Design Manual and the Source Control Manual, for sanitary, wastewater, or other discharges to the sanitary or combined system.

(2) The Stormwater Management Manual and the Source Control Manual, for stormwater and other discharges to the City's storm and drainage system, groundwater, or surface water.

B. The quality of stormwater leaving the site after development or redevelopment must be equal to or better than the quality of stormwater leaving the site before development or redevelopment, to the extent practicable, based on the following criteria:

1. Except as allowed under Subsection B.2. below, the development or redevelopment will fully treat all stormwater:

a. Onsite;

b. Within the original parcel from which the new parcel was created; or

c. In an approved offsite facility with sufficient capacity, as determined by the Bureau.

2. The owner of a development or redevelopment with a stormwater discharge that cannot practicably comply with Subsection B.1. above may, with written BES approval, meet stormwater requirements by:

a. Managing stormwater in an offsite facility designed to treat flows from the subject property and managed by the site developer/owner or another legal agent:

b. Managing stormwater in an offsite facility designed to treat flows from the subject property and operated by the City; or

c. Paying a stormwater offsite management fee as required by the Stormwater Management Manual. The stormwater offsite management fee collected will be placed in a mitigation account to be used to mitigate the impacts that arise from offsite discharge of stormwater.

3. Stormwater management facilities required for development or redevelopment must be designed, installed and maintained in accordance with the Stormwater Management Manual.

4. Land use activities of particular concern as pollution sources may be required to implement additional pollution controls and source controls including but not limited to those management practices specified in the Stormwater Management Manual and the Source Control Manual.

5. Development or redevelopment in a watershed that drains to streams with established Total Maximum Daily Load limitations, as provided under the Federal Clean Water Act, Oregon Law, Administrative Rules and other legal authorities, must ensure that stormwater management facilities meet the requirements for pollutants of concern, as stated in the Stormwater Management Manual.

6. The Director is authorized to exempt land uses, discharge locations or other areas of the city from the requirements of this Subsection if onsite pollution reduction or pollution control is not needed or desirable due to limited pollutant loads or offsite methods of pollution control are available. All exemptions are specified in the Stormwater Management Manual and the Source Control Manual.

C. The quantity and flow rate of stormwater leaving the site after development or redevelopment must be equal to or less than the quantity and flow rate of stormwater leaving the site before development or redevelopment, as much as is practicable, based on the following criteria:

1. Except as allowed under Subsection C.2. below, stormwater will be fully managed:

a. Onsite;

b. Within the original parcel from which the new parcel was created; or

c. In a privately developed offsite facility with sufficient capacity, as determined by the Bureau.

2. The owner of a development or redevelopment with stormwater discharges that cannot practicably comply with Subsection C.1. above may, with written BES approval, meet stormwater requirements by either:

a. Managing stormwater in an offsite facility designed for the volume and rate of flows from the subject property and managed by the site developer/site owner or another legal agent;

b. Managing stormwater in an offsite facility designed for the volume and rate of flows from the subject property and operated by the City; or

c. Paying a stormwater offsite management fee as required by the Stormwater Management Manual. The fee collected will be placed in an account to be used to mitigate the impacts of offsite discharges of stormwater.

3. Development and redevelopment must mitigate all project impervious surfaces through retention and on-site infiltration to the maximum extent practicable. Where on-site retention is not possible, development and redevelopment must detain stormwater through a combination of measures that prevent an increased rate of flow leaving a site during a range of storm frequencies as specified in the Stormwater Management Manual.

4. The Director is authorized to exempt areas of the city from the quantity control requirements if flow control is not needed or desirable because there is sufficient capacity and limited impacts to the receiving drainage system. All exemptions will be specified in the Stormwater Management Manual.

5. Any development or redevelopment that discharges to a tributary of the Willamette River, other than the Columbia Slough, must design stormwater management facilities to minimize hydromodification impacts from storm events as determined by the Director.

6. Site drainage facilities must be designed to safely convey less frequent, higher flows through or around stormwater management facilities and to an approved discharge point with adequate capacity without damage to the receiving system, whether natural or constructed.

D. The pumping and discharge of groundwater to a City receiving system may be allowed only after a BES Discharge Authorization has been obtained, as required in the Source Control Manual. The application for that authorization must demonstrate that groundwater discharges must meet the associated requirements in the Source Control Manual and Chapters 17.34 and 17.39, which govern both quality and quantity of groundwater discharges.

E. All conveyance systems must be analyzed, designed and constructed for existing tributary offsite stormwater and developed onsite stormwater from the proposed project in compliance with the City's Sewer and Drainage Facilities Design Manual. The general goal of these standards is to convey both onsite and offsite waters in a way that meets the capacity needs of the City conveyance system, is protective of public health and safety, and minimizes environmental impacts in the downstream receiving system.

F. All stormwater management facilities, source controls, and drainage systems must comply with the standards of the Stormwater Management Manual and the Source Control Manual and may require permit review and approval before commencement of work. Public systems must be reviewed and approved by BES in compliance with the sizing and location standards in the Stormwater Management Manual. Private onsite systems must be reviewed and approved by BES for compliance with the stormwater hierarchy and other guidance specified in the Stormwater Management Manual and the Source Control Manual, and may be reviewed by Bureau of Development Services for compliance with the plumbing code regulations in Section 25.01.020. Installation or modification of any stormwater system or source control, whether it involves structural changes, changes to planting schemes, or the management of drainage area in addition to what was previously approved, may require a permit from or review by the BES Chief Engineer.

17.38.040 Stormwater and Water Quality Management Required.

A. Applicability. Unless exempt by rule, sites that propose one or more of the following site improvements or site activities must comply with the standards of the Stormwater Management Manual and the Source Control Manual to the extent each applies under its respective terms:

1. A project that develops or redevelops 500 square feet or more of impervious area must manage stormwater for retention, pollution reduction, and flow and volume control requirements as spelled out in this Chapter;

2. Modification to or construction of new areas with pollution-generating activities of concern as identified by rule. These areas must be constructed with applicable onsite controls;

3. New connections or new drainage areas routed into a receiving system or from one receiving system to another. These connections most often are generated from decommissioning of private, onsite drainage or groundwater related systems;

4. A retrofit project that will install new stormwater management or source control facilities to manage and treat stormwater from existing impervious surfaces or sites uses;

5. A project to upgrade nonconforming landscaping in order to meet the requirements of Title 33. These upgrades must include designs for new or upgraded landscaped areas to manage parking lot stormwater according to the Stormwater Management Manual and Source Control Manual;

6. Property with a drainageway that requires a drainage reserve.

B. No plat, site plan, building permit, tenant improvement, public works project, or any improvement requiring a City permit will be approved unless the conditions of the plat, permit or plan approval requires installation of permanent stormwater management facilities and source controls designed according to standards or guidelines established by the Director and as specified in the Stormwater Management Manual and the Source Control Manual.

17.38.041 Operations and Maintenance Requirements.

A The owner of a development or redevelopment site that must comply with the standards of the Stormwater Management Manual or the Source Control Manual, to the extent each applies under its terms, must submit an operations and maintenance (O & M) plan and complete an O & M form for the required stormwater management and source control facilities for review and approval by the Director, unless otherwise exempted by the Stormwater Management Manual or Source Control Manual.

1. The information required in the O & M plan must satisfy the applicable requirements in the Stormwater Management Manual and Source Control Manual, as determined by the City.

2. A stormwater management facility that receives stormwater from a public right-of-way will be considered a public facility, and maintained by the City, unless the associated right-of-way is not part of the City's road maintenance system.

3. The City may enter into agreements with property owners to maintain stormwater facilities in joint facilities where public and private property flows commingle.

4. Failure to properly operate or maintain a stormwater management or source control facility according to the O & M plan may result in an enforcement action, including a civil penalty, as specified in Section 17.38.045.

5. A stormwater management facility that serves more than one lot must be clearly identified as being owned in common by all of the owners of the lots served by the facility, a homeowners' association, a public agency, or a nonprofit organization. If the facility is owned in common, all of the owners are equally responsible for its O & M.

6. A copy of the O & M plan and O & M form must be filed with the Bureau of Environmental Services. Staff may require the O & M plan and O & M form to be recorded and filed with the appropriate county Department of Assessment and Taxation.

7. It is a violation of this Chapter to remove or modify a stormwater management facility in a manner that will or could deviate from permitted site plans, without prior written approval from BES.

B. The Director may file instruments in county deed records to inform future property owners of regulations and conditions of approval related to the property as provided in this Chapter and associated rules, including the Stormwater Management Manual.

17.38.043 Inspections.

A. Right of Entry. To the extent permitted by law, BES may enter all private and public premises at any time for the purpose of inspecting for potential violations or connections or for any other lawful purpose required by or authorized under this Code or ordinances of the City, the Charter, or state or federal law. This authorization includes but is not limited to inspection, sampling, testing, photographic documentation, record examination, copying, and installation of devices. Entry may not be conditioned upon BES representatives signing any type of confirmation, release, consent, acknowledgement, or other type of agreement.

B. Entry Protocols.

1. The BES representative will present a City photo identification card at the time of entry.

2. The BES representative will comply with reasonable, routine safety and sanitary requirements of the facility or site as provided by the facility operator at the time of entry. The facility operator must provide the BES representative with any facility-specific safety protective equipment necessary for entry.

17.38.045 Enforcement.

A. Violations. It is a violation for any person to fail to comply with the requirements of this Chapter and associated rules. Each day a violation occurs or continues may be considered a separate violation. BES will determine, subject to reasonable rebuttal evidence, the person or persons responsible for compliance including, but not limited to, the owner or owners of the facility, the owner or owners of the property, anyone known or suspected to have caused the violation, or any combination thereof. Violations of this Chapter or associated rules include, but are not limited to:

1. Failure to construct stormwater management or source control facilities to the standards of the City's Stormwater Management Manual, Source Control Manual or Section 17.38.035;

2. Failure to comply with a written order of the Director, made under authority of this Chapter, within the specified time;

3. Failure to comply with any condition of an O & M plan or agreement issued under the authority of this Chapter or rules within a specified time;

4. Failure to maintain a stormwater management or source control facility leading to a potential or actual operating deficiency of the facility;

5. Failure to have a properly recorded, accurate O & M form or plan, as appropriate, on file with BES;

6. Failure to comply with enforcement actions as identified in the BES Enforcement Program Administrative Rules;

7. Failure to comply with drainage reserve rules in the City's Stormwater Management Manual.

B. Enforcement Tools. BES may use any or all of the following tools to enforce this Chapter or associated administrative rules: notice of investigation, warning notice, notice of violation, compliance order, requirement to obtain a permit, notice of termination, withholding of permits, violation abatement, legal action, criminal case referral, or referral to other regulatory agencies. BES enforcement actions are described in program-specific administrative rules and the BES Enforcement Program Administrative Rules.

C. Civil Penalties. Persons violating this Chapter or associated rules may be assessed civil penalties of up to $10,000 per day per violation according to program-specific administrative rules and the BES Enforcement Program Administrative Rules. Penalties and other charges will accrue interest from the date of initial City notice assessing the penalty until the penalty is paid in full.

D. City Summary Abatement. To the extent permitted by law, the Director may recover from the person or persons responsible for the violation all costs incurred by the City to summarily abate the following:

1. A violation that is not remedied through required corrective actions;

2. A situation that poses an imminent danger to human health, public safety, or the environment; or

3. Continued noncompliance with the City Code or associated rules.

E. Notice to responsible parties prior to summary abatement is not required. Following summary abatement, BES will notify all persons identified as having directed or benefitted from the violation. An error in the name of a property owner or address listed in the county assessment or taxation records will not affect the sufficiency of

the notice. BES will bill each responsible party that BES determines caused, contributed to, or benefitted from the violation in order to recover the costs of the abatement.

F. Cost Recovery. The Director may recover from the person or persons responsible all reasonable costs incurred by the City that are attributable to or associated with the violations of this Chapter or associated rules.

G. Nothing in this Chapter is intended to impose liability on the City for any injury or damage resulting from the failure of any person to comply with the provisions of this Chapter.

17.38.050 Erosion Control Required.

All construction work on property or in the public right-of-way within the City of Portland must comply with Title 10, Erosion and Sediment Control Regulations.

17.38.055 River Restoration Programs.

BES may implement river, stream, wetland and associated habitat restoration programs including, but not limited to, a mitigation bank and in-lieu fee program for implementation of Titles 17, 24, and 33-provisions. BES may accept funds from in-lieu fees, mitigation bank credits, donations, program administrative fees, and other sources and may expend such funds for environmental restoration, enhancement and improvement activities.

17.38.060 Compliance Cases, Administrative Reviews and Appeals.

A. Administrative Reviews and Appeals. A person may request a modification to a BES decision related to this Chapter via an administrative review with BES staff, unless administrative review is limited by administrative rule. After the requestor has exhausted all BES administrative reviews, the requestor may file for an appeal with the Code Hearings Officer per PCC Title 22 unless appeal is limited by administrative rule.

B. BES Code Compliance Cases. BES may file a case before the Code Hearings Officer under Title 22 to compel compliance with City regulations. The person committing the violation will be offered the opportunity to present evidence.

17.38.070 Conflict.

Except as expressly provided by the City Council, this Chapter supersedes all ordinances or elements of ordinances to the extent that they are inconsistent with or conflict with any part of this Chapter.

17.38.080 Severability.

If any provision, paragraph, word, or Section of this Chapter or associated administrative rules is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections will not be affected and will continue in full force and effect.

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

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, 189012, 189078 and 190126, effective October 16, 2020.)

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 Community & Civic Life.

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 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 will be used during all demolition activities to ensure compliance with dust suppression as required, reviewed and approved by the Bureau of Development Services. (See also Administrative Rule Related to Chapter 24.55 – Demolitions.)

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. Mechanical demolition activities also includes mechanical loading and transfer of demolition materials.

H. Lead-based paint. Lead-based paint means any 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).

I. Responsible party. Responsible party means the property owner or any other 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 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 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.

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.

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 Nos. 189012 and 190126, effective October 16, 2020.)

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.

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, Section 0270, as each of these is amended from time-to-time.

2. If asbestos is identified in the asbestos survey: A close-out letter from the licensed asbestos abatement contractor verifying all of the asbestos identified in the asbestos survey has been abated and all required DEQ notification forms and the asbestos waste shipment form.

3. A Demolition Plan as described in Section 24.55.150.

4. The applicant must provide a lead-based paint inspection report in order to seek an exemption from the lead-hazard reduction requirements in Subsection C.1. of this section. The requirements for the inspection report will be contained in the BDS Administrative Rule Related to Chapter 24.55 – Demolitions.

5. Verification of all required certifications as described in the BDS Administrative Rule Related to Chapter 24.55 – Demolitions.

C. Requirements for Demolitions

1. 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.

All lead hazard reduction work must be completed and inspected by BDS as outlined in the BDS Administrative Rule Related to Chapter 24.55 – Demolitions.

2. Dust suppression. During mechanical demolition activities, including transfer and loading of materials, the structure, mechanical 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, 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.

3. 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.

4. Debris containment/management: All demolition debris must be contained on site per the requirements set forth in the BDS Administrative Rule Related to Chapter 24.55 – Demolitions.

5. Runoff. All stormwater or any other water generated on the site that pools or is collected on the site must comply with all City requirements for water discharge.

6. 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 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) Hazardous material professional with credentials to perform work in the State of Oregon.

b. A statement by a professional listed in Subsection a. 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.

7. Notification and Posting.

a. 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.

b. All such sites must also be posted with a sign during demolition activities that meets the requirements set forth in the BDS Administrative Rule Related to Chapter 24.55 – Demolitions.

D. Demolition-Related Inspections

1. BDS will conduct a pre-demolition inspection to determine whether the site control measures outlined in the Demolition Plan, along with erosion and sediment control measures are adequate based on specific site conditions or other City regulations. This initial inspection will be used to review the Demolition Plan, including any necessary permanent site control measures. In addition, the initial pre-demolition inspection will ensure that there is a Demolition Manager and that a copy of the Demolition Plan is on site.

2. BDS will conduct inspections during demolition activities to confirm the Demolition Plan is being properly implemented and maintained during the demolition process. BDS will verify that exterior painted surfaces are removed, as required, prior to beginning mechanical demolition and required wetting for dust suppression is operational during the start of mechanical demolition.

3. BDS will conduct a post-demolition inspection to verify that the structure(s) and all demolition-related debris has been removed as detailed in the Demolition Plan and that the site is free of debris and Title 10 erosion and sediment control requirements are met.

E. Enforcement and Fines

1. Enforcement. Enforcement of this Section 24.55.205 is set forth in the BDS Administrative Rule Related to Chapter 24.55 – Demolitions.

2. 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. See Administrative Rule Related to Chapter 24.55 – Demolitions.

3. 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 was 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, along with the Administrative Review appeal fee. (See current BDS Enforcement Fee Schedule). The appeal fee is due when the written request for an Administrative Review is submitted to BDS. 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.

Additionally, the party that sought the Administrative Review may appeal the written Administrative Review determination to the City Code Hearings Office in accordance with Chapter 22.10 of the Portland City Code.

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.

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.

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:

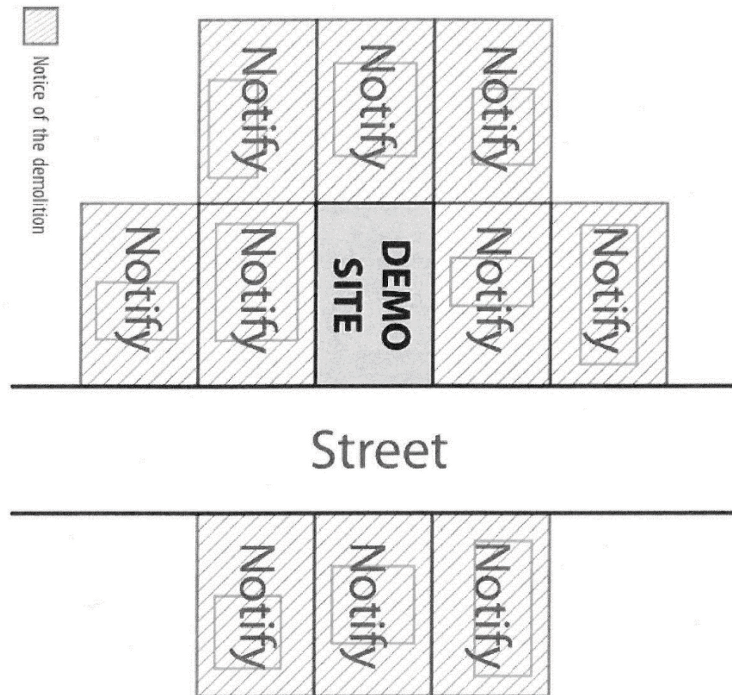
1. A copy of the sent email and a list of the names and email addresses of all recognized organizations that received the notification and the date the notifications were emailed, certified by the applicant or the owner or owner's agent, and

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.)

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.)

CHAPTER 24.60 - FENCES

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

Sections:

24.60.020 Barbed Wire Fencing.

24.60.010 Fences Around Swimming Pools.

(Repealed by Ordinance No. 180330, effective August 18, 2006.)

24.60.020 Barbed Wire Fencing.

(Added by Ordinance No. 176585, effective July 5, 2002.) It is unlawful for any person to construct or maintain a fence containing barbed wire, unless the barbed wire is placed not less than 6 inches above the top of the fence and the fence is not less than 4 feet high.

CHAPTER 24.65 - SIDEWALK VAULT OPENINGS

Sections:

24.65.010 Location of Sidewalk Vault Openings.
24.65.020 Number of Sidewalk Vault Openings.
24.65.030 Sidewalk Elevators.
24.65.040 Operation of Sidewalk Elevators.
24.65.050 Plans Required.

24.65.010 Location of Sidewalk Vault Openings.

The outer edge of all openings constructed in sidewalks for fuel, elevators, stairs, or other purposes shall be located not less than 2 feet from the curb line and the inner edge of any sidewalk opening will not be any closer than 3 feet to the property line.

24.65.020 Number of Sidewalk Vault Openings.

There shall not be more than one opening for each individual building frontage and in no case openings closer than 25 feet to an existing sidewalk opening.

24.65.030 Sidewalk Elevators.

Openings in sidewalks provided for in Section 24.65.010 shall be supplied with doors attached to a frame built into the sidewalk and shall be capable of supporting a load of 100 pounds per square foot. The door shall be constructed of sheet steel or other approved metal which has an approved non-slip surface. The dimensions of the door in any direction shall not exceed the dimension of the opening by more than 6 inches. The doors and frames shall be so constructed and maintained that there is no projection above or below the sidewalk exceeding 1/4 inch and existing doors which do not conform to the requirements shall be changed to conform within a period of 10 days after notice is given to change the same. Sidewalk doors shall be provided with a metal guard which, when the doors are open, will hold the doors open. This guard shall be located on the side of the sidewalk opening nearest the property line. The guard shall be made in the form of a grating with openings not exceeding 6 inches in dimension and so arranged that a child cannot get under or through the guard. This guard shall not be required for doors having metal gratings which are level with the sidewalk when the doors are open and the elevator platform is below the sidewalk level. Such gratings shall be capable of supporting a load of 100 pounds per square foot. Elevators having these sidewalk gratings shall be provided with a 3/4-inch steel bar to hold the doors open.

24.65.040 Operation of Sidewalk Elevator.

A. When not in operation the elevator shall be kept in its down position and the sidewalk doors shall be closed.

B. When the elevator is being raised, pedestrians shall be warned of the fact by an automatic warning device approved by the Director.

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.

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:

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.

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.

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.

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

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

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

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.)

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.

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 gunite 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

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.

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

accordance with the final approved grading plan and the required reports have been submitted.

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.

(Amended by Ordinance No. 188995, effective July 6, 2018.)

A. There is established a uniform system of numbering all buildings in separate ownership or occupancy in the City dividing the City into six addressing districts. In establishing the system Williams Avenue, Naito Parkway, View Point Terrace and Tryon Creek State Natural Area and the centerline of the Willamette River southerly from Oregon Street and northerly from Clay 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.

B. 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.

C. 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.

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.

CHAPTER 24.80 - DERELICT COMMERCIAL BUILDINGS

(Chapter repealed by Ordinance No. 171455, effective August 29, 1997.)

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 Nos. 178831,189201, 189309 and 189747, effective October 23, 2019.)

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, 187192, 189201, 189747 and 190134, effective October 16, 2020.) 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 41-17 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 and Table 2-2 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 2-3 of ASCE 41.

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 Sxs and Sx1 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 Sxs and Sx1 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 (FLEx) 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

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 5 year period.

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, 187192, 189201 and 189747, effective October 23, 2019.) 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.

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 FLEx 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.

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.)

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.

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:

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, 187192, 189201, 189399, 189479 and 189747, effective October 23, 2019.) 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:

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.

24.85.095 Appeals.

(Replaced by Ordinance No. 189747, effective October 23, 2019.) 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.)

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 Equivalents)

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

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

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.

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

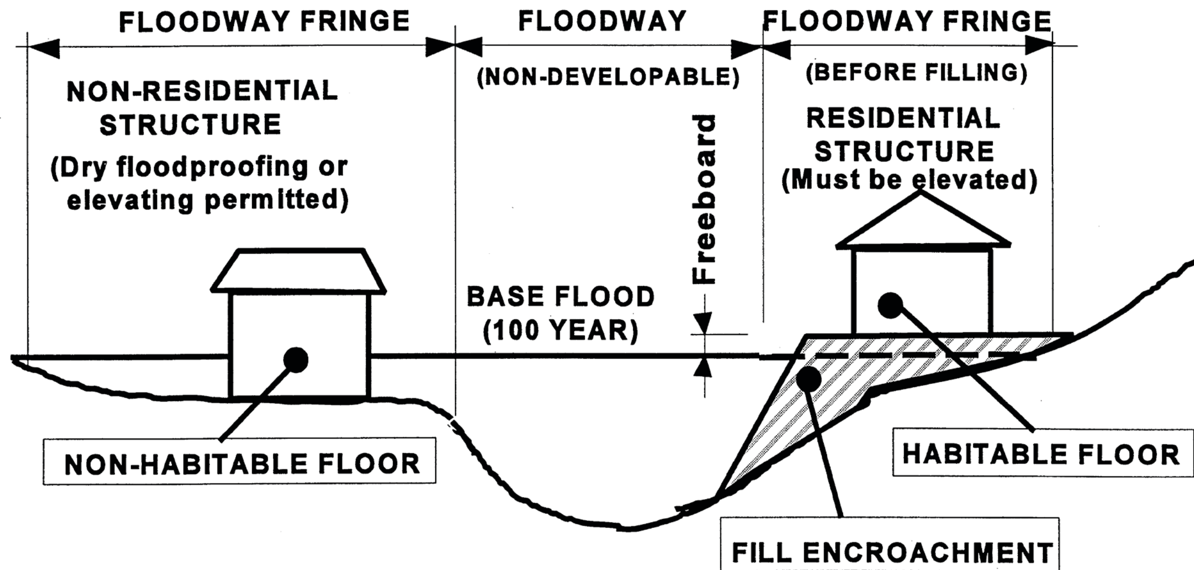


FIGURE 1 (Section 24.50.070)

FIGURE 2 (24.70)

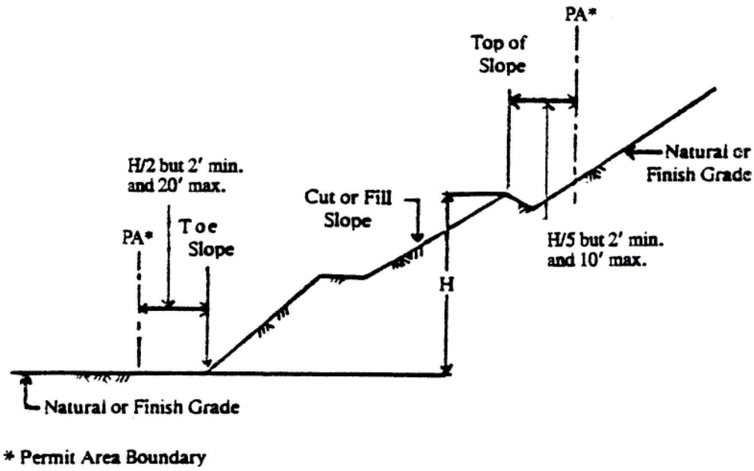


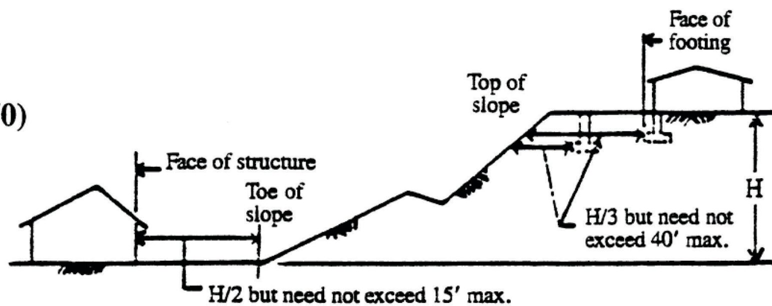
Table No. 24.70-C
Required Setbacks from permit area boundary (in feet)

TABLE 24-70C

	SETBACKS	
H	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)



applicant must apply for exemptions under this Section prior to the date the City issues the permit on the new development. Where new development consists of only part of one or more of the uses described in this Section, only that portion of the development that qualifies under this Section is eligible for an exemption. The balance of the new development that does not qualify for any exemption under this Section is subject to system development charges to the full extent authorized by Code or general ordinance. The applicant has the burden to prove entitlement to exemptions so requested.

C. The City shall calculate exemptions in the manner authorized for calculating system development charges. Exemptions are applicable to the portions of mass shelter and short-term housing projects that are directly used in providing shelter and services for their residents such as on-site manager facilities and shared space including but not limited to restrooms, kitchens, community rooms, social service facilities, and laundry facilities.

D. To obtain the exemption, the applicant must present to the City, at the time of application, documentation from the Joint Office of Homeless Services, or other designated agency, that the development qualifies for the exemption pursuant to this Chapter.

E. The applicant must provide permit drawings that clearly note the exemption, if granted, in order to ensure compliance. Alternatively, the drawings must provide remedies for failure to comply that are acceptable to the City. Permit drawings must state the following, "This project received SDC exemptions for mass shelters or short-term housing. The exemptions only apply to the mass shelter or short-term housing development and associated facilities including social services. If a future tenant improvement or change of occupancy creates a use that is not a mass shelter or short-term housing or associated service, system development charges will be assessed for the new use. It is the permittee's responsibility to maintain proper documentation of the continued mass shelter or short-term housing use."

30.01.100 Compliance and Enforcement.

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

A. PHB shall develop and implement procedures to enforce the provisions of this code. Such procedures should include, where feasible, record notice of the applicability of this code to affected properties, filing a lien to enforce the provisions of this code, and developing civil penalties or other enforcement provisions necessary or appropriate to enforce this code.

B. The City Attorney's Office may enforce the provisions of this code on behalf of the City in any court of competent jurisdiction or City administrative body.

30.01.110 No Restriction of Powers of Eminent Domain; Severability.

A. This Chapter shall not be construed to restrict the City's existing authority to exercise powers of eminent domain through condemnation as outlined in state law.

B. If any part or provision of this Chapter, or application thereof to any person or circumstance, is held invalid, the remainder of this Chapter and the application of the provision or part thereof, to other persons not similarly situated or to other circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter are severable.

30.01.120 Inclusionary Housing.
(Added by Ordinance No. 188163; amended by Ordinance Nos. 189071, 189213, 189302 and 190145, effective October 23, 2020.)

A. Purpose Statement. The purposes of the Inclusionary Housing ("IH") Program are:

1. Increase the number of units available to households earning 80 percent or less of MFI, with an emphasis on households earning 60 percent or less of MFI;

2. Responsibly allocate resources to increase housing opportunities for families and individuals facing the greatest disparities;

3. Create affordable housing options in high opportunity neighborhoods, those with superior access to quality schools, services, amenities and transportation; and

4. Promote a wide range of affordable housing options with regard to size, amenities and location.

B. Administration.

1. PHB will certify whether the applicant's proposed development meets the standards and any administrative requirements set forth in this Section.

2. PHB may adopt, amend and repeal Administrative Rules and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Section. The Director of PHB, or a designee, has authority to make changes to the Administrative Rules as is necessary to meet current program requirements. PHB Administrative Rules will set forth clear and objective criteria for determining whether a development meets the minimum standard of affordable units ("IH Units").

3. PHB will review the Inclusionary Housing outcomes periodically in order to determine if the IH Program options and incentives in Subsection 30.01.120 C. are consistent with City goals and market conditions.

C. **Financial Incentives.** The following financial incentives are provided for the respective options of IH Program compliance:

1. When the proposed development will include 20 percent of the units or total number of bedrooms configured into IH Units at or below 80 percent MFI, or for developments outside of the Central City Plan District, 15 percent of the units or total bedrooms configured into IH units at or below 80 percent MFI for applications filed on or before December 31, 2021:

a. Ten-year property tax exemption in accordance with City Code Chapter 3.103 for the IH Units. If the development is in the Central City Plan district, as designated in City Code Chapter 33.510, and has a built or base FAR of 5:1 or greater the tax exemption applies to all residential units; and

b. Construction Excise Tax exemption for the IH Units in accordance with Subsection 6.08.060 A.2.

2. When the proposed development will include 10 percent of the units or total number of bedrooms configured into IH units at or below 60 percent MFI, or for developments outside the Central City Plan District, 8 percent of the units or total number of bedrooms configured into IH units at or below 60 percent MFI for applications filed on or before December 31, 2021:

a. Ten-year property tax exemption according to City Code Chapter 3.103 for the IH units. If the development is in the Central City Plan District, as designated in City Code Chapter 33.510, and has a built or base FAR of 5:1 or greater, the tax exemption applies to all residential units; and

b. Construction Excise Tax exemption for the IH Units in accordance with Subsection 6.08.060 A.2.; and

c. SDC exemption for the IH Units in accordance with Section 30.01.095.

3. When the proposed development elects to construct IH Units offsite:

a. Construction Excise Tax exemption for the Receiving Site's IH Units in accordance with Subsection 6.08.060 A.2.; and

b. SDC exemption for the Receiving Site's IH Units in accordance with Section 30.01.095.

4. When the applicant elects to dedicate IH Units in an existing development, there are no financial incentives provided under Section 30.01.120.

5. When the applicant elects the fee-in-lieu option, there are no financial incentives provided under Section 30.01.120.

D. **Standards.** Developments providing IH Units must satisfy the following standards:

1. The IH Units must meet clear and objective administrative criteria that ensure a reasonable equivalency between the IH Units and the market-rate units in the development;

2. The IH Units shall remain affordable for a period of 99 years;

3. Owners of property subject to the IH Program are required to sign a Regulatory Agreement to be recorded with the property where the IH Units are located;

4. The owner or a representative shall submit annual documentation of tenant income and rents for the IH Units to PHB;

5. The City may inspect the IH Units for fire, life and safety hazards and for compliance with IH Program requirements and may inspect files documenting tenant income and rents of the IH Units; and

6. Subsequent failure to meet the requirements of the IH Program previously determined at the time the permit is reviewed will result in a penalty equal to the amount of the current fee-in-lieu calculation plus accrued interest, and could result in legal action if unpaid.

7. When the IH Units are configured based on a percentage of the total number of bedrooms within the proposed development, the IH Units must be provided in 2 or more bedrooms per unit.

E. To the extent that a financial incentive as set forth in this Section is not available to a development that otherwise complies with City Code Chapter 33.245, the IH Program will not be applicable to the development. If the IH Program is not applicable to the development, PHB will provide a letter certifying that the development is not subject to any IH Program requirements.

F. **Fee-In-Lieu.** When the applicant elects the fee-in-lieu option, the fee-in-lieu per gross residential and residential related square foot (GSF) of the proposed development is:

1. For developments in zones outside the Central City Plan District

Fee per GSF on or before December 31, 2020
$19
Fee per GSF after December 31, 2020
$23

2. For developments in zones within the Central City Plan District

Fee per GSF
$27

3. For Bonus FAR in non-residential developments

Fee Schedule for Bonus FAR for non-residential occupancy/use
$24 per square foot of Bonus FAR

30.01.130 Manufactured Dwelling Park Affordable Housing Density Bonus.
(Added by Ordinance No. 189783, effective December 4, 2019.)

A. Purpose Statement. By implementing the Manufactured Dwelling Park Affordable Housing Bonus Density Program (the "MDP Program"), the City has the following goals:

1. Support the preservation of lower-cost market rate housing in manufactured dwelling parks; and

2. Ensure there are a variety of housing types available to low income and otherwise vulnerable people.

B. PHB will certify whether a manufactured dwelling park meets the affordability standards in PCC 33.120.205 F.2. The PHB Director is authorized to adopt administrative rules to enforce the affordability standards.

C. Manufactured dwellings parks approved for the MDP Program must satisfy the following criteria:

1. Manufactured dwellings shall remain affordable for a period of 99 years.

2. Owners are required to sign a Regulatory Agreement to be recorded on the title to the property receiving a density bonus under the MDP Program.

3. Owners shall submit annual documentation of tenant income and rents for the affordable manufactured dwellings to PHB.

4. The Regulatory Agreement will authorize PHB to inspect files documenting tenant income and rents of the affordable manufactured dwellings for compliance with MDP Program requirements.

5. Failure to meet the requirements of the MDP Program will result in a penalty, and could result in legal action.

D. The Director of PHB or a designee may adopt, amend and repeal Administrative Rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Section. The Director of PHB, or a designee, has authority to make changes to the Administrative Rules as is necessary to meet current program requirements.

30.01.140 Multi-Dwelling Zones Deeper Housing Affordability FAR Density Program.
(Added by Ordinance No. 189805, effective March 1, 2020.)

A. Purpose Statement. The City intends to implement the Multi-Dwelling Zones Deeper Housing Affordability FAR Density Bonus Program (the "DHA Program") to increase the numbers of Dwelling Units available for sale or for rent to households earning incomes that fall within particular City established parameters.

B. Administration.

1. PHB will certify whether the applicant's proposed development meets the standards and requirements set forth in PCC 33.120.211 C.2. and this Section.

2. PHB may adopt, amend, and repeal Administrative Rules and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Section 30.01.140. The Director of PHB, or a designee, shall have the authority to modify the Administrative Rules as necessary to meet current City housing program requirements. PHB Administrative Rules will set forth clear and objective criteria to establish minimum development standards for affordable units subject to the DHA Program.

C. Standards. Developments approved for the DHA Program must satisfy the following criteria:

1. Dwelling units for sale shall remain affordable for a period of at least 10 years and be available to households earning 80 percent or less of area median income, and dwelling units for rent shall remain affordable for a period of 99 years and be available to households earning 60 percent or less of area median income;